

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON STATE DEVELOPMENT

**INQUIRY INTO THE USE AND MANAGEMENT OF PESTICIDES
IN NEW SOUTH WALES**

At Sydney on Thursday 5 August 1999

The Committee met at 9.30 a.m.

PRESENT

The Hon. A. B. Kelly (Chairman)

The Hon. I. Cohen

The Hon. J. R. Johnson

The Hon. I. M. Macdonald

KATHRYNE TERESA HUGHES, 493 Wollombi Road, St Albans, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Dr HUGHES: As a private citizen.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Dr HUGHES: I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Dr HUGHES: I am.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present to the Committee should be seen or heard only by members of the Committee then the Committee would be willing to accede to a request to keep the material confidential and resolve into camera. I have to warn you, though, that Parliament has the right to override our decision and make all evidence public. However, it has not done so previously. I welcome members of the media and members of the public to this hearing and advise that under Standing Order 252 of the Legislative Council evidence given before the Committee and any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such Committee or by an other person. A copy of those guidelines should be on the table at the back of the room.

Motion by the Hon. I Cohen agreed to:

That in accordance with the resolution of the Legislative Council of 11 October 1994 the Committee authorises the sound broadcasting and television broadcasting of the proceedings held today.

CHAIR: If you would like to make an opening statement we will then go around the table and ask you questions. If you have any documents you wish to table we will pass a motion to do that.

Dr HUGHES: Thank you very much for inviting me to give evidence at this inquiry. I would like to speak on four points: the technical issues associated with pesticide assessment and regulation; the economic implications of irresponsible pesticide use; the social implications of irresponsible pesticide use; and the environmental impacts of pesticide use, whether or not it is responsible application or irresponsible application. I understand that the Committee has an interest in both urban use of pesticides and rural use of pesticides. Very briefly, in relation to the urban environment I would urge members to consider the following: There are far too many pesticide products available to the untrained consumer—thee or I in the garden. The widespread use of herbicide products containing the active constituent glyphosate should be of concern to Committee members. It is commonly known as RoundUp and manufactured by Monsanto.

There are other products containing glyphosate that are also of concern. I raise this issue because it is popularly understood in the media and through local government that glyphosate

is the safe one and that we do not have to worry about the frogs because one of the additives has been fixed up. You understand, of course, that pesticide products contain the active constituent and then the surfactants, additives and adjuvants, et cetera. There is further information available on that which I do not have with me to table. However, if I am permitted, I will send a fact sheet on the herbicide glyphosate to the Committee so that the factual information can be understood.

CHAIR: Yesterday I asked a few witnesses questions on it. We would be very interested in that information. Something I should say at the start rather than at the end is that you may like to take some questions on notice. Within a couple of weeks we will send you a copy of the transcript of today's proceedings for correction. You might like to take the opportunity to send some other information.

Dr HUGHES: The main thing is to focus on application techniques. Second is the use of the organophosphate chloropyrophos in urban pest control. Some of you may know that it replaced the four organochlorine pesticides that were registered for use. However, please note that there is probably still widespread misapplication of that because the pest control industry is only in the first stage of reform. That reform stage started about 15 years ago in Sydney with our campaigns at the Total Environment Centre. I have to tell you that I was a member of the Total Environment Centre and an activist there for 12 years on the toxic chemicals committee. Chloropyrophos is also widely used for bugs et cetera. It is used in the urban environment. There is the herbicide RoundUp. There is the issue of the untrained user, particularly in The Hills district, through which I travel to and fro from my home. There is a juxtaposition of five-acre rural blocks with lots and lots of development as well. Many people buy very big quantities of chemicals, spray them once, and put them in the shed. If I were a firefighter, as my uncle was in Sydney for 40 years, I would be very concerned about fires in garages in suburban Sydney, because so many people have massive stocks of old pesticides that they just do not use any more.

I am sure you would have heard a lot of detail from rural people. My concern is not so much with the human health impact, which I think is devastating, but with the impact of the residue risk to the environment. The critical pesticide endosulfan is a real problem. That is an organochlorin pesticide. So if you ever hear anyone or your Minister saying organochlorines are now banned you must correct them, because although a group of organochlorine pesticides have been banned there are still numerous organochlorine pesticides available, including 2, 4-D, endosulfan and herbicides such as atrazine. It is a different sort of organochlorine but it is still an organochlorine and has a property to build up in the environment or to accumulate in the environment. I will not go into too much detail about pesticide use in the rural environment. What I would like to do is table my book *Quick Poison Slow Poison: Pesticide Risk in the Lucky Country*, which was written in 1994. I have written in the front of this book, "Tabled at the Inquiry into the Use and Management of Pesticides in New South Wales, Standing Committee on State Development, 5th August by the author, Kate Hughes, formerly known as Kate Short".

If you think, "That was interesting. What did she say?" read the contents and read the technical chapters on measuring pesticide exposure and pesticide assessment and pesticide risk. Do not worry about the sorry tales of how many people have been affected by pesticides but have a look at the technical arguments. I mentioned a lot of companies and a lot of products in this book and I never received one letter from a lawyer. I have spoken at hundreds of conferences and meetings all over Australia over 15 years. I have never once had a legal inquiry. I have had many sabres rattled at me but that does not scare me. I always felt that the

pesticide industry was never forced to tell the truth about the true nature of their compounds, particularly how they operate in the environment. I am just letting you know that that book was well received. It is still sold. It is used in teaching and I still like it when I read it. But it does have a strong technical base. As I said, I was not challenged on anything.

CHAIR: As I was coming down to the meeting my research assistant mentioned that he had read that book and it was very interesting. I am pleased that you have tabled it.

Motion by the Hon. I. Cohen agreed to:

That the book be tabled.

Dr HUGHES: I would also like to draw your attention to another publication, which I will not table as it was not written by me. It is called *Cottoning on: Stories of Australian Cotton Growing* by Siobhan McHugh. It has some very interesting points about the use of pesticides in cotton as well as an understanding about where the industry is coming from. It is very humanely written. It tries to put things in context. Nevertheless, it tells some very harrowing tales.

CHAIR: One of other witnesses has already tabled that book.

Dr HUGHES: Excellent. I think the main point for the Committee on the technical issues is the standards for exposure. It is also in my book. The argument that it is all in the dose and that there is only a small amount of residue in food or water is something that you really need to think about because the information on pesticide toxicity changes virtually every six months as the World Health Organisation or some august body comes out with yet another list of pesticides that are under review because when they were first assessed they had to do only, like, two rat tests and three hen tests and virtually no environmental tests. So the standards of exposure are all under continual review. The main point for the Committee—this is very important for the insurance industry, for the GIO et cetera—is the status of analytical standards. You remember the case of Helix that cost \$10 million or \$100 million. There was a big court case here. The GIO was involved.

That case involved the cotton industry and Shell Australia, which made Helix. The compound was found in beef but it was not found in beef soon enough to stop residue problems because they did not know how to measure for it. This is called a problem with analytical standards. The only thing to remember as a lay person is that there are 440 registered pesticides—the active constituents, such as glyphosate, atrazine, 2, 4-D—and only about 70 of those can be routinely analysed in laboratories. So if you are a farmer and you have been using a new pesticide such as Helix and you say to your local agronomic adviser, "I think I had better get my meat tested. I oversprayed the other day—or Joe Blow did—I got some drift on this pen of cattle here. I had better have the cattle tested for this compound." He might get the answer, "Sorry, mate, they haven't got an off-the-shelf standard for measuring this one. It will cost you \$5,000 for three tests because they have to develop the method."

I was not the only one to have noticed this. It is in the book. The most critical document for you to read is a government document by the Commonwealth curator of standards. I do not have the name in front of me. It was done after the Helix debacle and, I think, prior to the court case. I will table that for the Committee. It is about the problem with analytical methods for pesticides and the fact that most of them you cannot detect unless you are willing to pay a big up-front fee to develop the method. If I was a farmer or a person who covered insurance in the

meat industry or anything to do with food and that fact was in front of me and I had read that report by the curator of standards, which is now about four years old, I would be very worried. I hope the Committee can establish whether the recommendations of that report by the curator of standards were followed through. I am confident that they were not, because many of the pesticides are so old that they have only about another five years before they are taken off the market. Since they cannot be easily monitored and it is very costly to monitor them they will just stay. Yet they could cause us \$100 million or \$150 million worth of damage because two residues turn up in the Japanese market. This is coming from my background as an economic rationalist. I am a very rational person and I understand economics and the economic rationalists have got it wrong because they never understand the real resource base of the country.

CHAIR: The economic irrationalists.

Dr HUGHES: We should take the name back and not allow people who are irrational and who only look at the short-term economics, not the long term, to use it. The Helix case and the report of the Curator of Standards is very important. That is a Government report. I apologise for not drawing your attention to it but I am a bit busy at the moment. On the economic side I mention residue risk as a result of inadequate testing procedures or a lack of availability of testing procedures for all registered pesticides, which is a law in the United States of America for obvious reasons. I mention also the government liability.

One issue to look at is pesticide use in schools, hospitals and anywhere where the New South Wales Government has a contract for pest control. You should check the companies carefully and be confident when they say they are using the least hazardous pesticide and the best application techniques. Never take their word for it—always get someone independent to check. I am particularly worried about pesticide use in schools. I hope that another person will raise this issue during your inquiry because it is too big for me to put in mind. My experience is that young women I have been working with, who are mothers in local schools, for example, Kurrajong East, have major concerns about the cavalier attitude to the use of pesticide. They must fight tooth and nail to say that pesticides should not be used in the classroom. Yet one in four children have asthma.

I will not get into a discussion about whether pesticides are related to the exaggeration or causation of asthma because one group of specialists will say yes, another group will say maybe and another group will say no. I look at the fundamental chemistry, the fundamental biology and new literature. There is little doubt that people with asthma avoid exposure to pesticides at all costs. If they breathe the pesticide they may have a fatal or significant asthma attack. The fact that pesticide use in schools is off the agenda in terms of why one in four kids has asthma continues to amaze me and is very disappointing. In terms of the social impacts, I will not go into the issue of cancer. It will always be controversial because so many things cause cancer. What is interesting is that in the current cancer equation cigarettes, asbestos, alcohol, stress and lifestyle equal the potential for cancer. I am amazed that chemicals not included as well.

I was always happy with my presentation on cancer risk in the book. I invite you to have a look at the book to get one point of view. Interestingly, people are always talking about suicide in the country, especially young men. I live at St Albans, which is in the country although it is close to the city. Suicide is discussed by women. I have given talks throughout Australia, particular in rural New South Wales, rural Victoria and rural Queensland. After the talks when I am back in someone's home or at the hall with a cup of tea the women always raise two issues. The first issue is reproductive risk: my husband cannot; I cannot; we have had

four miscarriages in a row; and there are many children who are just not quite right. These children do not have a birth defect but the brains are not turned on.

The second issue is the rate of suicide among young men. I am not suggesting for one moment that there is a link between suicide and pesticides. What I am saying is that many pesticides used in agriculture are neurotoxic, are known to be neurotoxic and are assessed as neurotoxic. That means that they affect behaviour, learning and emotions. The use of these chemicals is widespread, and the applicators are blue-collar young men from the country who have limited education. They are big risk takers because they are likely to have excessive exposure to these chemicals. It is important not to rule out a possible causal role for exposure to pesticides in the depression and suicide levels in the country.

I was a witness in a court case involving a murder by a young man of his best friend. I will not mention the name. I was called as a witness on the grounds that although the young man took full responsibility for having shot his friend he seemed to have a history of pesticide use and huge behavioural changes that were very unusual for him, according to the community, for a year prior to the murder. Everyone who knew the lad who died was surprised about what had happened. That is how I gave my evidence. That is no proof but it is important for people to understand that. I turn now to the impact on biodiversity and the health of inland rivers. I remember hearing a talk given by an environmentalist from a major environmental organisation. He outlined the main risks to the Murray-Darling, which included too much salinity, too much water taken out, weirs, locks, channels, everything you can think of. At No. 10 was snags in the river. There was no mention of pesticides.

I went up to the speaker afterwards—I will not tell you who it was, but he was from the Australian Conservation Foundation—and said to him that with all the technical information available about water soluble pollutants or pesticides that go to sediment and stay in the sediment for years pesticides should be given a ranking and attention should be paid to it. Pesticides are never spoken about, even by green groups. If it is not on their agenda they do not own the issue and, therefore, it gets left off. Pesticides in the waterways is a big issue. Reports commissioned by government, with funding through the Land and Water Research and Development Corporation and the Cotton Research Development Corporation, show that in 1994 there were critical levels of endosulfan in the rivers and that no amount of research would fix the problem. The only way to go is to tell the cotton farmers that they either use endosulfan responsibly or it will be taken off the market, which means that they must reduce use and spend money on application. Of course, that has not happened.

Once again that was one of those reports that says, "Last chance", "Going, going, gone", "Red light on", and "We have factual evidence that there are critical levels in the rivers and in the sediment. Do something". Five years later nothing has been done. I can guarantee that in a couple of years you will probably see me or someone else on television bringing up all the documents for the past 10 years and saying that it was pointed out on all these occasions, and no-one did anything because there is so much money in cotton. Cotton is a transitory crop. We should be growing hemp and other fibre products. We should be diversifying from wool and cotton to other more sustainable fibres. As for the impact on biodiversity and the birds and trees, my husband says that we are desert building. Pesticides have a lot to do with that.

The Hon. J. R. JOHNSON: Have you had any critical analysis of your book by any government department?

Dr HUGHES: I believe I would have, and I would have kept all the reviews of my book

in a file. I would be happy to table them. I had a critical analysis by Professor Ben Salinger, who did not like the writing style. He said it was too energetic. I got a good review from the Pesticides and Allied Chemical Industry of Australia—that is the pesticides representative group—and it published my response in its newsletter.

The Hon. J. R. JOHNSON: What would be your advice to the cotton industry in terms of application of chemicals?

Dr HUGHES: I would advise going back to some of the very good recommendations made in the 1994 executive report of the Land and Water Resources Corporation and the report of the Cotton Development Corporation, which referred to critical levels. I could advise many things such as give cotton growers five more years and then tell them to go or tell them to start moving to other fibres and to diversify. That would be my personal advice. The cotton industry should become the fibre industry group. Cotton growers would still be able to move their capital around and make investments, but they should start growing other crops. In terms of something that is achievable, the New South Wales Government should implement some of the recommendations that have been made. Be fearless in your approach to regulating the critical pesticide endosulfan because it is an organochlorine that is widespread in the rivers. It is probably associated with all sorts of hormonal cancers but I do not want to muddy the waters with that.

Make sure that you draw a very clear line between people who represent the cotton industry—I do not have a problem with people making a living—and their influence on government boards and on government research corporations because there is a problem with suppression of information and field results. That is something that always happens in life. You should look at the power structure and how the cotton industry controls information. In terms of what the Government can do, it should look at the good recommendations and get cotton growers to spend more money on pesticide application, the buffer zone issue, the residue risk issue and restrictions on use.

The Hon. J. R. JOHNSON: Do you have any evidence that the recommendations in the two reports you mentioned are being ignored, implemented or partially implemented?

Dr HUGHES: No, sir, I do not and the reason is this. After I finished the book I did one more year's campaigning at my own expense and then I went off to make a living doing other things so I am not up to date, except that my reading of it would be that the easy ones are probably halfway implemented on the education side and that the really meaningful ones about finding out how much pesticide we use, making really good efforts to restrict its use and supporting bureaucracies that have to administer it would not have been adequately addressed. It is a resource issue, as we all know.

The Hon. J. R. JOHNSON: With schools, are you talking about the control of weeds, vermin and termites?

Dr HUGHES: I am referring to weed control, termite control and management and control of pests like cockroaches and interior, non-structural pests, just nuisance pests, yes—all three actually. Schools vary in their willingness to say, "We will not spray a schedule six organophosphate in the classroom where six-year-old kids will sit on the carpet." It is just a mother statement from me because I am a mother. It is just a precautionary principle. You do not do that. Issues can arise with the reapplication for termite inspections, and with global budgeting schools become very worried about their assets. All teachers are so busy at any rate that they just say, "Get the bloke in. He was good." They have not really got time to go into it,

and once again it is a resource issue.

As a taxpayer I have real concerns because if it ever happened to any child of mine or in my extended family, I would sue because I know that the Minister for Education, Mr Aquilina, has already been informed of these issues. The Total Environment Centre had a conference on toxic schools five years ago and the Minister made certain commitments about a chemical audit of schools which was not followed through. It was a forum that we had on the toxic playground and I think it was like the Metcalfe auditorium. The Total Environment Centre has the papers and Mr Aquilina did make undertakings but it certainly has not been gone through. It is a liability for the State of New South Wales so let us avoid it.

The Hon. I. COHEN: Could you give an opinion on the perception of the concept of multiple chemical sensitivity to the very low levels of chemical exposure. Have there been discussions in terms of the acceptance and signs of it?

Dr HUGHES: That is a very important question and it is really problematic for governments because once again the analogy between cigarette smoking and asbestos exposure has a 30-year lead time between when the evidence first comes to light that there is a problem and when governments are confident to legislate to protect people from either passive smoking or exposure to asbestos or, in this case, to protect people from exposure to a whole range of chemicals, including pesticides. On this issue of what we call low level, high stakes—low level exposure, high level health stakes—if you happen to be the wrong sort of person, in other words, you are genetically predisposed, you have a bad diet or you have copped a really big dose of pesticides early and you have been sensitised to pesticides, it is a real problem.

I have had a lot of contact with people who have chemical sensitivity. I must say that I am not a physician, I have a PhD in politics, so please be clear that I am not a medical doctor. I must not speak too long on this, but there is a group called the Australian Chemical Trauma Alliance, a group of poor old battlers who have tried to raise the issue and provide some protective net for people who have chemical sensitivity. They have worked with a number of doctors both in Australia and overseas to raise awareness about the issue and also to try to educate mainstream physicians about the mechanisms of toxicity. This is the real guts of the question you are asking me. Are these middle-class hysterics who have nothing better to do than to worry about a bit of pesticide fumes? Are they vexatious litigants who want to sue people because they feel sick after a spray? Are they overreacting because they have fear of toxics or are they genuine? They could be all four but most likely they are genuine people who are the real canaries.

Numerous books have been written on this such as *Chemical Crisis* by Diane Crumpler and *Children of a Toxic Harvest* by Eve Hillary published under Eve Kaufmann. I edited that book. Also, there is *The Street That Died Young* and numerous other books. The mechanism of toxicity, in other words, how can low levels of chemicals coming into your body either by breathing them, eating them in food or absorbing them through the skin, possibly affect people who are big, robust, et cetera. This is the difficulty. I believe that the literature now—not 10 years ago when we first started dealing with these people, hearing about them and trying to exercise help and compassion—is sufficient so that any physician or specialist who denies that there is a physiological change in people's bodies as a result of exposure to low level mixtures of chemicals could be seen to be professionally negligent.

There is sufficient information in the peer review literature on chemical sensitivity. I am also lucky enough to be a visiting lecturer in biological sciences at Newcastle through my friend

and colleague Dr Hugh Dunstan, who has a PhD in biochemistry. Hugh Dunstan and a group of doctors, including medical doctors and research doctors, have got the most genuine human motives about demonstrating the mechanisms of toxicity for these chemicals and what it does inside the body. They have demonstrated this very well. Also, Dr William Ray, an American, is the best in the English-speaking world and he has written three volumes on chemical sensitivity. He is world famous. To those doctors in Sydney—and I will mention Dr Norman Swan from the ABC, and various others—who have said that they are all charlatans, I think they are very irresponsible and I wonder at their motives.

The Hon. I. COHEN: You referred earlier to the cotton industry. In terms of who has responsibility when there is chemical trespass, should we be looking at the EPA, the grower, or the aerial sprayer, and do you see any changes to the Pesticides Act to resolve that situation?

Dr HUGHES: The EPA of course, the buffer zone issue and the declaration of buffer zones for site specific conditions. Sometimes you might only need 100 whereas other times you might need 500, or if you are an organic grower you might need 20. In other words, "Don't come near me. I am growing organics." That could be in the legislation. It is silly to put a blanket on it and say it has to be 150 metres or it must be two miles. With all this regulation on toxics it must be site specific. That will help resolve it for all stakeholders, for the grower who has to grow his crop. As to who is responsible, obviously both the grower who wants it to be sprayed and the aerial pilot. That issue needs to be strengthened because one must be a maverick to be an aerial sprayer and have nerves like steel. They call the guys up there things like "ice".

I have been on the tarmac many times. Those guys have to have a certain mentality because they have to fly eight feet above the ground at 300 miles an hour. Aerial sprayers have a different approach to risk and they do not see the point. I think that has to be brought home strongly in legislation. Make no mistake: all pesticides drift. I think the legislation should be strengthened, not with more legislation but with better legislation and that is up to the parliamentary draftsmen. I think that the chemical trespass issue is really important. Unfortunately I have not had time to be involved in the case in Dubbo and others, although I have been invited. I just cannot. Cotton is an industrial industry and Ben Selinger actually said that in the film on cotton.

The Hon. I. COHEN: We have often heard that chemical residues have had to be sent to the United States to be tested. You mentioned that legislation in the United States has provided that facility. Is it possible to have that technology for all types of chemical testing in Australia?

Dr HUGHES: Yes.

The Hon. I. COHEN: And would legislation be the way to go in terms of demanding that?

Dr HUGHES: Yes. Legislation would be a very appropriate way to go and one should legislate for any pesticide that is assessed by the Commonwealth and registered through the State Act. There must be a commercially available method for testing the pesticide available on the market at the time that the pesticide goes on the market. So that as soon as I can use it, I can also ring up a laboratory and say "Test me for it". That is the way to go. It is quick and clean and should be a requirement for a country that boasts a clean, green image.

The Hon. I. COHEN: Is there any technological problem in having that testing in

Australia?

Dr HUGHES: No, it is just that it is expensive and that is why industry will always argue, "It will cripple us."

CHAIR: I would like to ask you some questions on notice. When you receive the transcript, if you believe you have not answered them, will you please do so. What is your response to the view that pesticides are required by agricultural industries to sustain economically viable production levels? Do you hold any reservations regarding coregulation and the role of industry in leading the way in reducing the risks and adverse affects associated with pesticides? What mix of regulatory and non-regulatory instruments are required to achieve the most effective management of pesticides?

(The witness withdrew)

COLIN JOHN SHARPE, Scientific and Regulatory Affairs Director, Avcare, 58 Halloran Drive, Jerrabomberra,

CLAUDE ALEXANDER GAUCHAT, Executive Director, Avcare, 59 Latimer Road, Bellevue Hill, and

VERNON FREDERICK KEIGHLEY, Manager, Agsafe Limited, 41 Nullagine Street, Fisher, Australian Capital Territory, sworn and examined:

CHAIR: Mr Sharpe, In what capacity are you appearing before the Committee?

Mr SHARPE: Representing the agricultural and veterinary chemical industry.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr SHARPE: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr SHARPE: I am.

CHAIR: Mr Gauchat, in what capacity are you appearing before the Committee?

Mr GAUCHAT: As the executive director of the industry association.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr GAUCHAT: I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr GAUCHAT: I am.

CHAIR: Mr Keighley, in what capacity are you appearing before the Committee?

Mr KEIGHLEY: I manage the Agsafe accreditation program.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr KEIGHLEY: I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr KEIGHLEY: I am.

CHAIR: If at any stage during your evidence any of you consider that certain evidence

or documents you wish to present to the Committee should be seen or heard only by members of the Committee, the Committee would be willing to accede to your request and resolve into a confidential and in-camera hearing. I must warn you that the Parliament may override a Committee decision and then make that evidence public at a later stage. However, at this stage that has not happened. Perhaps one of you may wish to make a short statement and we will then proceed with questions. If there are any questions you want to take on notice, please indicate that to the Committee. You will be provided with questions on notice in any event.

Mr GAUCHAT: We appreciate the opportunity to appear before this standing committee. Pesticides are a necessary and fundamental management tool for farmers and other users, but must be employed with adequately safe measures and product knowledge. Avcare insists that the use of pesticides must minimise the potential risks to human health and the environment as well as trade. Furthermore, Avcare has played a leading role in pioneering the concept of co-regulation with its Agsafe program. Agsafe is a fully owned subsidiary of Avcare, both of which operate at arms length from each other. Agsafe was started by our industry in 1987 and today enjoys a good reputation based on a successful performance in raising the level of professionalism within the industry. Most importantly, Agsafe has an ACCC authorisation that gives it teeth to impose trade sanctions for non-compliance.

Based on this positive industry experience Avcare, together with the National Farmers Federation, Veterinary and Manufacturers Distributors Association, and the Australian Local Government Association [ALGA] have recently launched another co-regulatory program by the name of drumMUSTER. This program focuses on the safe disposal of empty, clean one-way chemical containers and to date has been implemented by two councils. Agsafe has been asked to administrate and manage the drumMUSTER program given its experience and interaction with the retail end of business. As you probably already know, drumMUSTER is closely linked with another important waste management initiative under the names of ChemCollect and Chemclear, which are described in Avcare's submission.

All three programs will facilitate fundamental and lasting changes in the way pesticides and resulting container waste will be managed in Australia. Avcare feels strongly about the role of co-regulation in achieving a modern and responsive pesticides Act in New South Wales. Co-regulatory programs with adequate teeth can make a significant and lasting contribution towards our more sustainable agricultural sector. I shall close by tabling several documents on Avcare and Agsafe for the Committee's reference.

CHAIR: The Committee heard of drumMUSTER in its first hearings in Sydney and through a number of places. It certainly sounds an excellent idea if it can be made to work effectively. Being near a river I have problems with chemical drums on farms in that every time we experience floods. Unfortunately, in years gone by farmers used to just drop chemical drums somewhere in that creek and with a big rain 20 or so drums would be washed into the river, usually on my property. Therefore, I am particularly pleased that something is being done about that.

The problem the Committee heard in Dubbo was that the Orana group of councils, which comprises approximately 14 councils, had a particular problem. That group investigated going into the drumMUSTER, but then faced a particular problem and decided not to proceed because it was difficult to dispose of the chemicals. They were getting drums that were not properly cleaned. In other words, they had not been triple-rinsed. A collection of drums were sent to be cleaned as per the arrangements with DrumMUSTER, but somebody, just one person or group, had not properly cleaned their drums and so they were rejected. The group

decided not to proceed with it because of problems in ensuring that people would do the right thing. Have you any way of ensuring that the system works, because it would be a shame if it did not work just because of one or two recalcitrant members?

Mr GAUCHAT: The success of DrumMUSTER depends on farmers actually understanding the concepts and complying with the proper rinsing procedures. It is up to the program to inform farmers on how to rinse containers and present them in a safe way. Another success factor is inspection. We must make sure of proper inspection at each collection site so that no dirty containers actually escape the net. We are working hard to accomplish that communication program with farmers. To date awareness amongst the farming community is high as well as the expectation by that community that it will have a collection point in the local shire.

CHAIR: Many registered chemicals are put on the list as available and farmers might order them, but they are not produced by chemical companies. Sometimes a more destructive chemical is used because those same chemicals are not available. Do chemical companies have a responsibility to produce chemical pesticides that are said to be available? Prefar Alinap has been on the market for about five years but is not able to be bought.

Mr GAUCHAT: I am not quite sure what the question is. Certainly if manufacturers provide a chemical for the market, they have to go through the registration process.

CHAIR: And each year they put on the price list that this chemical is available but they do not produce it.

Mr GAUCHAT: They do not actually deliver it to the market?

CHAIR: No. It does not even come into Australia.

Mr GAUCHAT: Are you saying that the manufacturer is advertising the existence of this particular product?

CHAIR: Yes. Any local dealer will look up his schedule of products and will say, "Oh yes, Prefar Alinap. They have increased the price this year. It is available," but you will never get it.

Mr GAUCHAT: It might be a question of shortage of supply rather than the product being advertised with the intention of not supplying it.

CHAIR: That has been happening for five years. Perhaps you could take that question on notice.

The Hon. I. COHEN: You mentioned non-compliance of trading sanctions within the industry. How many occurrences of trading sanctions have occurred and how many events of non-compliance have been brought to your attention and acted upon?

Mr GAUCHAT: As this refers to the Agsafe program I shall ask Vernon Keighley to respond.

Mr KEIGHLEY: From memory I believe we have levied trading sanctions 46 times since the programs started. Currently we have six trading sanctions in place. Having said that, that represents a very small portion of the number of inquiries being made at any one time, and

we have handled somewhere in the order of 2,500 inquiries over the years. But the whole process is not about imposing trading sanctions; the idea is to try to encourage people to comply with industry standard and the mandatory regulation standards and codes.

The Hon. I. COHEN: Is it successful? Is your industry keeping people within those standards? Are you acting safely or is there the need for an alternative mechanism through legislation to actually to improve the pesticide Act through environmental and human exposure?

Mr KEIGHLEY: Within the scope of Agsafe I should mention that we basically cover the storage and handling of agricultural chemicals with the manufacturer through the distribution chain to the point of supply and I believe the Act you are looking at deals with control of use. The feedback is that there has been a tremendous change in attitude and level of compliance within the scope of the accreditation scheme we have had over the years.

The Hon. I. COHEN: Surely supply is married with responsible use. Therefore, does your part of the industry have a responsibility if misuse is occurring?

Mr KEIGHLEY: I think the responsibility of the reseller, if you like, which is the point of sale, is that he must give advice according to the label. In fact, part of the accreditation process is that the person signs a commitment against the code of conduct that he or she will comply.

The Hon. I. COHEN: I understand you have a responsibility to supply the information that labels the product, and if there is a chemical trespass by the landowner or the pilot doing aerial spraying, who is responsible for that chemical trespass?

Mr GAUCHAT: Trespass can be for two reasons: one is an unintended misuse of the product and the second would be an intended misuse. Having said that, the number of cases of trespass are small compared to the proper use of products. The responsibility will have to be shared, depending on the circumstances.

The Hon. I. COHEN: Were you present earlier when I asked Dr Kate Hughes a question about chemical testing regarding responsibility of supplying chemicals in Australia yet having this obvious lack of ability to test for chemical residues of chemicals your industry has made available? Would you care to comment on that?

Mr GAUCHAT: Yes, we heard the response of Dr Hughes. We disagree with her view that chemical tests are not available. Part of the registration process and requirement is that a method be made available for testing of residues in food.

The Hon. I. COHEN: Are you saying that every chemical your industry supplies can be tested, say, through human blood tests in Australia?

Mr GAUCHAT: Every chemical can be tested in food.

The Hon. I. COHEN: What about in blood through human exposure?

Mr GAUCHAT: In respect to blood, we will have to take that on notice. I do not know what the level is. It is certainly not a requirement to provide that information.

Mr SHARPE: We will have to take the question regarding blood on notice. I do not know

what the level is. It is certainly not a requirement to provide that information.

The Hon. I. COHEN: Is it reasonable that every chemical that you are taking responsibility for supplying to the Australian market is tested?

CHAIR: You heard the comment of Kate Hughes that some people who are concerned that they have been sprayed by overspray then go to a doctor to try to find out whether it is in their blood. That is the concern that the Hon. I. Cohen has raised.

The Hon. J. R. JOHNSON: Or in the blood of cattle.

CHAIR: Or whatever, not in food itself.

Mr SHARPE: I understand. Our belief is that there would be a method available because the data that we are required to supply involves the testing of laboratory animals and the blood of those animals is also tested. I will also take that question on notice and come back to the Committee.

The Hon. J. R. JOHNSON: Available in Australia.

The Hon. I. COHEN: I appreciate you taking the question on notice but would you accept that is a reasonable proposition as an industry that chemicals supplied by your industry should be able to be tested in Australia? Is it reasonable that your industry would take responsibility? I understand a number of people in Coffs Harbour who appeared before the inquiry yesterday were prohibited from investigating their problem often because of the terrible expense, thousands of dollars, to send a blood sample to the United States of America. Would you enlarge on your responsibilities given that you supply the pesticides?

Mr SHARPE: That is another question we would prefer to take on notice and canvass the views of our membership.

The Hon. I. COHEN: What is your position regarding the view that the application of pesticides in lower than labelled doses may lead to, in effect, eradication of pests and increase the likelihood of resistance? What is your view of pesticides delivered at the labelled dosage and their impact in the longer term on resistance and less effective eradication of pests?

Mr SHARPE: I believe that from the resistance point of view it is an area that is under continual change. We monitor what is happening and then take steps to prevent it if there is any indication that resistance is building up. We have a number of resistance management programs available that our industries prepared and distributes widely to farmers. We have also been pro-active in that Australia was the first country in the world to actually provide information on the label about resistance management. At the moment it is mandatory for herbicides and fungicides. It has just become mandatory with insecticides and over the next two years those labels will have to include that information as well. Advice is going out to users that if they follow that advice the onset of resistance should be minimised.

The Hon. I. COHEN: Minimised, yet it is a major problem in the industry for growers and right along the manufactured chain. Do you have a responsibility for what could be seen as an inbuilt failure in the system, that supply within the medium or long term can create resistance and, therefore, you will need to introduce other chemicals to find other resolutions?

Mr GAUCHAT: Resistance is an inherent risk with pesticides. It is a question of appreciating that fact and, secondly, of managing that risk. We have examples going way back to the early 1970s when pyrethrins first came onto the market and had that inherent risk as well. It was thought then that the pyrethrins would only last for several years in the market-place, and they are still around. The reason they are still around is that there have been effective risk management programs in various sectors and companies. Australia is simply leading in that area of management. Appreciating that any chemical can become resistant over time as being an inherent risk, it is a question of managing that risk appropriately. The cotton industry has demonstrated its ability to manage those risks of resistance.

CHAIR: Could you supply each of the members of the Committee with copies of the documents that you have presented?

Mr GAUCHAT: Yes we will provide five copies of what we have handed over today.

The Hon. J. R. JOHNSON: In the last week two chemicals, the names of which escape me, whose main application was in the apple and pear industry, have been banned in the United States of America. Since the United States regulatory authorities have determined that those two chemicals, out of about 40 in that banned group, have been banned, has your industry followed suit without the Australian regulatory authorities imposing the same ban?

Mr GAUCHAT: Our industry will obviously look at the NRA to make sure that the situation in the United States of America, and the reasons behind it, is understood. The NRA would be interested to find out why the EPA has taken such a decision. As you know there is an existing chemicals review program undertaken by the NRA which looks at various chemicals and their suitability for the market place. We would be looking at the NRA in the context of the existing chemicals review program to see whether any action should be taken in Australia. The key point is whether the scientific knowledge about the product is up to date and whether the dossier provided on the product still meets the criteria for commercialisation of the product.

The Hon. J. R. JOHNSON: If a product has been taken off the market in any overseas country is it customary for your group to immediately do so also?

Mr GAUCHAT: It is not. It is up to the local regulatory authority to make those decisions.

The Hon. J. R. JOHNSON: Even if the parent companies of affiliates of your group were the ones that brought it to the attention of the regulatory authorities overseas and the regulatory authorities acted on it you would not feel it incumbent on your group to follow suit?

Mr GAUCHAT: If that is the situation then obviously through the company's network such information would be passed down to different countries. Then it is up to the local affiliates to take up the matter with the local regulatory authorities. That would be part of the internal stewardship program. If your question refers to a company making the approach to the regulatory authority to withdraw a product—

The Hon. J. R. JOHNSON: or raising a grave concern—

Mr GAUCHAT: —or a grave concern followed by a promise to supply further scientific evidence, then obviously each affiliate of that company would be informed about that activity

and would have to act according to the company's policies.

The Hon. J. R. JOHNSON: But the company's policy in Australia may be different from the company's policy in the overseas country that has taken the product off the market and has reached a different conclusion.

Mr SHARPE: The reason for the voluntary withdrawal in another country was where there was obviously significant environmental health effects. That decision would be taken on a global basis. There are a number of other reasons why companies remove products from another country which do not necessarily have implications on the effect of the product on health and environment.

The Hon. I. M. MACDONALD: What objections, if any, does your organisation have to proposals outlined in the EPA's discussion paper?

Mr SHARPE: I am not clear where that question is coming from. Are you talking about the EPA discussion paper that was put out some years ago, 1997 or thereabouts?

The Hon. I. M. MACDONALD: About 18 months or two years ago on the proposed new pesticides Act.

Mr SHARPE: Personally I was not involved in preparing the response for that ,but we included the Avcare response in our submission. My reading of our response was that we were concerned that it appeared to be moving towards a very strict regulatory process of enforcement through monitoring of the situation rather than being pro-active and using a co-regulatory type of approach. That was our general understanding of from where those proposals were coming.

The Hon. I. M. MACDONALD: In debate about the usage of chemicals, particularly with aerial spraying, it was said that the buffer zones need to be extended and developed in a stronger way. Could that in some way conflict with best management practice in respect to chemical trespass?

Mr SHARPE: Buffer zones on their own are not going to be effective. They are one of a number of management techniques. We heard Dr Hughes say that they need to vary depending on the situation, and that is correct. They should not be legislated for but they need to be taken into account under best management practice, situation by situation: not only what is the width of the zone but what is the zone; is it bare ground; is it trees; is it a fence; what is it?

The Hon. I. M. MACDONALD: The Committee has encountered that vexed question in this inquiry. Neighbours are very concerned about the activity of the person next door, particularly in respect to aerial spraying. They have said that there should be extensive buffer zones to try to limit the impact upon their own property. Is that something that can be isolated and then legislated or enforced in some way?

Mr SHARPE: No, we do not.

Mr KEIGHLEY: I think it relates also to land use management. As you know, in agriculture, things change over time. If buffer zones are legislated for, it would just make the system very inflexible for agriculture to adapt to and also to incorporate new technologies.

Buffer zones have to be included in best management practices and they will have to be implemented in a way that gives the adequate protection that we are seeking, region by region or locality by locality.

The Hon. I. M. MACDONALD: According to the evidence available to all three of you, are there any chemicals that are currently being used that you have concerns about in terms of potential long-term impacts on human health?

Mr GAUCHAT: That question should be answered in the context of the risks to human health if not used according to the label's instructions. One produce is endosulfan, which has been in the news extensively because of the issues that have been ongoing in the cotton area. We need to make sure that the product is used strictly according to the latest strategies that have been designed by the Ministry of Agriculture [MOA] together with industry to prevent any possible long-term public health effects as well as environmental effects. As an industry body, we are concerned on two fronts. One is that the latest management strategies are properly understood and adhered to by the cotton farmers. The other is that cotton farmers have access to all possible products for managing their pest regime.

The Hon. I. M. MACDONALD: With cotton, there seems to be a problem that is pretty difficult to contain. In the Gunnedah area, for example, the evidence we received was that there was considerable drift due to climatic conditions. Even if there had been a one-kilometre buffer zone, once the chemical is sprayed you could end up with it over the town through inversion and what have you, and a chemical has done so. Do you see specific problems encountered in that industry through aerial spraying in that region?

Mr GAUCHAT: We were involved in the mediation process in Gunnedah and that is a typical example of the issue being debated within the community. Having said that, we also have to look back at the history of the use of, for example, endosulfan. It has been successfully used over many years in the cotton industry but it has also suffered some problems. This is why best management practices are very important and it is also important for the community to discuss and debate and to try to mediate a solution that is acceptable to that particular community.

The Hon. I. M. MACDONALD: The problem as I see it is that even with best practice management in relation to the use of that chemical, it is almost impossible to limit aerial spraying impact wider than the zone or the crop for which it is intended. They have found it in a water supply and what have you many kilometres away from where it would have been used.

Mr GAUCHAT: The national registration authority has followed this compound very closely and it is one that has been looked at through the existing chemicals review program. We believe that the current set of strategies adequately addresses the problem. Having said that, we need to be fully aware of the potential risk of trespassing. Therefore, good co-operation between the consultants, the farmer and the applicator is needed to make sure that all possible risks are eliminated at the time of deciding that this particular product should be used and at the time of the application.

The Hon. I. COHEN: You may wish to take this question on notice and let the committee know the number of chemicals traded in New South Wales through your organisation which are banned in the United States of America and the reason they are banned on the one hand and why they are still traded in New South Wales on the other.

The Hon. J. R. JOHNSON: There is a proposal for the first time to grow cotton in the Condobolin area. We have inspected at least one property where numerous claims were made about the denuding of trees and the health of citizens in the Namoi Valley. Before cotton is planted in the west of the State at Condobolin, in close proximity to the 3,500 people who live in that town—where there is no cotton grown at the present time, where the land is flat and where there is no great growth of trees—what arrangements will your group consider to be appropriate to inform prospective farmers, but more importantly the population, of the risks that may result from aerial spraying or ground spraying? Bear in mind that in one town a letter from a longstanding chemist in the town provided the committee with information that asthma spray sales went sky high after aerial cotton spraying was introduced. What do you believe would be your obligations in the embryonic stages of that program?

Mr GAUCHAT: If I understand your question, it is about introducing a new land use, that is, cotton, where cotton has not been grown before and what measures our industry should take to ensure that the risks are properly identified and properly managed. In response to that question I would say that the cotton industry has a best management practice plan. That particular plan should be looked at for that new area to see whether the risks can be properly managed. There should be some sort of risk assessment for the community that might become involved through that new land use activity and then that should be discussed at community level so there is acceptance of that particular land use in that new area. I think it is a question of understanding the reasons why cotton should be grown in that area, understanding the best management practices that are available to minimise the risk and also understanding any other concerns that the community might have so that, at the end, there is consensus on that new land use activity actually taking place.

The Hon. J. R. JOHNSON: If you go to the area, you will see that land that abuts the town is proposed to be used for cotton. I do not think that there is any other area in New South Wales where cotton is planted in such close proximity to the town's population.

Mr GAUCHAT: If that is the case and if that proximity obviously poses a threat of chemical trespassing, then this would have to be covered through buffer zones in the best management practices program. That is something that will have to be looked at right from the beginning if an area is unsuitably close to a town.

The Hon. J. R. JOHNSON: That is why I am asking the question. What sort of a program would you have in place, if any, for that type of development?

Mr GAUCHAT: We represent the chemical manufacturers and distributors.

The Hon. J. R. JOHNSON: I am aware of that.

Mr GAUCHAT: We would work together with the cotton industry in their best management practices.

The Hon. J. R. JOHNSON: That is their management practices, but I am concerned with the results of the management practices that may go wrong.

Mr GAUCHAT: We would work together with the cotton industry and look at other precedents where this may have happened or where the risk may exist and try to work towards minimising that risk. If the risk is unacceptable then, obviously, we would have to say so.

The Hon. J. R. JOHNSON: But your member companies would still supply the product if the change of land use in the area was agreed to.

Mr GAUCHAT: Our member companies participate in discussions, together with the cotton industry.

The Hon. J. R. JOHNSON: That is with the cotton industry, but not with the people the town.

Mr GAUCHAT: I understand the question. As Avcare, we have participated in the mediation process in Gunnedah.

The Hon. J. R. JOHNSON: But that is after the problem had occurred.

Mr GAUCHAT: Sure. If there is any mechanism for public consultation beforehand, obviously, Avcare would participate.

The Hon. J. R. JOHNSON: You would not feel obliged to start off that communication?

Mr GAUCHAT: That is something that we could consider.

The Hon. J. R. JOHNSON: I would commend it to you.

CHAIR: Thank you very much for your time today. I have approximately 10 questions which I would like you to take on notice. Some of them have already been answered. They will appear in the transcript, including the question that members have asked of others in the inquiry, that is, the labels being written in different languages. Are they commonly written in different languages? Does Avcare have a policy on that? There are particular areas—such as banana-growing areas—that have ethnic groups who sometimes have difficulty reading English. Some of us who have failing eyesight and who are sometimes out on the farm are battling with labels that we cannot read because the print is so small.

The Hon. J. R. JOHNSON: You do not have to have failing eyesight. You need a magnifying glass.

CHAIR: You might take both those questions plus the other questions on notice and let us know whether Avcare has some policy or recommendations that it makes to its 38-member producing groups. The other questions are: Does Avcare support the establishment of a pesticides register at the point of sale? What is Avcare's position on the view that liability for misuse of pesticide involves all handlers in the chemical use chain including chemical manufacturers, chemical distributors, applicators, and land-holders? What improvements, if any, can be made in the area of labelling to minimise the misuse of pesticides? Can you expand upon the view outlined in your submission that opposed the inclusion of "risk of damage" as an offence under the Pesticides Act 1978 as outlined in the EPA's discussion paper? What roles does your organisation see research and development playing in improving the use of pesticides and its effect upon human health and the environment? What initiatives do you think would foster greater research and development?

(The witnesses withdrew)

(Short adjournment)

PETER DOUGLAS MULLINS, Chief Executive Officer, Rural Lands Protection Board State Council, Locked Bag 21, Orange, and

ALISON MICHEAL NOWLAND, Environmental Co-ordinator, Rural Lands Protection Board State Council, Locked Bag 21, Orange, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr MULLINS: I represent the rural lands protection boards in New South Wales.

Ms NOWLAND: As a representative of the Rural Lands Protection Board.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr MULLINS: I did.

Ms NOWLAND: I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr MULLINS: I am.

Ms NOWLAND: Yes.

CHAIR: If either of you should consider at any stage during your evidence that in the public interest certain evidence or documents that you may wish to present to the Committee should be seen or heard only by members of the Committee, the Committee will be willing to accede to your request and will resolve into confidential or in-camera evidence. However, I must warn you that Parliament can then override the Committee's decision and make all evidence public, but as yet Parliament has not done so. Would you now like to make a short statement, then the Committee will ask questions.

Mr MULLINS: We are here today basically to put before the Committee four issues of concern. However, before I register those I would like the Committee to have some background on who we are, because we are not a well-known organisation in Macquarie Street, as we discovered late last year. The rural lands protection boards are an organisation unique to New South Wales. There are 48 boards covering the State. The organisation is funded by 120,000 landowners in New South Wales. Each of the boards is managed by an elected board of eight directors, all of whom are landowners within that board area. The board system has three main areas of operation. One is animal health and the prevention of exotic and endemic diseases in the animal industries in New South Wales. In that capacity we were involved, as you gathered from earlier discussions with board representatives, with regard to the endosulfan issue earlier this year.

We are also responsible, under the Rural Lands Protection Act, for monitoring and managing the eradication of pest animals in New South Wales. In that capacity we are responsible for controlling and monitoring the use of a range of poisons. Our third main area of operation is that we manage 500,000 hectares of public land in the form of the travelling stock route system, and in that capacity we have to battle an endemic weed problem across the

State and are therefore users of pesticides. That is basically a summary of the board system. Our interest in pesticide use and herbicide use would clearly fit well within the terms of reference for the Committee.

In accepting the Committee's invitation to appear, we registered four areas of concern. Firstly, we wanted to answer any queries that the Committee may have on our management of pesticides, because from time to time there are discussions about the use of pesticides to kill pest animals, particularly rabbits foxes, and the baiting of wild dogs. We wish to share with the Committee our experiences with the endosulfan issue earlier this year in northern New South Wales. We have a perennial interest in the fact that there is no effective system in New South Wales for the collection and disposal of pesticides, and we believe that, as it was a decade ago, it remains a major problem.

CHAIR: Would you mind repeating that?

Mr MULLINS: We believe that the disposal of old pesticides is a major issue that remains fundamentally unaddressed and is quite literally just sitting there.

CHAIR: But you were not involved with that 10 years ago; it was the Department of Agriculture, was it not?

Mr MULLINS: Yes. It is just a concern that we are registering with the Committee. The fourth area is the issue of weeds management, particularly the withdrawal of a pesticide called Frenock. If the Committee wishes, we can give you a long discussion of our concerns about that.

CHAIR: I am not going to declare a pecuniary interest, but I should state that I am a member of the rural lands protection boards and have in the past been a supplier of significant numbers of bags of carrots for 1080 poisoning of rabbits. Frenock is probably something that would be of interest to the Committee because there are a lot of complaints in rural New South Wales that it has been taken off the market or banned but there has been no adequate replacement. Do you have a comment to make about that?

Mr MULLINS: You have summarised the situation perfectly. At the moment we estimate that anywhere between 800,000 and one million hectares of New South Wales is rendered useless by infestation of serrated tussock. There is one, and only one, pesticide that can be used selectively against serrated tussock, and that is Frenock. It was manufactured in Japan. A series of circumstances at both the Japanese end and the Australian end late last year resulted in commercial decisions being taken to cease to produce and to cease to import the product. We are basically left defenceless against that particular weed. From where we sit, there simply has been inadequate attention and urgency paid to, first, the withdrawal and, second, a replacement. The suggestion that we would use RoundUp or glyphosate as a replacement would clearly be untenable. The idea of applying it by air over large areas to control the weed would simply be unacceptable.

The Hon. J. R. JOHNSON: Why?

Mr MULLINS: It is a non-selective herbicide that would simply kill everything it touched, so it would be literally a scorched-earth policy, whereas you can spray Frenock on just about anything and it will only kill serrated tussock and giant Parramatta grass, which is the north coast's major weed invader.

CHAIR: We could probably ask that question of the next witnesses as well. In your comments you also referred to the Department of Agriculture's amnesty and collection some years ago. It is exceedingly valid that there are many chemicals on properties, and of course properties change hands. One of the properties that I bought had eight or 10 old sheds on it. The previous owner of the property might have had the place for about a month and dumped a lot of the old rubbish that he had around the place. As he was leaving he said, "I had better just have a look up here. I bet you don't want this, so I will take it with me." Up on the back of a shelf was some DDT. Had he not mentioned it, I would probably not have found it for another 10 years. It could have been left for 20, 30, 40 or even 50 years. The Department of Agriculture's amnesty or collection process some 10 years ago was helpful for many farmers. I agree with you that it is time it was re-instituted. Which body do you think would be the most effective body to do that?

Mr MULLINS: Anyone but us, would be the immediate response. The prospect of having truckloads of plastic containers dumped—it really is the next step in the chain. Any organisation, and all organisations, could actually suck the unwanted materials in, but it is how you then move them on quickly and where they go.

CHAIR: That was the problem then, was it not: They could not get rid of them. They put them on a couple of ships and never let them berth again?

Mr MULLINS: Yes.

Ms NOWLAND: One of the issues in the original process was that the rural lands protection boards were acting as depots in some areas, and they got stuck with them when the amnesty ended and there was no end point for them. The boards themselves then became the holder of all these illegal chemicals. That is one reason why they may not want to get tied up with it again, unless there is a valid end use or end point for those chemicals.

The Hon. J. R. JOHNSON: Someone will have to get tied up with the chemicals, will they not?

Mr MULLINS: Yes.

The Hon. J. R. JOHNSON: You said that, in the main, the protection boards are made up of landowners. Are they hands-on people, that is, people who use the farms and work the farms?

Mr MULLINS: Yes, they are.

The Hon. J. R. JOHNSON: Why was Frenock taken off the market?

Mr MULLINS: There were three concerns on the part of the Australian importer—and it may well have been the previous witnesses before the Committee—that the product would be coming up for some form of re-registration. That would incur a cost of some millions of dollars, and they were not prepared to run the risk. A judgment was made that there was a risk that the re-registration process may prove difficult. Our understanding is that the company decided, on the basis of its own internal legal advice, not to bother. The Japanese manufacturer produced 70 tonnes of the chemical. It had to turn off its major business for the two or three weeks it took to produce the 70 tonnes. Forty tonnes of that came to Australia and 30 tonnes

was used in Japan. The machinery it was using was pretty old and due for replacement, so they took a commercial decision that it just was not worth continuing. We understand that at the same time questions were being asked by one or more international environmental lobby groups about the production of the chemical, and we understand it is related more to the company's continued involvement in the manufacture of CFCs, not the production of Frenock itself. So it is a very complex issue.

The Hon. J. R. JOHNSON: Is serrated tussock indigenous to Australia?

Ms NOWLAND: No, it is not.

The Hon. J. R. JOHNSON: How do they combat it overseas?

CHAIR: Did it also come from England?

Ms NOWLAND: On my understanding, it came from South America. Because there are native species there that help to combat it, it does not get to the plague proportions that it does in Australia. It is part of a natural system there, and so it does not take over as it does in the Australian environment where that natural system is not in place.

The Hon. J. R. JOHNSON: In the long paddocks that are in your charge, do they thrash and burn instead of poison?

Mr MULLINS: In the management of our TSRs we use of a variety of techniques. Critics would say that the main technique we use is to graze them down to bare earth. We are in the process of identifying, quantifying and protecting the largest known areas of remnant native vegetation outside the parks system in New South Wales. In terms of management, we use a variety of grazing and pesticide controls consistent with what most other land managers would use.

CHAIR: But you are not supposed to graze anyway, are you? They are supposed to be travelling stock reserves.

Mr MULLINS: They eat quickly.

Ms NOWLAND: We are actually allowed to graze the reserves under our legislation.

CHAIR: The reserves, not the roadsides.

Ms NOWLAND: Depending on your definition whether it is the roadside or the separate holding paddock on the end of it. We are allowed to graze those and we issue permits for the length of time they may be grazed. When issuing permits the rangers do take into consideration things such as, for example, spiny burr grass. If it is about to set seed they would not issue a permit for people to walk up and down and spread that burr. Yes, they are allowed to graze them under our Act but they are principally travelling stock reserves for the passage of travelling stock.

The Hon. J. R. JOHNSON: We have taken evidence in towns and from people on the periphery of where we have taken evidence, particularly in relation to the cotton industry. You may have heard about proposals to grow cotton in Condobolin. Would you have any input into that?

Mr MULLINS: In terms of decisions to use private land for particular purposes, no. In terms of land uses that would impact on our TSRs, yes, we would expect some consultation, not necessarily in the initial stages but certainly at a later stage.

The Hon. J. R. JOHNSON: Why not in the initial stages? If there is likely to be a problem, why not get in first?

Mr MULLINS: There is no requirement on the developer of that land, as we understand it, to consult with anyone. But as a result of the endosulfan issue in the last six or eight months we are in the process of advising all neighbours on TSRs that we do not agree to endosulfan being oversprayed on our land. That is as a starting point. But we do have concerns about land uses that may impact particularly on animal health issues and we have an interest in development where it would impact adversely on pest management issues. But I cannot give you examples of those because they would be the rare issues for us.

CHAIR: How do you advise those land-holders? There would be many that would be neighbours of the land that you look after.

Mr MULLINS: It is a matter of ongoing contact basically. It is an informal process, certainly not formal.

CHAIR: Not through your newsletters?

Mr MULLINS: We pump out as much information as we can but where we need to take up specific issues with landowners that is more of an informal exercise where we become aware or are made aware of specific issues.

The Hon. J. R. JOHNSON: What is the major impact of spraying et cetera onto the charges that you have?

Mr MULLINS: Two I suppose. One is the risk of contamination of feed, resulting in contamination of stock using the travelling stock reserves. That potentially gives us some liability. We are grappling with how best to manage that, particularly with endosulfan.

Ms NOWLAND: The other issue for us is that we recognise that some areas of travelling stock reserve are very significant areas of native remnant vegetation and we are trying to manage those to retain that vegetation. When you are getting broad-leaf chemical overspray that is removing the understorey species from there it is undermining the process of retaining them that we are actively promoting.

The Hon. J. R. JOHNSON: What are your major concerns with the chemical industry?

Mr MULLINS: I was thinking through that issue this morning before we came to the meeting. We have just come from our annual rangers conference. They were having a discussion about the responsibilities they have and must exercise when they pass the pesticide we manage across to a landowner. They have a requirement to inform the landowners of their responsibilities in terms of use and to make sure that the landowners understand the label requirements. I do not believe that that same responsibility is placed on other distributors of herbicides and pesticides. In those circumstances it would be perhaps a weakness.

Ms NOWLAND: For example, in discussions this morning we were alerted to the fact that in Victoria and Western Australia the selling on of 1080 is becoming deregulated. So you can go to your local Elders store, for example, and purchase 1080. In New South Wales the licence for 1080 is through New South Wales Agriculture. The people who can supply it are our Rural Lands Protection Board rangers, who are thoroughly trained as authorised control officers. There are also some in National Parks and State Forests. By doing it this way we have a handle on where the 1080 is being used, how much is being used in the State and those sorts of things. We are concerned that if deregulation occurred perhaps that same level of knowledge about where it is being used may not be retained. There is also a potential threat of the loss of 1080 as a productive pesticide agent. If it is thrown around haphazardly without the same level of follow-up there is at the moment we may lose it as a chemical for controlling pest animals in Australia, not just in New South Wales.

CHAIR: When you give 1080 to people do you monitor whether its use is in compliance with the guidelines? Presumably the guidelines say that they have to give neighbours a certain amount of notice. Can you briefly tell us what the guidelines area?

Ms NOWLAND: Yes. All Rural Lands Protection Board officers that hand out the 1080 poison are required to ensure that the land-holder who receives it is aware of the distance restrictions, for example. It cannot be used within 500 metres of another dwelling. You have to have signage up for a month after the 1080 is put out and the date of the initial application of the 1080 so that the neighbours are informed and anyone that drives past or onto your property may also be informed. A full auditing process is carried out not by the authorised control officer but by New South Wales Agriculture. It audits the process to make sure that these things are going on. So there is no potential for the boards themselves to cover their own tracks, because it is being independently audited.

CHAIR: That notification has to be put out on a particular day.

Ms NOWLAND: Prior to laying the 1080 baits you are required to give three days notification to any adjoining land-holder within a one-kilometre radius of the location of the baits.

CHAIR: And how long are you allowed to leave it there?

Ms NOWLAND: Seven days. It depends on the area in the State as well. The Western Division has slightly different rules because of the size of the holdings.

CHAIR: In New South Wales a general letter saying that I want to put 1080 out some time between August and September is not allowed?

Ms NOWLAND: No, it must say that you will be laying the baits on such and such a day. You are supposed to check the baits daily and replace them where necessary and pick them all up and dispose of them appropriately after seven days.

The Hon. J. R. JOHNSON: The disposal of old pesticides concerns me. There are no regulations in New South Wales. Are there in the other States or Territories?

Mr MULLINS: I do not know the answer to that.

The Hon. J. R. JOHNSON: Can you ascertain it?

Mr MULLINS: It may well be a question for the EPA or the NRA. It is not information that we would hold.

The Hon. J. R. JOHNSON: But it is of concern to you?

Mr MULLINS: We are aware of the volume of pesticides and herbicides that are stored in rural New South Wales that are not being used and really cannot be disposed of on the farm safely and we would like to have a process that simply removed those from the farming environment.

The Hon. I. COHEN: Your organisation is a heavy user of pesticides. Does that create problems within your organisation?

Mr MULLINS: No.

The Hon. I. COHEN: Is there any strategy to look at non-chemical methods of dealing with problems? I am referring perhaps more to herbicides rather than animal pests et cetera.

Mr MULLINS: We are developing exactly those strategies. We are required under the RLP Act that was passed in December of last year to produce within every board in the State a management plan that covers our management of TSRs and our management of pests, and to make that plan available for public comment. Boards in turn are required to operate within those plans and to report through State council to the Government at the end of each year on their performance against those plans. So the strategies are coming and they will tie us up very tightly.

The Hon. I. COHEN: Do you have any mechanical or physical weed removal strategies in your organisation that you are looking at?

Mr MULLINS: Increasingly we are looking at using grazing in particular, using variations in grazing pressure and the timing of grazing, to the extent we can manage, to have the stock on the routes at the right time. Those strategies are emerging but they are at a fairly early stage.

The Hon. I. COHEN: What percentage of areas still use stock routes and grazing areas? Ms Nowland mentioned that you have responsibility for environmentally sensitive areas. Could you give a rough indication of what you are managing and how you are managing it?

Mr MULLINS: We have, I think, 100,000 sheep on the stock routes in the Hay board area at the moment. Twelve or 15 months ago, during the last drought, we had massive numbers of stock using the stock routes. The main stock routes running north-south run between about Deniliquin and Moree. The stock routes to the east of that main highway are smaller and are feeder stock routes. The main routes are still used consistently heavily. The feeder routes from the east are used on a much more ad hoc basis.

Ms NOWLAND: Basically, the demand for stock routes is dependent on the season. If there is a lot of feed available on people's properties they do not generally come out onto the stock route. Currently, most people are having a pretty mild winter and they have sufficient feed on their own places. So they are not coming out and using the stock routes. But as Peter said, when it was drier there was definitely a higher demand for people to come out and use them for that purpose. For example, we generated about \$3 million income off the travelling

stock reserves, but we spent about \$3.5 million just trying to maintain them. So they are being used, they are generating income but they are still not generating sufficient income to cover their management costs.

CHAIR: But you would still spend \$3.5 million even if you did not get any income. So where is that money coming from?

Ms NOWLAND: From their use only. From permits that are issued for the use of travelling stock reserves. Those permits might be for stock, they might be for acreage sites. In a few small instances they are also for firewood and native seed collection in accordance with National Parks requirements.

The Hon. I. COHEN: In answer to the Hon. J. R. Johnson's question you said that the composition of the Rural Lands Protection Board was mainly on-the-ground farmers. It is not necessarily the norm but in northern New South Wales in many cases there has been a greater departure from traditional farming methods and the Rural Lands Protection Board has clashed with many people in the community over pesticide usage. Have you had any discussions within your organisation about expanding the breadth of representation on the board in order to adjust to a new circumstances, particularly in relation to chemical use?

Mr MULLINS: The answer is broadly yes but with some fairly severe constraints. We cannot interfere with the democratic election process. However, to the extent that there are changes in the structure of the rural community, particularly the landowning community, we would expect those changes to flow through to the board system. In the past the board system has been fairly stable in terms of membership and representation. At the last election that started to show a radical change. We had contested elections in about one-quarter to one-third of the director positions across the State. We expect and actively encourage that form of competition at each of the elections, which occur once every four years.

CHAIR: Was there a bit of an age shift at the last election?

Mr MULLINS: Yes, and a definite gender shift.

The Hon. I. COHEN: In the context of this inquiry can you comment on the resistance to move from culture to chemicals? Do you think that that is a reasonable statement?

Mr MULLINS: No, I do not think it is a reasonable statement. I do not think we have a resistance to moving away. Aside from herbicides, and pesticides in particular, we have a legislative requirement to tell all landowners that they must get rid of pests. It would be pointless if we did that and landowners had no means by which to comply. We would be taking them to court and prosecuting them for not doing something that they could not do, short of physically strangling the pests.

The Hon. I. COHEN: I am sure many landowners would like to. In terms of getting rid of weeds in northern New South Wales it is a matter of the local branch of the Rural Lands Protection Board issuing a notice; landowners are given a certain amount of leeway and then the board tells them that that if they do not remove the weeds the board will spray under the current regime. Is there a direction that chemicals can be used in such situations? Has that been investigated?

Mr MULLINS: I would love to be able to answer that question. Unfortunately weeds in

New South Wales are the responsibility of local government, not the board system. That is a very sore point at the moment. If we were responsible for weeds we would be taking an educated and sensitive approach to the management of weeds.

The Hon. I. COHEN: Has this changed in recent times?

Mr MULLINS: No.

The Hon. I. COHEN: Is it still the Rural Lands Protection Board that issues the notice?

Mr MULLINS: No, it is local government.

Ms NOWLAND: The board issues notices for pest control only, not for weed control.

CHAIR: So you want to take over noxious weed control.

Mr MULLINS: Did I say that?

CHAIR: I would be surprised if you did.

Mr MULLINS: You might have to check the Hansard transcript.

The Hon. I. COHEN: In terms of legislation do you believe that the self-regulation of the industry is working? Are there any changes that could be made to the Pesticides Act to make it more relevant and effective in terms of controlling the application and storage of pesticides in the community?

Mr MULLINS: There is a difficulty in terms of identifying points of responsibility in the pesticides use chain. On one hand it would seem perfectly reasonable for manufacturers producers or resellers of chemicals to simply say that they have done their bit and then stop. Equally, there seems to be an attitude in the minds of chemical users—and endosulfan comes to mind—that a chemical must be safe because they can buy it; the rules are there but it is all right, and off they go. Then everyone is shocked and surprised when something goes wrong. There would appear to be not necessarily a regulatory breakdown but a communication breakdown in the process. In the case of endosulfan, incorrect assumptions are being made about the level of understanding and the level of capacity to follow directions. How someone can spray a crop nine times on windy days and think that he is complying with the label is pretty much beyond comprehension, but we have had examples of that.

The Hon. I. COHEN: Who should be responsible—the government regulatory authority, the Environment Protection Authority, the landowner or the sprayer of the chemical—in cases of chemical trespass?

Mr MULLINS: In our view whoever causes the problem has legal responsibility for it. If I shoot someone it is not the manufacturer of the gun or the manufacturer of the bullets who is held responsible; I am held responsible because I pulled the trigger. If I misuse a chemical it is my choice to use the chemical and therefore in using it logically I accept responsibility for its use and the consequences of its use.

The Hon. I. COHEN: The landowner or the applicator.

Mr MULLINS: In terms of endosulfan, I asked that question at a rather steamy meeting with Cotton Australia. I discovered that you would have to hire a team of Queen's Counsel and put the aerial applicator, the consultant and the landowner in a room and let them fight it out. They would simply point the finger at each other as to who told who to do what at a given time.

CHAIR: So you would not preclude any of them if they were responsible?

Mr MULLINS: No. I do not know how much information on endosulfan has been given to the Committee. I hope that the boards in the northwest gave you some insights because there are some very strong feelings there. Situations in which a spray drift is detected 14 kilometres from what was believed to be the point of application starts to make a nonsense of any argument that it was just an accident, it just went over the boundary. I would not call it a culture of misuse but it comes fairly close.

The Hon. I. COHEN: In terms of chemicals, do any of your agents resort to aerial spraying? Do you consider that your regime of chemical application is the safest regime? Would that regime be applicable to some of the larger broadacre applications of those chemicals?

Ms NOWLAND: All of our rangers who use pesticides have undertaken the farm chemical user training course so they should be aware of the appropriate use of chemicals. They do not use aerial application on travelling stock reserves because of their concern about spray drift onto neighbouring properties. All of their application is done by ground rigs, and the majority of those are with long hoses that you can walk around and do by hand. That increases the cost of our operation quite considerably but we are trying to be responsible managers for our neighbours.

Mr MULLINS: As a basic principle we would approach our use of herbicides along the lines that we can use them on our side of the fence and no further. That principle should be applied everywhere.

The Hon. J. R. JOHNSON: How many people do you employ in that process?

Mr MULLINS: Across the State we have a staff of 400 across the 48 boards. We employ 120 rangers who at different times may be involved in some aspects of weed management. We also contract or subcontract a lot of that work.

The Hon. J. R. JOHNSON: Is the health of those workers involved in the spray applications monitored?

Mr MULLINS: In a formal sense, no.

The Hon. J. R. JOHNSON: Is it a requirement?

Mr MULLINS: It is not a formal requirement, but I understand it is in local government. Equally, we would contract out the large areas we spray. In the main, the exposure of our staff to herbicides would be ad hoc and infrequent, not constant.

The Hon. J. R. JOHNSON: There is nowhere where it is frequent.

Mr MULLINS: Not as we understand it, no.

CHAIR: I have a few questions on notice for you. Can you describe the impact on the live stock industry for domestic and export markets from the endosulfan and other pesticide residue problems? What is your organisation's view on the feasibility of right to farm legislation? What does your organisation consider is the best mix of regulatory and non-regulatory instruments to achieve effective management of pesticides? Thank you for your enlightening evidence.

(The witnesses withdrew)

JOHN STANLEY KENIRY, Chairman, National Registration Authority for Agricultural and Veterinary Chemicals, 81 Mona Vale Road, Pymble,

ALISON JUDITH TURNER, Chief Executive Officer, National Registration Authority for Agricultural and Veterinary Chemicals, P. O. Box E240, Kingston, Australian Capital Territory, and

GREGORY NOEL HOOPER, Deputy Chief Executive, National Registration Authority for Agricultural and Veterinary Chemicals, P. O. Box E240, Kingston, Australian Capital Territory, sworn and examined:

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act?

Dr KENIRY: Yes.

Dr TURNER: Yes.

Mr HOOPER: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Dr KENIRY: Yes, I am.

Dr TURNER: Yes.

Mr HOOPER: I am.

CHAIR: If you should consider at any stage that in the public interest certain documents or evidence you may wish to present to the Committee should be seen or heard only by members of the Committee, the Committee would be willing to accede to your request and hear your evidence in camera. However, I must warn you that Parliament can overturn the Committee's decision and make all evidence public, although it has not done that to date. Dr Keniry may wish to make a short statement and the Committee will then ask questions. I am aware that he is heavily involved in the food industry in Australia and overseas. I am not sure whether recently he has retired but apart from his position here, his background provides an interesting line for comments in relation to chemicals in the food industry.

Dr KENIRY: Mr Chairman, members of the Committee. The National Registration Authority [NRA] welcomes your invitation to appear before the Standing Committee on State Development as part of its inquiry into the use and management of pesticides in New South Wales. It gives us the opportunity to outline the NRA's role in the registration of agricultural chemicals—and specifically pesticides—and to highlight the importance of proper use and management of pesticide products once released for sale. The work of the NRA complements regulatory activity by other agencies, particularly those at State level.

The NRA was established in 1993 to replace State-based schemes and provide Australia with a single and nationally co-ordinated process for the scientific assessment and registration of agricultural and veterinary chemicals. Under the Commonwealth Agricultural and Veterinary Chemicals Code the NRA is required to assess all applications for new chemical products and

modifications to existing products to ensure that they do not pose undue risk to people, the environment, users and trade. Products must also be evaluated for their efficacy and performance. The NRA assesses and approves the label, which becomes a legal document. Registration conditions may specify the use of particular application techniques, precautions or restrictions. The authority's responsibilities end at the point of retail sale, following which control-of-use activity, such as licensing of pest controllers and aerial sprayers, becomes a State responsibility.

The NRA also manages a compliance program which investigates suspected breaches of registration or registration conditions. We also license veterinary product manufacturers on the basis of their conformance to standards of good manufacturing practice and monitor adverse effects of veterinary products among animals. Collectively, these post-registration activities are part of quality assurance efforts to ensure products in the marketplace continue to reflect the standards approved at the time of registration. The business of the NRA involves hazard and risk assessment and risk management. The registration process remains the foundation for pesticide risk assessment and is central to the overall regulation of pesticides. Much of the regulation that is the responsibility of others, for example control of use, is closely linked to the outcomes of registration, particularly the approved label.

Before an agricultural or veterinary chemical product can be sold in Australia it must be assessed and registered by the NRA. Chemical companies are required to provide extensive scientific data to demonstrate that a product will be effective for the uses described on the label, will be safe for humans and non-target species, and will not pose unacceptable risks to the environment or trade with other nations. Residue studies on crops and animals are evaluated to establish maximum residue limit [MRL] and withholding period. Recommendations for using the product are checked to see that they are consistent with the data provided, and labelling is examined to ensure that it is accurate and meets Commonwealth and State legislative requirements.

The NRA needs to be assured that not only will the product work but the application rate and frequency of use are no more than necessary if we are to reduce the pesticide load on the environment and reduce the level of residues in food, particularly where trade concerns may arise. For specialist advice during the assessment process the NRA receives input from three Commonwealth agencies. The Department of Health and Aged Care evaluates toxicology data submitted by applicants to determine if any health risk may be posed to the community. Environment Australia evaluates the environmental implications of products submitted for registration and recommends measures to avoid or minimise adverse environmental effects. The National Occupational Health and Safety Commission [NOHSC] conducts occupational health and safety assessments to ensure that any risks arising out of workers' exposure to agricultural and veterinary chemical products are minimised.

Evaluations of chemicals take between three and 15 months to complete and 95 per cent of all evaluations are completed within statutory time frames, which are generally much shorter than we see in most overseas countries. At some stages of the evaluation process consultation may occur with the States and Territories, other Commonwealth agencies, and a range of expert panels or committees that provide advice to the NRA. This process ensures that appropriate knowledge and experience is incorporated into the assessment process. The quality of the NRA's scientific assessments and the expertise available within the NRA and throughout the NRA's advisory agencies is, I believe, world class. So much so that our assessment reports are increasingly being sought by overseas countries to support their registration decisions or in their review of older chemicals. For example, in the last three years we have received

approximately 150 requests for assessment reports from overseas agencies.

The NRA also plays a leading role in OECD efforts to achieve international harmonisation of registration requirements and promote a regular exchange of scientific assessments between OECD member countries. As further evidence of our increasing international standing is the fact that the NRA secured observer status on the body called VICH, an industry-initiated international committee aimed at harmonising technical requirements for veterinary products. The VICH country membership had been limited to regulatory authorities from the European Commission, the United States of America, Japan, and Australia and New Zealand as observers. However, we are now members. NRA scientific, international and administrative experience is also enhanced through co-operative working relationships and work-sharing opportunities with our sister organisations in Canada, the United States of America and the United Kingdom. NRA staff also hold key positions in international bodies such as various Codex committees, the World Health Organisation, the OECD and the Food and Agriculture Organisation.

In addition to the registration of new products and with regard to the terms of reference of your inquiry, I should stress that AgVet chemical products are not registered forever, nor do they go unchecked. The NRA operates programs that monitor agricultural and veterinary chemicals after registration. These programs have the capacity to bring about regulatory action if registration standards are not maintained or if new information dictates the need to reconsider the conditions of registration. Of particular note are the existing chemical and special review programs, which revisit the registration of AgVet chemicals to ensure that the chemicals continue to meet contemporary efficacy, health, safety, environment and trade standards. As a result of these programs, 24 chemicals have been withdrawn from the market. Others have been severely restricted in their use, with much stricter conditions that users must follow.

The NRA places a high priority on communication with the various stakeholders involved in the national registration scheme. It operates or participates in a number of consultative forums, which include State Government representatives on issues relating to AgVet chemicals and products. These consultative mechanisms have been instrumental in developing key programs and priorities. Increasingly, it is becoming clearly obvious to the NRA that those who use pesticides must be well trained with a high level of competency in some use situations. New pesticide products are becoming more sophisticated, often requiring specific equipment and skill in their handling and use.

Despite all the research that goes into product development and the extensive scientific assessment by the NRA, it is so often the user who, through misuse or ignorance of proper use practices, places at risk the safety of people and the environment and jeopardises our trade through excessive residues. Consequently, the NRA is exploring, in consultation with user organisations and the chemicals industry, the need for a user accreditation program that would allow higher risk products to be made available only to those with the necessary competencies acquired through appropriate training. Furthermore, as more existing chemicals are subject to review, with possible loss or severe restrictions being placed on individual products and uses, it will be of increasing importance that users can demonstrate proper use practices. Product registrants will be more inclined to continue their support for these products—that is, the existing ones—which are often cheaper in price. Their continued availability may also help to meet the needs of growers involved in minor crops, and minor use is an increasingly important issue.

For its part, the NRA will continue to encourage greater dialogue with food and fibre

producers so that these issues can be further explored and understood. The Government will receive over the next few months the inter-government response to the national competition policy review of the legislation underpinning the work of the NRA as well as control-of-use legislation in some States. The outcomes are expected to be known towards the end of 1999. I understand that a review of control-of-use arrangements is a major recommendation flowing from that review. I have only been able to touch briefly on some of our activities and how we believe they have a bearing on the issues that are the subject of your inquiry. However, my colleagues and I would be pleased to answer any of the Committee's questions.

CHAIR: You mentioned three government departments involved in giving advice: the Department of Health and Aged Care, Environment Australia, and the National Occupational Health and Safety Commission. I presume the primary industries department is involved also?

Dr KENIRY: No. I, as Chairman of the NRA, report for the Federal primary industry Minister. So, we are really their statutory body. But they have more to do with the development of policy. The NRA has its abilities under the Act to make decisions, and we do.

Dr TURNER: We sometimes get advice on trade issues from them. We get advice also sometimes from AQIS—Australian Quarantine Inspection Service—when something is being imported because it has to do its own risk assessment before it allows importation in the first place. So, we liaise with them on those technical issues.

CHAIR: Fiji still uses DDT on its vegetables. Hopefully we do not import anything from there. You said the national competition policy may have some effect on the control of use, but what has it got to do with your organisation? Could you expand on that?

Dr KENIRY: Every agency eventually comes under scrutiny of the national competition policy review. Our turn came up about 12 months ago. A committee was set up and, I believe, mainly run by Victoria in setting up terms of reference and so forth. The outcomes are not officially out yet, but Alison or Greg may wish to answer.

Dr TURNER: The committee looked at two groups of legislation. It looked at legislation that sits behind us but also looked at the control of use legislation of several States. I believe New South Wales was not included because it was doing its own review. The recommendations relate to some of what we do but also contained recommendations of control of use, which applies to those States that participated in the review.

Mr HOOPER: The outcomes of the review will be reported through the Standing Committee on Agriculture and Resource Management and the agricultural Ministers through ARMCANZ probably in the next few weeks. It is that body which is co-ordinating the consideration of the recommendations from the review.

CHAIR: Obviously that has some impact on our recommendations. The proposal is that we will report quickly to Parliament. My understanding is that the Government intends to introduce legislation as quickly as possible, but some review processes may be involved.

Mr HOOPER: One recommendation relates to control of use activities, which is State legislation rather than that which the NRA looks after. There are some issues raised about harmonisation of that legislation between States and how that impacts upon control of use, particularly borders between States, and on the downstream controls of chemicals such as that which might flow from the conditions of registration of products that the NRA might impose

on chemicals.

The Hon. J. R. JOHNSON: In the United States of America in the last couple of days two chemical products with wide application in the apple and pear industries have been withdrawn. Am I to understand that that withdrawal in the United States of America would not be automatic in Australia?

Dr TURNER: That is correct. The NRA does risk assessment and the risk of any chemical is not just the active constituency but relates to a range of things, such as how often it is used, where it is used, what it is used for, and what strategies can be used to manage the chemical when it is applied. Some countries have different regulatory requirements. For example, in some countries they are required to look at social aspects of chemical use, which we do not.

In addition, a country's environment can have a big impact. For example, the Netherlands has a lot more water around than in, say, drier areas of Australia. So, it could be that the hazards and risk assessment of a chemical in one country could be quite different in ours. However, if we hear of regulatory activity being taken overseas, we look to the basis behind it. In other words, is the new information available which would cause us to look at our risk assessment and change it? My colleague can speak more specifically about the United States of America.

Mr HOOPER: I can add that the chemical you are referring to was parathion ethyl and I think following our consultation and contact with the United States of America Environmental Protection Agency as of yesterday that it did not entirely ban the product. It certainly has asked that some uses be removed and the industry register to voluntarily remove some. It is to continue for important food commodities such as white potatoes, wheat, rice and onions.

The issues surrounding that were more from an occupational health and safety angle and that is the point Dr Turner just made, conditions in the United States of America may be different from Australia. We have taken into account the draft report from the United States of America EPA when we published in March this year our existing chemical review report on methyl parathion in which the continued registration status of that in Australia was indicated to be somewhat under a cloud unless further information was provided to the NRA over the next few years.

The Hon. J. R. JOHNSON: Years?

Mr HOOPER: Some of the information takes years. If you are undertaking toxicological studies, for example, or even further studies on the environment, some of those studies take two years as they are long-term studies. If you are doing residue studies, for example, they are dependent upon when that chemical is used in that particular season and whether the pest is present in that season. It does take time, sometimes a fairly long period of time, to generate the data that we must assess.

The Hon. J. R. JOHNSON: But in assessing the two products that were removed in the United States of America, for example, if America has been assessing those practical some years and it is most unusual for it to withdraw approval, would we not take cognisance of what the American regulatory authority thought?

Mr HOOPER: We certainly do. We exchange assessment reports. As Dr Keniry said in

his opening statement, we have been asked for more than 150 assessment reports and we in turn have also asked for assessment reports of other countries, which we take into account in our reviews of new chemicals and of older chemicals. On some occasions companies do come to us with the information quite voluntarily and seek to have the product reviewed. At times that has led to the withdrawal of products in Australia.

Dr TURNER: The NRA is required to make its assessments on the basis of science. If another country makes a decision, we would look at what science was behind it and whether it was relevant to us.

The Hon. J. R. JOHNSON: When you authorise the use of a product or register the product, do you start from scratch or do you take into account what the country of origin has evaluated that product to be?

Dr TURNER: When people lodge an application we require them to put in all data that they have which is relevant to seeking registration. If another country had done an assessment of that, we may well look at that too because, as Mr Hooper said, we have very good links with other countries. But that is not an essential part of what the company has to put to us. If we are aware of overseas assessments, we would certainly take them into consideration.

The Hon. J. R. JOHNSON: So you would start from scratch to evaluate it?

Dr TURNER: Yes.

Mr HOOPER: There are many components of the registration package that are very Australia specific, for example, the efficacy, residues, and some aspects of the environment. So, while some information is global, such as the toxicological evaluation, other data is country specific. We require that registrants notify us of what countries they have registered the product in as part of the registration package and we can seek that information if we believe it is necessary. Often, depending on the industry, we would see chemicals before other countries. You might say that we are actually at the leading edge in assessing those for the first time.

The Hon. J. R. JOHNSON: Do you monitor the withdrawal of chemical products overseas and take similar action here or seek information to evaluate what overseas countries have done?

Mr HOOPER: As we have said, we have very close links. We have day-to-day co-operative arrangements with authorities in the United States of America, Canada, New Zealand and the United Kingdom. We receive their reports and we monitor very closely. A lot of this is quickly made available in a public way these days and we obtain those reports on a routine basis. Once we have those reports we need to make an assessment of them in the context of the Australian use and in the overall risk assessment that we are obliged to undertake under our legislation.

Dr KENIRY: We actually have two programs that are relevant to existing chemicals. One is called the existing chemical review program and the other is the special review. In relation to the existing chemical review, when the NRA was set up there was a recognition that the standards that had been used previously for registering chemicals were not acceptable in a contemporary sense. So, an attempt was made to list out the order in which we would review the existing chemicals. I think we have three batches and we have virtually finished the first one and we are under way with the second. What got into category 1 to be done first was done by

consensus consultation with the industry, users, community and so forth. So, we tried to find out which ones people thought were the most urgently in need of a review.

The outcome of those reviews has either been that the chemical's use has been withdrawn or changed or, more commonly, we said the data we have for this chemical is not sufficient for us to satisfy ourselves that there is no impact, so you have to produce more data. We consult with the people who might produce the data and get commitments from them that they will, but we have to agree to a time span. Then we say, "Okay, this chemical can continue to be used until we get this data, which will allow us to make a properly informed decision." If, as happened in the case of parathion ethyl, which is like a cousin of parathion methyl, none of the vendors or others were prepared to do the work to produce the data, we withdrew the registration. So, that one is gone. Parathion methyl is going through a process at present.

The Hon. J. R. JOHNSON: Whilst I believe that everything would concern you in the industry, what are major concerns in the chemical industry?

Dr KENIRY: The major concern I guess is that chemicals are an integral part of modern agriculture, therefore, agriculture expands, in principal chemical use expands. We have to try to make sure that the impact for that chemical usage is consistent with what the law requires us in terms of registering and what the community will expect for contemporary safety standards. Increasingly, trade residues are a major issue, as we saw last year with endosulfan. Our Act says this is what we have to take into account to register these materials. We do that as well as we can.

As I said in my opening statement, our concern increasingly is that we can evaluate chemicals with the best data and be satisfied that if they are used in accordance with what is on the label and data there will not be an adverse impact. What is going wrong frequently is that they are not being used consistently with the label, which is a controlled abuse issue. That is what is leading us to be proactive in trying to get a system to provide better training and accreditation of users and so forth because down the track we are convinced that this is the way it will have to go.

The Hon. J. R. JOHNSON: Have you found one of the reasons is the very small print on some of the products for which you need not only a magnifying glass but also a pair of binoculars to read it? In the main it is in English only, but I have seen products with Japanese writing on them. How many Japanese farmers have we got in Australia?

Dr KENIRY: We have got quite a few, for instance Vietnamese people in the vegetable industry who cannot read English. There is an increasing need to have bilingual information.

The Hon. J. R. JOHNSON: Is that a problem because there is only English on the product or the print is too small? Whilst I have been told that there has been a change to only black print on white paper, I can remember when it was green on brown and if one were colour blind one could not read it.

Dr KENIRY: The question of labels is a vexed one. I will make a comment and then let the people who have been involved with this issue a lot longer than I speak. The first issue is that it is a legal document. This is what the legislation says about how the chemical has to be used. Sometimes it cannot be put in print one inch high because there is not enough space, or a book would have to be sold with every drum and then the book would become separated from the drum and there would be no instructions. Everybody in this industry would be very

happy to find a very simple, comprehensive method of labelling, because it is a legal process after all, and is complete. But up to now nobody in Australia or anywhere in the world has found a way to do it.

Some of the major chemical companies have spent very large sums of money, for example, in Africa, to try to find a way to simplify labels so that they can be read and easily understood by users. Generally the conclusion has been that despite all the money spent there is no real improvement. We accept it is a real problem. Recently when the board travelled around it visited some people north of Adelaide where a lot of Vietnamese people grow vegetables, and where there are real issues. We will have to spend money to find a way to address that issue sensibly. We accept it is a problem and it is under active consideration now, but I am afraid that up to now neither we nor the world chemical industry—nor anybody else—has found the appropriate solution.

Dr TURNER: We get very conflicting views about labels. Some people want to make them simpler so they are easier to read and some people actually want us to put information on them. One cannot really win with labels. At the moment the NRA is considering working with a group to try to simplify some of the language on labels, particularly with a view to them being more easily understood by non-English speaking people. At the moment there is work going on in South Australia. I believe work is being done in western Sydney with the Chinese vegetable growers. The Farm Care Association provided training and is actively trying to encourage the development of chemical training in languages other than English particularly for the reason you specified.

Mr HOOPER: Multilingual labelling has been a difficult issue of concern for many years. I understand in some industries there can be up to 20 different languages and with further dialects it adds complexity to the issue. Unfortunately that raises costs and liability issues because, as was said, the label is a legal document. Sometimes products will not continue if those costs have to be met. At the same time we are sympathetic to the need to get further information out to users. Whether the label is the right vehicle or whether there are other ways of getting sound management practices in the handling and use of chemicals out to growers is something that may also have to be looked at.

CHAIR: Some chemicals are sold under different trade names, such as RoundUp and Zero, which are sold domestically in small containers on which not much information can be provided, but they are both glyphosates.. A 20-litre drum is accompanied by a booklet, but there is no way to put a booklet on a small container of Zero.

Mr HOOPER: Some years ago the NRA produced a different code for the labelling of pesticides for use in the home garden because the type of language that is wanted in a home garden situation is not the language that is necessarily wanted for a product to be used in broad agriculture. Simplifying the language for the home gardener was quite successful in adding to the improved understanding and comprehension of labels used by those who are probably less experienced in the use of chemicals.

The Hon. J. R. JOHNSON: That reminds me of something a man read in a book. A woman reported that her husband had gone mad, he was out with a torch doing the gardening because the book said "plant in the dark".

Dr KENIRY: Rather than focus on the label, probably an accreditation system or better education of users will allow people to be much more adept at reading and finding the most

important information on the label. I do not think we should focus on saying that the solution is to simplify the label because that has been focused on for a long time and no-one has found the solution. We need to get people who can better understand what the really important information is on the label. An accreditation and training system is the way to do it.

The Hon. J. R. JOHNSON: I am concerned that on Saturday mornings and Sunday afternoons schoolchildren sell the product in nurseries but know absolutely nothing about its proper use.

Mr HOOPER: These things could be taken up with an accreditation so that people are required to have a certain degree of competency not only in using but in selling the product. The product would be explained by Avcare through their Agsafe program at least at a professional level by a person with knowledge to pass to the user when selling the products.

The Hon. I. COHEN: Dr Keniry, you mentioned your responsibility to safety for the chemicals that arrive in Australia. There are so many different environments in Australia. How do you guarantee against chemical escape by usage, say in the north of New South Wales where it is very wet and has smaller areas, with problems with neighbours? You mentioned user accreditation, but an earlier witness mentioned a reckless crop-dusting pilot. The Committee has heard many times about problems of misuse. Who is responsible? Are you responsible because you are aware of the types of end use in different areas? Who does the Committee make responsible if we are looking at legislation to protect both the public and the environment?

Dr KENIRY: There are two issues that I understood. The first is whether we can impose different requirements for the use of chemicals in different geographic areas. The answer to that question is yes. The second issue is who is responsible for the control of use. The responsibility for the control of use is clearly a State issue. That is an unfortunate boundary to some extent in the system, but we nominate the conditions under which the chemicals can be used, having satisfied ourselves of the requirements under our Act. Then the control of use after the point of sale is entirely up to State jurisdiction.

The Hon. I. COHEN: Are you concerned that the chemicals to which you are giving a tick for use are actually being abused?

Dr KENIRY: It concerns us to the extent that we are being pro-active in trying to get an accreditation system for users because the bottom line is that we recognise that if we cannot get that system in place then we are going to have to be much harder to satisfy that the chemical can be used safely. We do not have the legislative rights to get involved in control of use but we recognise the end result. That is why we are being pro-active trying to get people interested in an accreditation system.

CHAIR: It is a bit like registering and using a car. Cars certainly kill people if they are used the wrong way.

Dr KENIRY: Exactly.

Dr TURNER: If one wants to use a more complicated vehicle then one needs a higher level of certification to be licensed because one is in charge of something which is more dangerous.

The Hon. I. COHEN: It is a wonderful analogy because in the end we have a huge

number of cars in the market designed by the industry for speed way beyond what might be in the best interests of the whole community. Chemical companies are putting products on the market that are clearly unsafe when one sees the end use. Can we regulate to control that? We have super-cars in the chemical industry. Should we not guarantee adequate testing of the chemicals that you allow to be available in the community? Do you have a role?

Dr KENIRY: We require that information be given in order for a registration to be considered that allows us to satisfy ourselves that if it is used in the way specified on the label it will be safe within the meaning of our Act.

The Hon. I. COHEN: That is not very comforting with problems of chemical trespass and the way chemicals are being used in the community at the present time which the Committee is attempting to resolve. Are there any legislative suggestions that you might make that would help with the safety of applications right across the board?

Dr KENIRY: We took a major step a few months ago with endosulfan with notification requirements and a number of other issues. I am not saying that that should be regarded as a hallmark of what is happening.

The Hon. I. COHEN: Why should it not be?

Dr KENIRY: Because we want to go back in the endosulfan spraying season in December and January and check the effectiveness of the new rules. We said that quite clearly up-front when we made the decision to put restrictions on how many times to spray a season, notification requirements and new rules about when to spray in certain wind conditions with endosulfan.

CHAIR: Effectively you have started to control use?

Dr KENIRY: We always specify the conditions under which it can be used. We are now having discussions with the EPA of New South Wales and the Queensland authorities about how to go back and check that the new rules are delivering the results that we hoped they would.

Mr HOOPER: Increasingly we are facing that problem. One of the opening questions was about the parathions. That is an acutely toxic chemical which we would like people to monitor the feedback as to how successful our registration system is, how successful the labels are and if changes have to be made, we need to make them. Some States through WorkCover authorities or others would undertake some of that work, others would not.

CHAIR: Does the Health department?

Mr HOOPER: Health authorities, or in some cases WorkCover authorities, would do that. In Victoria, for example, the growers in the Goulburn Valley want it as part of the continued use of parathion. We do not get involved in that. It is becoming increasingly essential that we have that in a uniform way across the country with certain chemicals, otherwise we are in a very difficult position trying to make products available nationally in Australia when downstream controls may be at different levels within different areas. This needs to be looked at and the control and use harmonised. There may need to be some form of accreditation of the competencies of users. We say the management of chemicals would be improved if chemicals are monitored once in the market place.

The Hon. I. COHEN: Is it of benefit to your organisation and the health of the community that any chemical to which you have given a tick for use in society is adequately monitored? The Committee has evidence that in Coffs Harbour people have real concerns about effects of low-level pesticides. There needs to be certain scientific sophistication to deal with those concerns and at huge expense to themselves they have to send blood samples to the United States of America to monitor the suspected problem. They are being told by authorities that it may be psychological. Surely you have a responsibility, if you are introducing chemicals which you say are safe, to provide a mechanism to prove their safety. If it is not at your level is it at a national level? Where? How do we do it? Do we include that in legislation in New South Wales in a revised Pesticide Act?

Mr HOOPER: The issue you raise is a real issue. I think we said earlier that we require, for example, analytical methodology to test residues in food. It is a fact that at the time of registration we do not ask for analytical data or analytical methodology to look at how one may screen for exposure to chemicals in the human population, whether that should be done by examining blood, urine or whatever. All I can say is that it is something that we may take on board. We would consult with people from an organisation such as the National Occupation Health and Safety Commission to see whether that is something that needs to be taken up in terms of strengthening our registration system.

The Hon. I. COHEN: I see it as an urgency. I would like to know whether you could take this matter on notice and perhaps get back to the committee in writing with arguments why it should not be taken on board and any impediments you might see: for example, if it is not your role, then whose role it is. I see as the central urgency the breaking of this nexus of lack of scientific information in terms of the community's health. As I see it, we are approaching chemical warfare in terms the effect on the community. In the cotton growing areas of the mid north coast and the far north coast of New South Wales, I feel there is a real sense of urgency.

Dr TURNER: We are happy to do that. We have a community consultative committee which has recently provided the board with a very comprehensive report on health monitoring in Australia. It made some recommendations about the sorts of things that could be done. The board is currently considering that.

The Hon. I. COHEN: Would it be possible for us to get that information? Can that translate into potential legislation in New South Wales in terms of pesticide legislation?

Dr TURNER: We are happy to take that on board.

The Hon. J. R. JOHNSON: The report to which you have referred, is that a private report to you?

Dr KENIRY: Yes. We would be happy to make it available but that is one that we would claim confidentiality for because it has been paid for by the National Registration Authority [NRA] to enable the community consultative committee to give us that advice.

CHAIR: Certainly. The questions that we will ask you to respond to on notice will appear in the transcript. Some may have already been answered. Check that you are happy that you have answered everything and, if not, just add to it. Could I ask for a very quick comment before the conclusion of this part of the hearing on Frenock. My understanding from one of the previous witnesses is that it had not been banned by the NRA but had actually been taken off

the market by the Japanese chemical company. That is correct, is it not?

Dr KENIRY: Yes.

CHAIR: There is a misapprehension in the farming community that the NRA has been sitting on its hands. It has been said that the NRA had banned that chemical but had not authorised another chemical to take its place.

The Hon. I. COHEN: Could you also take on notice a request to provide a list of chemicals banned in the United States—which, I assume, was the place of origin of most of these chemicals—that are available in Australia and the reasons why?

The Hon. J. R. JOHNSON: It is not only the United States of America; it is also the Nordic countries, Switzerland and Germany.

Dr TURNER: There are also chemicals that are banned here but are available in those countries, too.

The Hon. I. COHEN: We are looking at the impact problems on New South Wales farmers and their neighbours using it.

CHAIR: Can I ask for a quick comment on Frenock?

Dr TURNER: Yes. You are quite correct. The NRA took no regulatory action against that. The applicant has asked for the registration to lapse, which it did on 30 June.

CHAIR: And there is nothing on the horizon to replace it?

Dr TURNER: Unfortunately, under our provisions we are not allowed to make public whether we have received applications for new chemicals. We are governed by confidentiality provisions of the legislation.

The Hon. J. R. JOHNSON: Do you know whether the manufacturers of Frenock have put the compound on the market to sell it?

Dr TURNER: My understanding is that the manufacturer which the registrant used ceased to produce that particular product.

The Hon. J. R. JOHNSON: Yes, I am well aware of that. We were told this morning that that was because the equipment got old and they had to shut down the major part of their processing just to manufacture 70 tonnes, 40 tonnes of which came to Australia and 30 tonnes of which went to Japan.

Dr TURNER: I had not heard that it was a by-product of another manufacturing process and that that manufacturing process had ceased.

CHAIR: I ask you the following questions on notice. What processes does the NRA implement to ensure that pesticides approved for registration will not cause significant harm to persons, property or the environment? To what extent is it possible to identify the source of pesticide contamination in animals, water courses or property, and what is the NRA doing to achieve this objective? What mix of regulatory and non-regulatory instruments are required to achieve the most effective management of pesticides? What is the NRA's position regarding

the view that the application of pesticides in lower than labelled doses may lead to ineffective eradication of pest and increase the likelihood of resistance? Given your organisation's role at the national level, are there any areas where the interface between the States and the Commonwealth can be improved in the area of pesticide management? Does the NRA support the precautionary principle with respect to the use of pesticides? What is your response to the view that buffer zones are an impediment to industry achieving best management practice with respect to chemical trespass? What type of information is provided to the New South Wales Department of Health and vice versa?

(The witnesses withdrew)

(Luncheon adjournment)

BRIAN ALBERT INALL, Pest Management Business Owner, 10 Bancks Crescent, McKellar, Australian Capital Territory, and

MALCOLM TROTTER, Pest Management Business Owner, 393 Rocky Point Road, Sans Souci, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr INALL: As Chairman of the New South Wales branch of the Australian Environmental Pest Managers Association.

Mr TROTTER: I am a member of the council of the State branch of the Australian Environmental Pest Managers Association.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr INALL: Yes.

Mr TROTTER: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr INALL: Yes.

Mr TROTTER: Yes.

CHAIR: If either of you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request and resolve into confidential evidence. However, I must warn you that Parliament reserves the right to overrule the Committee's decision, and could therefore make any evidence public. However, as yet Parliament has not ever done that. Would you like to make a brief statement to the Committee, then members will ask questions.

Mr INALL: The terms of reference refer to the use of all pesticides. We believe that that includes urban pest control. Two issues are of prime concern to us: first, the administration of urban pest control licensing; and second, business impediment. In relation to the administration of pest control licensing, we believe that WorkCover is not the appropriate regulatory authority. We believe that not from the point of view that we are dissatisfied with WorkCover's administration. However, the WorkCover administrative arrangements suggest that probably the reason it should be administered there is that the prime concern relates to the operators of pest control management. We believe that that is not so, and I believe that WorkCover has the evidence to support that. WorkCover cannot ensure public health best practice—it is out of WorkCover's bailiwick—and urban pest control works basically hand in hand with public health or in the pursuit of public health objectives.

In relation to national consistency, all other major States are administered by public health authorities, and we feel that, in pursuit of national consistency, that would be a sensible thing to do. This is why we are recommending that licensing in New South Wales be administered

by public health, to facilitate compliance with public health best practice. With regard to business impediment, there is a forest of regulations administered by various different bodies which we need to be familiar with and to comply with. This becomes an onerous task. If the Government's objective is to ensure that best practice is achieved, clear guidelines which can be readily understood by industry need to be in place. The current plethora of regulations and regulatory bodies almost suggests that it is an objective of providing the most complex challenge possible so that an inadvertent failure to comply will occur. Our recommended solution is that all appropriate or relevant regulations be combined into one guiding document and administered by a single entity.

CHAIR: Mr Trotter, would you like to comment?

Mr TROTTER: I would simply like to add to Mr Inall's comments in relation to the occupational health and safety aspect of WorkCover administering the licensing regulations. Whilst our industry is perceived as being one that is dangerous to itself or dangerous to our practitioners, our field staff, and so on, in support of what Mr Inall said about WorkCover's own file supporting, that is not the case. In fact, WorkCover conducted blood tests on field staff on a regular basis for many years. That was finally discontinued. It was discontinued purely and simply because the cost of sustaining it was not borne out by the results that were found to be the case in terms of pesticides found in blood levels of our field staff or actual pesticide applicators.

CHAIR: Was there not a structural change when WorkCover became a corporate entity, rather than the Department of Industrial Relations? WorkCover used to also carry out tests for farmers in the orchards. I thought it was more to do with the fact that WorkCover changed its structure and simply discontinued the testing throughout—not just in your industry but in all industries. At the time that WorkCover discontinued the testing, many apple growers were found to have chemical contamination.

Mr INALL: That may be so. But I believe that when this matter was actually raised and discussed, the blood tests of the urban pest control operators showed that there were negligible levels of pesticides.

The Hon. I. COHEN: Do you have clear guidelines with regard to the labelling and disposal of pesticide containers in your industry? How does an operator fit in with the flow of containers to be dealt with in an operation such as that?

Mr INALL: It is certainly a difficult situation. The fundamental rules that govern that are specified on the container label. At the moment there is a procedure being undertaken in the agricultural area relating to the drumMUSTER, but it is not yet up to speed in the urban pest control area.

The Hon. I. COHEN: You do not have that procedure?

Mr INALL: We do not, but we are pursuing that. Our association is currently investigating a method whereby we can become part of that drumMUSTER. It tends to be managed at council level, and different councils have different ways of dealing with it. For example, in the Australian Capital Territory, where I come from, there are very clear guidelines and the procedure is in place whereby chemical containers and unused chemicals are disposed of by the urban services people at a special tip. It works very well. Obviously, in an area as big as New South Wales that becomes very difficult. But certainly it is a process that the industry

recognises as being a problem for itself, and we as an association are dealing with it.

The Hon. I. COHEN: Is there a registration process within the industry in relation to drums used? Is there monitoring of the number of containers that a small operator might use? Is there any way of checking that aspect?

Mr TROTTER: Not to my knowledge.

The Hon. I. COHEN: Would you object to that, or would that be seen as a valid component of any legislation that might at least allow for verification of quantities of containers and things of that nature?

Mr INALL: I would need to be satisfied that that procedure was practical. You would have to be careful that you did not put on the industry a task that became very difficult if not impossible to administer and police. I believe there is no point in having regulations if you cannot manage or police them. It is certainly something that could be looked at. But we as an association would want to work with whoever is setting those rules or attempting to put those rules together, to look at it from a practical point of view. There may be other ways of doing it. For example, if chemical products are supplied to pest managers from suppliers—who obviously would have that record anyway, I would think—maybe that is the way to try to keep track of it, at the point where it can be easily kept track of, rather than at the end where it is distributed through many different businesses. In other words, you have one checking point here, but you could have very many checking points if you try to get the end user to do it. It is something that I have not thought about in detail. If we were to go down that track, I would like to see what was being suggested.

The Hon. I. COHEN: Chemical trespass is a major issue in the agricultural sector in terms of usage of chemicals and the problems that are involved. Do you have any problems with chemical trespass in your urban activities?

Mr INALL: Could you explain what you mean by "chemical trespass"?

The Hon. I. COHEN: Chemical trespass is where pesticides cause spray drift, go into the groundwater, or travel outside the target area, which potentially can affect other people, their homes and the environment.

Mr INALL: We do not believe that that is a major problem. It certainly has not been presented to us as a major problem. We are aware of incidents, but to our knowledge those incidents are not major incidents in the urban environment.

The Hon. I. COHEN: With regard to those incidents, who is responsible? Are we talking about the company that applies the pesticides, or the supplier? Do you see a clear indicator as to who is responsible?

Mr INALL: I think it would be very difficult to sheet the responsibility home as a general statement. Different circumstances and different situations would allude to differing responsibilities. In some instances it may well be the applicator. In other instances it may be the applicator doing what he was required to do. I do not know that I can see how, in the application aspect, the manufacturer would be responsible, unless there was some characteristic of the insecticide or pesticide concerned.

The Hon. I. COHEN: It is a combination of all pesticides that have a limited toxicity. Presumably there are clear guidelines as to how a chemical product should be used?

Mr INALL: Yes.

The Hon. I. COHEN: If a chemical is misused, who is responsible?

Mr INALL: If it is misused, again, I do not think you can just make broad statements about it. If it is misused you would have to look at the circumstances under which it was misused. It could be misused by a person using it who was not qualified to use it. If that was the case, why was he using it? Sometimes a business cannot be responsible for someone getting hold of an insecticide that they were not supposed to get hold of and using it, for instance, taking it from some situation that the business had no control over. I do not think that I could support something as general as that. There are too many circumstances—

The Hon. I. COHEN: Does your industry need more regulation?

Mr TROTTER: Our industry has an almost unbelievable level of regulation. The problem with it is that it is fragmented. It is fragmented over different pieces of legislation, different government departments and different sets of regulations. As Brian indicated in his original presentation, it is extremely difficult for a practitioner in our industry to familiarise with and ensure that they maintain current knowledge of all of those guidelines, regulations and pieces of legislation all of the time. This is not so much because of the content; it is because of the way it is fragmented, the way it has been written and the way it is administered.

You will see in the submission that our association put to the Committee a list of legislation, regulations and guidelines that we are subject to. It is our position that it would be far more effective if it were easier to understand, clearer and administered by one central body. A situation can occur that is unfortunate and unacceptable and may involve a breach of legislation regulated by one department. It may have the ability to take punitive action but it may not have the ability to take all the action necessary, for example, to suspend or remove an operating licence because that is not under its legislation. So it can go to a certain degree but it cannot go beyond it. So we believe that there is more than enough legislation there but that it is inconsistent and fragmented. It is extremely difficult to administer and even more difficult to comply with.

The Hon. I. COHEN: You mentioned that workers in the industry have a clean record in terms of personal exposure. If that is the case then there is a high level of OH&S focus in your industry about the sites where pesticides are applied? Do you have data on impacts, for example, at schools or hospitals or any feedback in terms of the effect of pesticide application in those areas, not to the workers but to the people using those establishments, and private homes for that matter?

Mr INALL: I am not aware of that. I can certainly make inquiries at the national level, which is where that information, if it was being recorded, would be recorded. I will undertake to do that. But I do not have that information.

The Hon. I. COHEN: Do you think that that would be of value in terms of your industry regulating itself or in relation to the chemicals that are in popular use at present?

Mr INALL: Again, I would probably tend to say yes but would want to know how you

are going to achieve it.

The Hon. I. COHEN: Perhaps putting it another way, if you have a company that sprays for pests in a school building and someone makes a complaint and there is litigation, who is responsible at present in the way that you are operating? Who is responsible if there is some perceived environmental or medical impact?

Mr INALL: I believe that the situation at the moment is that the applicator and the company would be responsible. Again, the particular circumstances would need to be looked at, because you may well be complying with directions which were legal and legitimate directions. I would need to look at that.

CHAIR: When you say "the applicator" you mean the applicator company or the guys themselves?

Mr INALL: No, the guy who is doing the job, the company that employs him and whoever it is who gave the direction for the work to be done.

CHAIR: The schoolteacher, principal, education department—

Mr INALL: Obviously it has to be someone who is competent to give that direction. In the case of a direction from someone competent, obviously they have a responsibility for the actual task as well.

Mr TROTTER: It would depend on what caused the problem. The scenario that you have put forward is that a complaint has been made due to application of the pesticide. It would depend on what caused the problem. If the problem was caused by it being applied incorrectly or misapplied then certainly the person applying it could be liable. The company would normally be liable unless it could prove justifiably to a court that it had taken all steps it possibly could to ensure that the person knew how to apply it correctly and was also carrying out audits to make sure that the work was fine. So someone has taken it upon himself to misapply it in the face of all of that. Alternatively, if the problem was caused by the material being formulated incorrectly possibly that would be sheeted home to the manufacturer. So again it would depend on the scenario. But that is my understanding of how things stand at this point.

The Hon. I. COHEN: You said before that yours was a highly regulated industry. Were you referring to the level of regulation or the confusion between the various bureaucracies and the State, local and Federal government agencies? Is there confusion there or do you think the industry is too highly regulated?

Mr TROTTER: The confusion primarily. Our association takes the stance that if there is a step that can be taken to make our industry safer or more effective or move it towards best practice we will embrace it. Without exception, it is the complexity and what we believe to be the ineffectiveness of the current regulations because of the fragmentation and the complexity.

The Hon. I. COHEN: So in terms of the New South Wales Pesticides Act you would not have any objection to tighter regulations as long as they were consistent?

Mr TROTTER: If they were based on a real need rather than a perceived one or an emotive base we would have no problem, if there was a benefit to the public and the industry,

hopefully to both, we would have no problem.

The Hon. J. R. JOHNSON: Is your main business pest control in houses, white ants, and in businesses?

CHAIR: Spiders.

The Hon. J. R. JOHNSON: Businesses have vermin, et cetera.

Mr INALL: Urban pest control relates mostly to pest control in the urban environment, both commercially and domestically. Its prime focus, I guess, is public health.

The Hon. J. R. JOHNSON: Are the very large people in your industry such as Flick members of your association?

Mr INALL: Flick is not. Amalgamated certainly is. AEPMA represents the bulk of pest controllers in the industry. We represent the bulk of the people who are actually out there in the field doing pest control. There is a difference between the numbers of companies you represent and the number of people involved.

The Hon. J. R. JOHNSON: Yes, I understand that. The submission says that you represent the interests of some 1,500 trained pest managers. What does that mean? The owners of the company?

Mr INALL: No. That is what I was alluding to. It is—

The Hon. J. R. JOHNSON: No, in the next paragraph you say that you have a branch membership of 500 pest controllers. I am trying to equate them. What is the difference between trained pest managers and around 500 pest controllers?

Mr INALL: Basically the same thing. AEPMA represents—I do not know the exact figure but it is in the order of 230 member companies in New South Wales, which represents 500 actual pest controllers.

Mr TROTTER: They are the technicians in the field.

Mr INALL: Trained technicians.

The Hon. J. R. JOHNSON: Is it an accredited course?

Mr INALL: It most certainly is, yes.

The Hon. J. R. JOHNSON: Can you employ somebody who is not accredited?

Mr INALL: Only if they are under training. If they are applying pesticides they have to be fully trained and licensed or under training, for which they have a trainee's permit.

The Hon. J. R. JOHNSON: And they would be under supervision during that training?

Mr INALL: Yes, there are guidelines laid down for that. That is included in the current legislation.

The Hon. J. R. JOHNSON: In a block of units or townhouses there may be 10 units on a floor. You have been called to render your services to two or three of the units on the floor. The units also have allocated to them a storage space, some on the same floor, but communal storage space and the same in their garage space. There may be no separation or separation every third car space. When you go in do you notify the other occupants of that floor or the other owners of part of the space? You have been employed by only one of them but their place for storage has two other people's goods in it—blankets and pillows, children's toys and the usual things that are stored in those storage spaces. Do you notify the others?

Mr INALL: I do not know that that is specified in any sort of legislation that anyone—

The Hon. J. R. JOHNSON: No, I am not asking you that.

Mr INALL: No, but I am going to answer though.

The Hon. J. R. JOHNSON: What would you do?

Mr INALL: If it was in a body corporate situation I would do the work through the body corporate and it would send out letters, et cetera. If there are any communal areas or combined usage areas you most certainly would not touch those without making sure that at least the people who shared it were notified and were involved. It really would depend on what you were going there to do. You do not just go and spray the whole lot because someone wants cockroaches in their kitchen fixed. I do not know whether that answers the question.

The Hon. J. R. JOHNSON: You do not notify them; it is up to the body corporate to do it.

Mr INALL: That is how I would approach the problem. The body corporate has the facility to notify the other tenants. In some circumstances we would require the person we are doing the work for to notify people. In some cases it is probably not so difficult for us to notify all the people in a block of units. However, in some situations it is almost impossible.

The Hon. J. R. JOHNSON: It is certainly difficult in a block of units because of airconditioning and reverse cycle.

Mr INALL: That is true, and that is why you go through a body corporate organisation. We are talking about who is in the best position to notify the people who will be affected, and that relates to the body corporate. In relation to airconditioning, et cetera, there are standard situation in which the airconditioning is turned off. The question assumes that each time you do a pest control job in a unit in a block of units you will use a pesticide that produces fumes. That is becoming fairly much old hat now. Space spraying is being superseded rapidly with things like gels. Only minute quantities are used and they produce no fume effects.

The Hon. J. R. JOHNSON: Do you know whether parents are notified before you go into a school?

Mr INALL: They most certainly are, but again it is a matter of how the job is approached. No pest control in a school would be done without going through the principal and having a memorandum sent to all parents. I could not imagine that not happening.

the Hon. J. R. JOHNSON: Are you contracted by the school or by the department? Does the department contact you and ask you to do a school in Springwood, Glenbrook, Lithgow, Orange or Tamworth?

Mr TROTTER: By the school, individually.

The Hon. J. R. JOHNSON: By the school, and then the school notifies the parents.

Mr TROTTER: That has certainly been my experience.

The Hon. J. R. JOHNSON: Do you require it? Do you tell a school that it is advisable to notify the parents?

Mr INALL: I am from the Australia Capital Territory so I am not completely familiar—

The Hon. J. R. JOHNSON: You have schools in the Australian Capital Territory.

Mr INALL: Yes, but the Australian Capital Territory has specifications for the conduct of pest control in schools.

The Hon. J. R. JOHNSON: You might have that but that does not answer my question. Are the parents notified? Do you believe that it is part of your contract to advise a teacher when you will be in the classroom and that he or she should ensure that the parents know?

Mr INALL: Absolutely. There is no hassle with that. Indeed, that is the only practical way to do it. Obviously people in the school community need to know that pest control is being conducted in the school, irrespective of what it is. That can only be done practically through the school administration, which has a list of the people who attend.

The Hon. J. R. JOHNSON: I know that. Do you say to the school that is employing you, "Will you advise"?

Mr INALL: I personally require it.

CHAIR: You might feel that way but I think the Hon. J. R. Johnson is trying to find out whether your organisation has guidelines that all your operators do that.

Mr TROTTER: That was going to be my question. Are you asking us personally or are you asking us in relation—

The Hon. J. R. JOHNSON: You are here representing your body, not you personally.

CHAIR: Do you have guidelines or do you suggest to your operators that before they spray they get either the school principal or the chairman of the body corporate to say, "I have advised the relevant people"?

Mr INALL: No, our association does not because I believe it is contained in the regulations.

The Hon. J. R. JOHNSON: Your clients would not have the regulations.

Mr INALL: No. There is a code of practice for the conduct of pest control in schools in New South Wales and in the Australian Capital Territory.

The Hon. J. R. JOHNSON: In your submission you state that the organisation believes that the penalties applied should reflect the circumstances of the offence, for example, the size of the company and whether it is a first offence. If the offence was of such a magnitude, I could not care less whether the size of the company was one or 500; the circumstance would be taken into consideration by the presiding judicial officer. I have not grasped why you think the size of the company or whether it is a first offender should be dealt with leniently, depending on the magnitude of the case.

Mr TROTTER: In relation to the first offender component, we tend to believe that someone who re-offends should be dealt with more harshly. You could argue that something may have occurred inadvertently, albeit with a large result. We believe that it is difficult for someone to argue that something happens inadvertently repeatedly. Certainly, the first offence component has that in mind.

The Hon. J. R. JOHNSON: But it all depends on the magnitude of the first offence.

Mr INALL: Certainly, magnitude has a lot to do with it as well. However, our argument is that a practitioner in our industry who offended repeatedly should be dealt with more harshly than someone who had offended once and not again.

The Hon. J. R. JOHNSON: In terms of the treatment of termites, recently one university found a fungus that will kill off or neuter termites, which would be of immense advantage to the industry worldwide? Do you have any additional information about that?

Mr INALL: I am very familiar with metharisium, which is the fungus you are talking about. It is a natural predator of termites and the CSIRO has been researching it for a number of years. I have been involved in some of the work that has been done on it. There are problems with it. There are problems of repellency and problems relating to the effectiveness of the carriers of the metharisium fungus. The fungus does its job very well but the problem is getting it where it needs to be to be effective. We have been waiting for many years for something like metharisium to come onto the market.

The Hon. J. R. JOHNSON: But you expect it to be on the market. It has arrived, has it?

Mr TROTTER: From time to time we get questions about metharisium. To the best of my knowledge CSIRO has been working on this for more than 15 years. It is not new.

The Hon. J. R. JOHNSON: But CSIRO has made an announcement within the past three or four weeks.

Mr TROTTER: Yes. I suspect that that might have been the result of a news release on what was perhaps a quiet news day. To the best of our knowledge there has not been any significant change in that status. If there had been a change our industry would be delighted and would embrace it.

Mr INALL: Absolutely.

The Hon. J. R. JOHNSON: Have you seen a transcript of the Australian Broadcasting news item on 13 July?

Mr INALL: I saw that in Canberra. Our problem is that we have been hearing about the imminent release of metharisium commercially for a long time. It will be excellent when it gets here. I have every reason to believe that it will get here, but we will believe it when we see it. It has been a long time coming.

CHAIR: I have some questions on notice for you. Can you expand upon the concerns outlined in your submission regarding implications for using pesticides at rates lower than the recommended levels? Are there any areas of education and training that need to be addressed to ensure misuse of pesticides is minimised? Are there any improvements that could be made in the area of workplace safety for pesticide applicators such as protective clothing? Do you support the registration of chemical users at the point of sale as a means of documenting and licensing all users? Are there any improvements that could be made in the area of labelling of pesticides and disposing of pesticide containers that may minimise damage to persons, property or the environment? What is the chemical normally used for spraying cockroaches?

Mr TROTTER: A range of materials are registered for cockroaches. In any area where it is intended to apply material the first thing to do is to select a material that is registered for the pest in that area.

The Hon. J. R. JOHNSON: There are plenty of materials registered but not many of them work.

Mr TROTTER: That is a different question. In relation to a building like this, following the principles of integrated pest managements, we recommend that all our members use the least toxic material and the smallest amount applied to the smallest amount of areas to achieve the necessary result. Of course, an overriding factor is health and safety.

The Hon. J. R. JOHNSON: Does that not chase the pest out of one room and into the next?

Mr TROTTER: If it is repellent it might; if it is not repellent it will not.

CHAIR: These days it would be preferable to use a bait or something like that, rather than a spray.

Mr TROTTER: Yes, a gel bait. In areas that do not lend themselves to baiting, such as sealed voids, you might use an insecticidal dust, a talc-based dust, with one of the pyrethroids like permethrin which has extremely low levels of toxicity. You can control its spread. It is going into a given area; it will not move from that area.

CHAIR: What about rats in the city?

Mr TROTTER: That is a big question which would take some answering. In this building?

CHAIR: No, just in the street.

Mr TROTTER: Controlling rats in this city to any degree at all would be a huge

undertaking. It would have to start with a very detailed study. I would not like to try to anticipate what that would show without actually doing the research.

The Hon. J. R. JOHNSON: Since the slabs were put down in Martin Place and outside this building that seems to have provided a home for rats.

Mr INALL: That would be true because they burrow.

CHAIR: They burrow?

The Hon. J. R. JOHNSON: There is no need for them to burrow. They seem to have created the environment for rats.

Mr TROTTER: They may well have done.

Mr INALL: Probably the greatest contributing factor to pest infestation in urban areas is construction design. The design and construction of houses lend themselves to providing pests with a terrific habitat. Pest management is not only the application of pesticides or baits and gels; it is also correcting deficiencies in construction, for example, cable ducting when pipes have been put through walls without those things being plugged, and guttering. If more thought had gone into the construction and architecture possums would not get into roofs, birds would not nest in eaves and things like that.

The Hon. I. COHEN: Does your industry have any information or anything like a preventive measure manual?

Mr TROTTER: There is no manual as such. The association produces some material on risk reduction. There are steps people can take to reduce risk but they are not formalised in a manual. A number of our members produce fragmented pieces of material but we do not have a manual that covers the lot.

Mr INALL: We have a web site which is fairly new. The purpose of that is to provide as much information about that as can be provided generally to the public.

(The witnesses withdrew)

JILLIAN CRANNY, Representative, North Coast Environment Council, National Toxics Network and Toxin Action Group (North Coast), P. O. Box 410, Dorrigo, sworn and examined:

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms CRANNY: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms CRANNY: Yes.

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present to the Committee should be seen or heard only by the Committee, the Committee would be willing to accede to your request and will hear the evidence in camera. I must warn you that Parliament can override that decision but it has not done so to date. Would you like to give a brief presentation and the Committee will then ask you questions?

Ms CRANNY: I would. I prepared a few overheads but I think it might be a bit inconvenient. There are only three short pages.

CHAIR: Would you like to table those?

Ms CRANNY: Yes. I have several documents I would like to table.

Motion by the Hon. I. Cohen agreed to:

That the documents be tabled.

Ms CRANNY: The first is the Australian National Pesticide Risk Reduction Workshop and many of the questions in this are mine. I was at the proceedings conducted in April 1997 and the document has just been published.

CHAIR: Who conducted that?

Ms CRANNY: The Federal Bureau of Resource Sciences organised it and many stakeholders from the State departments of New South Wales were present. The other important large report I would like to table is a report submitted by Aquatech to the Environment Protection Group. It covers "Monitoring of the Environmental Effects of Agricultural and Veterinary Chemicals in Australia". It is a preliminary investigation report resulting from a direction given by the Government in 1990. It was developed by 1997 and is very important because it overviews all monitoring data in Australia on agvet chemicals.

I would also like to table a policy issues paper that I prepared on behalf of the National Registration Authority Community Consultative Committee of which I have been a member for the last 3½ years. I come to the end of my term in December this year. The committee authorised me to produce a policy paper that covered all of the salient policy concerns of our committee on agvet issues because we were concerned that our committee was being locked

out of policy input at the Federal and State level on agvet issues despite a standing committee resolution in 1993 by SCARM that community input should be encouraged into chemical issues at a policy level. I was finally endorsed by the committee to produce this report, which was meant to go to AVCPC, the agvet chemical policy committee. But instead Ray Jefferies came over and it was not presented to the AVCPC although I am still unsure as to why.

CHAIR: What is SCARM?

Ms CRANNY: It is the Standing Committee on Agricultural Resource Management. Another paper I wish to table was put forward by Greenpeace and tabled at the Austrian Convention on Endocrine Disruption entitled "A Precautionary Approach to the Regulation of Endocrine Disrupting Substances". I table this document because it lists agricultural chemicals that are considered endocrine disrupters. Because of the interest in labelling shown earlier and our committee's concern that labelling review and reform is not occurring adequately or often enough, I will also table a paper presented by one of the new members of our committee, Wayne Cornish who represents the South Australian Farmers Federation on chemical labelling which I think would be useful for this inquiry. I have underlined the document—it was not done by the original author, Wayne—and put exclamations marks because I am concerned with what he has mentioned in the document regarding proposed Chemclear, where they are clearing out unwanted chemicals.

He stated that he thinks it is unlikely that the chemical industry scheme, Chemclear, will accept unused chemicals that cannot be identified. I raised those issues at the NRA regarding what chemicals are covered by Chemclear and I am very concerned that the head of the Farmers Association is saying that Chemclear will not take chemicals that cannot be identified. That is not the case. Chemclear was designed to clear out unwanted, unlabelled, unregistered, out-of-date chemicals, not just in country areas but in urban areas as well. I am still waiting for confirmation regarding exactly what will be cleared.

I table a few media clippings from the local community where I have been living because sprays have concerned the Bellinger shire for over a decade now. In the mid 1990s quite a few local environment groups threatened to take local council to court over boom spraying vast kilometres of roadside. This resulted in a mediated outcome. We did not go to court but instead a roadside management plan was developed. The EPA did a roadside monitoring testing of Frenock and RoundUp and the Department of Agriculture set up a three-year trial on weeds. I also conducted a roadside weed trial over a two-year period. Weeds are a big concern in my community but we are very concerned to see best management practice adopted, integrated weed management encouraged and a chemical reduction commitment made. Our council has now done that. I also table an internal draft letter to the NRA regarding some of the concerns of the committee touching on training of people, chemical expertise and whether or not discussion on labelling has been effective for.

CHAIR: It is actually on AWU letterhead, is it not?

Ms CRANNY: It is on the letterhead of the Australian Workers Union because it comes from Dr Yossi Berger, who is the head of that unit. He works with me on the committee and the two of us have set up a communications subcommittee because we felt frustrated that quite a lot of the directives that were being put out were not being actioned quickly enough or at all. For example, we wanted to let all the landcare groups across Australia know that our community consultative committee existed. I have been on it 3½ years and that has not even gone out, so I took on that job in the last couple of weeks. I had the contact details of our

committee included in the *Landcare* magazine to let them know that it exists. It sums up some of the frustrations we have faced over 3½ years. Also, I will table the talk I hope to give. There are also the three overheads that sum up my talk.

Documents tabled.

CHAIR: Do you have copies for each member of the Committee?

Ms CRANNY: No. I have looked at the terms of reference of the Committee and I will stick to those areas that the Committee has been briefed to cover. Specifically, I am concerned that right at the start we have to look at the sustainability of our agricultural industries which rely on intensive pesticide use and I will be hoping to clearly show that it is increasingly not economically or ecologically sustainable for agricultural industries to rely on intensive pesticide use. Economically they will be facing increasing litigation problems, high insurance and the inevitability that they will have actions taken against them by a neighbour, several or possibly even class actions should off-target drift continue to cause problems. The Aquatech report supports much of what I am saying and I shall quote straight from the report:

Currently Australia cannot demonstrate to the rest of the world that its use of agvet chemicals has minimal environmental impact and is consistent with the best world practice.

The reason we cannot show the rest of the world that is that we do not have a national environmental monitoring program or a national health monitoring program. They are all over the place in every State. Some have some monitoring, and I will not go into detail because the Aquatech report is an expert paper on it. The main concern of the community and the environment movement is that unless we have these monitoring programs in place, there is no proof that the registration requirements that are being enforced at the NRA level down to the control of use are adequate in preventing environmental or human impact.

Because of the rapid changes in science and technology in this field I am concerned that legislation and regulations are being left behind and I would urge this Committee to take a precautionary approach, hence the need to table the Greenpeace paper, which is very comprehensive regarding quite a few areas that have experienced this rapid growth in science and technology. Endocrine disrupting chemicals and genetically modified organisms are the two main areas of concern regarding the pace of technology and the inability or slowness of regulation to catch up. Therefore, I strongly urge the Committee to take this precautionary approach that is a requirement of ecologically sustainable development principles and specifically to consider future generations when we make our decisions. We should leave the environment at least as good as we find it, if not better, and that is meant to be a legislative requirement now.

Regarding genetically modified organisms, we do see that the health Ministers have made a commitment to require a certain degree of labelling. But until those threshold limits are given to the community to make comment on it is a little early to see that that would satisfy the networks that I represent. I am very concerned specifically on genetic herbicide-tolerant crops. I have been receiving mail-outs from the Genetic Manipulation Advisory Committee [GMAC] since it was set up and right from its first few annual reports it promised it would develop a national strategy for the commercial release of herbicide-tolerant crops before any commercial release occurred.

GMAC has never consulted with or involved any community-endorsed environment

groups to have input. Hence, after more than five or six years of large-scale trials of commercial seed stock of herbicide-tolerant crops have been allowed and promoted through GMAC without the national strategy promised by it. The community is not only let down but is potentially at risk. We hear the story that genetic engineering is there to be a panacea of some sort to feed the starving world. While I do not oppose all genetic manipulation for science and research in medicine, I get quite concerned about the arguments on herbicide-tolerant crops. It is obvious that a herbicide-tolerant crop is more likely to result in much larger amounts of herbicide being applied because the crop will no longer suffer. There will be much larger potential for off-target drift and contamination of the environment and neighbours. Hence the argument that it is going to be used to reduce pesticide use is very shallow.

On the local government scene it is of concern that the new legislation has put more responsibility back onto local government. With regard to the testing of pesticides local councils are very much inadequately resourced to undertake comprehensive or even adequate pesticide monitoring. There are no clear protocols established. I believe that the Australian drinking water guidelines suggest that pesticide monitoring by local councils be done annually, if at all. That is not acceptable in this day and age. "Annually, if at all" with no set standard protocols for the data that is collected to be fed into our future national database is wasteful of government money. Multiple chemical sensitivity is on the rise. I am saddened and angered to think that some of the concerned parents of suffering children are being labelled as suffering from neuroses or, even worse, Munchausen's syndrome, which the Committee has probably heard about lately. It seems that we are being exposed to it in the media, maybe as a conditioning process, so that we can accept it. I am concerned that the Health department may soon be saying we are approaching epidemic proportions of that syndrome in New South Wales.

Home and garden chemicals may well be a major source of exposure and I certainly hope they will be covered in this review. I raised the issue of indoor air quality more than 10 years ago with the Department of Health. I was on environmental health committees on the north coast with Dr Beard in charge. We raised concerns regarding birth defects in Coffs Harbour possibly linked to aerial-sprayed pesticides. Soon after that period of time Dr Beard chose to cancel all environmental health committees. He told us that we would now be informed on a need-to-know basis. It is unacceptable that I have had no recourse to any other action with health since, except when dealing with them up at the middle pocket mediation. I went to help the groups up there and again we discussed the need for health to be involved in monitoring. I support the proposed amendments of the Total Environment Centre to the Pesticides Act. I commend John Pollack and the toxic chemicals committee on his very impressive work on chemical addition and synergism.

I am also very concerned about the community's right-to-know legislation. I understand that the Public Interest Advocacy Centre drafted such legislation for New South Wales more than five years ago. I believe that legislation was not enacted and I am concerned as to why because I raise these concerns of the community all the time. What are the inert? What are the surfactants? What are the non-active ingredients in a product? The community has a right to know. I have 18 pages downloaded from the Internet on the EPA USA super fund sites and how much they value the community being involved in consultation on those sites. I am very disappointed that Australia, especially at the State and national level, does not value community input. In fact, we for many a year we have been blocked out of it on policy. I have also pushed for pesticide reduction in local councils. I designed a pesticide reduction program aiming to see councils set targets. They all told me, "Unless we have to we will never do this." Quite a few have now developed some positive initiatives in pesticide reform.

The Nambucca Shire Council, Bellingen Shire Council and Coffs Harbour City Council are in the neck of the woods on which we focus and have all got some very good policies on pesticides. Nambucca initiated a buffer zone policy between rural and urban areas and said, "If you are going to start spraying, you have to prove that you have got a vegetated buffer strip between where you are putting the chemicals and where our urban population is because we know that that will reduce spray drift. We will put a bond in place to make sure that those people plant those trees and they will not get their money back until we come out and check that the trees are growing and looking good." There are lots of good initiatives happening at the local level. These initiatives are not being equitably shared amongst other local councils. I am often on the phone with many people telling them of the small progress we have made in trying to help them and their local communities gain the same kinds of progress. We find that when a council has a change of councillors, half of the good progressive policies get thrown out and a new battle begins.

That is why we feel we need to have equity across the local government areas with progress not being allowed to slip back. We are also concerned about inadequate remediation of old cattle tick dip sites heavily contaminated with organochlorins, persistent organic pollutants, about which we have made an international commitment to do something. I have records of the level of remediation that has occurred at these cattle tick dip sites. Usually there is none except that the signs and fences have been taken down. The toxic site has been left there and very seldom has it been adequately remediated. Remediation sometimes means just taking the toxic soil and dumping it at the local tip without signposting and without a management plan. It is unacceptable. We are also concerned about the health investigation levels set for the sensitive use of DDT in the soil. It is proposed to be at 200 parts per million compared to America's sensitive soil level at two parts per million. We are also concerned about the time delays and inadequate responses from government departments, specifically agriculture, health and to a lesser extent the EPA.

The Hon. J. R. JOHNSON: On items of magnitude?

Ms CRANNY: There is just so much. It is hard for me to try to sum up 12 years worth of action on this and the legacy of problems with each department. But that is why I said, "to a lesser extent the EPA", because it has inherited a lot of bad problems left by the Department of Agriculture. I do not think the EPA has been adequately resourced to be able to handle it. I have seen some good intent from the EPA at our local level. It has involved the community and it helped us to be involved in the roadside monitoring program for Frenock and RoundUp about which we were concerned. Again, the cost of analysing and monitoring becomes important. The EPA will be able to elaborate on the projected cost of \$5,000 blowing out to more than \$15,000 because Frenock is so expensive to test. Many laboratories were not even set up to test it. We had quotes ranging from \$700 to \$2,000 per test compared with the standard of \$70 for other chemicals. These problems have to be faced if we are going to encourage large-scale use of a particular chemical. I put the pressure on the NRA to set up a database of analytical methods so that it become a requirement of registration to have an analytical method. Maybe the cost of it is relevant, too.

My last main concern is that of aerial spraying. In 1987 the Commonwealth committee on agricultural chemicals found that there were lots of things that needed to be improved—insurance equipment, pilot training, buffer zones, neighbour notification. It was suggested that they be progressed at the national level. Nothing happened until the 1993 Senate inquiry into agriculture and veterinary chemicals made recommendation 39. It said that we

must demonstrate progress on this issue, the development of national guidelines on aerial spraying. If the recommendations in relation to aerial spraying are not implemented fully it called for the banning or phasing out of aerial spraying of agricultural chemicals to be supported. I call on this Committee to enact that recommendation. It specifically talks about timeliness. I have lots of letters from the NRA saying that progress on the development of national aerial spraying guidelines is very slow. How much longer do we have to wait? I sum up by saying that through a lack of political will to set reduction targets is why innovations in organic and integrated pest management have been starved of support and funding. I call on this Committee to uphold those ESD principles and specifically the precautionary principle and intergenerational equity.

The Hon. J. R. JOHNSON: Does your group operate out of the Bellinger Valley?

Ms CRANNY: I live in Dorrigo, which is up on the plateau, but the north coast environment council covers about 40 environmental groups up and down the north coast. The toxin action group loosely covers that mid-north coast area.

The Hon. J. R. JOHNSON: I am not detracting from it, but was the cleft palate deficiency that was noticeable in children in the Coffs Harbour district only evident for a short while?

Ms CRANNY: It was considered a cluster of birth defects. At that stage cleft palate was considered a minor abnormality. It is not to say it is not still occurring.

The Hon. J. R. JOHNSON: Then it dissipated?

Ms CRANNY: Statistics can be used to prove both sides.

The Hon. J. R. JOHNSON: Yes or no.

Ms CRANNY: Dissipated, no, I believe we still do have cleft palate deformities occurring but whether it is statistically significant or higher than in other areas, again I would say statistics can be used both ways, depending on where you draw your boundaries and how you dilute the sets.

The Hon. J. R. JOHNSON: What is the major concern of the group?

Ms CRANNY: The major concern is the lack of political will to really want to achieve use—

The Hon. J. R. JOHNSON: Leave the political will to us. What is the major concern?

Ms CRANNY: The major concern is the increasing use, not decreasing use. A major concern is that there is no really good incentives for farmers to possibly take a little less income for a while, while they turn to a transition towards organic. We feel there is not a fair assessment of agriculture and veterinary chemicals at the top. We do not think the precautionary principle is being applied at the NRA with regard to review of the existing chemical review program, for example. It has looked at atrazine and endosulfan already and they are still out there. The NRA still did not require mandatory monitoring of atrazine despite it having contaminated groundwater in Australia more than any other agricultural chemical. Other chemicals such as the triazines are on this endocrine disrupter list. Atrazine is banned in

other countries because it contaminated groundwater so readily and yet we still have it being promoted and used by State Forests in plantation establishments by simazine, the sister of atrazine in the triazine family.

Specifically, in these notes that I have tabled, I have talked to a head environmental health officer of the mid North Coast area health unit who said that the data collection of both health and environmental monitoring is so inefficient in the government that if it was a private company it would be sacked. She said it is so inefficient, ineffective and wasteful of resources that she did not believe that it would be changed in her lifetime. I showed some dismay at that and said, "What about litigation? Would that not speed things up?" She said, "Yes, that is the only way that the Government will speed up—if it is continually facing litigation because of its slowness or ineffectiveness in acting on these concerns." I have been raising these concerns on behalf of the community for some time.

The Hon. J. R. JOHNSON: If I were to ask you to draw up a bill tomorrow for presentation to the Parliament, where would you start?

Ms CRANNY: I would start by getting a lawyer sitting next to me and I would go thoroughly through the complexity of it.

The Hon. J. R. JOHNSON: Just tell us what you would do, not what the lawyer would do.

Ms CRANNY: Okay. I would certainly try to address the issues that have been put off and fobbed off as too hard—for example, labelling, training and regular assessment of training programs. I have tabled a letter from Yossi stating that he has seen thousands of people who have been trained and they are still doing it wrongly. We need to have feedback mechanisms to be able to check if what is being said is actually happening and to be able to test the competency of these people, not just book them into a one-day course that gives them the right to have access to very lethal weapons. I would certainly be happy to work on the legislation because I have been so much involved in this for over a decade. I have studied human bioscience and education at university and I believe that I have the ability to give something back to the community, if only I was given the opportunity to be taken seriously and to have those concerns acted upon.

The Hon. J. R. JOHNSON: Do you think you have spread yourself too thinly?

Ms CRANNY: I have not. I get involved in a lot of community liaison consultation and all the expenses usually come out of my pocket. Seldom do I even get my petrol money paid to represent the community whereas there a megafunds put up by the agricultural chemical companies to go to these forums to have a whole tent with the company's name plastered all over it. I will do an eight-hour drive both ways just so that there is a community representative there. Yes, I spread myself thinly because there are not many resources given to the community for capacity building as occurs in the USA where community is actually valued to the point of giving people an adequate income to do better. The US values it.

The Hon. I. COHEN: You mentioned the ongoing issue of roadside spraying. What is the current situation? Is there a community solution? Where are chemicals being put in the regime?

Ms CRANNY: That is a very good issue because in the Dorriggo shire we have a

committee that tries to keep everyone happy. We try to keep the farmers on the plateau happy who are very concerned about giant Parramatta grass getting onto their farms. The council has three different types of policies on methods of application for herbicides in the shire. Because the farmers on the plateau are more conservative and they do not mind spraying, they allow it to continue. Down in the valley where there are very concerned citizens in Kalang they involved the ombudsman in the late eighties. They have had a no-spray zone maintained for over a decade. The councils know that they will be blockaded on the roads, they will have a media onslaught and everything thrown at them if they try to spray up at Kalang Gully whereas in the other valleys they have a middle-of-the-road compromise. They say that they want visibility and to control the weeds but they also want minimum off-target spread of contamination, so they have rope-wick applicators and wick wiping. That is how I think it can work within a community and still be able to come up with different outcomes that respect what people find acceptable.

CHAIR: Is it done by hand with the rope wick?

Ms CRANNY: No, they have a machine—a weed-wick applicator. It is a bit like a brush cutter. There are two spinning discs.

The Hon. I. COHEN: The blades are like power saw blades.

Ms CRANNY: Yes. The machine can be set to a particular height and not wipe out all the good vegetation. We have had professors of ecology speak to our whole community to educate them about integrated weed management. Professor Wal Waley from the University of New England educated the councillors to realise that the blanket boom-spraying of the roadside was counterproductive because it led to erosion and the killing-off of good species that would hold together the side of the road and not be a visibility problem. I think that Coff's Harbour has gone the same way with specific rope-wick applications set at a particular height so that it does not kill off the good vegetation that is wanted and is set to a height that just kills off the Parramatta grass.

CHAIR: If you want to be a bit smarter you mount it on the front of a forklift. It is 10 feet wide and it can be lifted up and down while in operation.

Ms CRANNY: In other countries such as Germany, they have scalping, where they do not use weed herbicides at all. They scalp the topsoil to make it an inhospitable environment for weeds. There are lots of methods. I have written a chapter and I have worked on the ACT weed website fairly recently as a consultant. I have written a great deal on integrated weed management and all the multitude of alternatives to chemicals that are available. Integrated weed management is not about saying that there is no place for chemicals. It is about putting them in their place, that is, at the bottom of the tool box where they belong and as a last resort.

CHAIR: It would result in a huge cost saving because it would cut chemical costs.

Ms CRANNY: Yes.

The Hon. I. COHEN: On a national level, how adequate is National Registration Authority [NRA] assessment? How well is the NRA doing its job?

Ms CRANNY: That is a big question. I do not think that it is adequate if the turnaround time for the existing chemical review program is a guide. It has had three tiers of review. No

doubt the authority is trying to do a thorough job and that is why it is taking so long, but I am still very concerned that it has allowed chemicals such as atrazine and endosulfan to be at large despite knowing that they are causing off-target damage and are much more likely than any other chemical to continue to cause off-target damage.

The Hon. I. COHEN: If atrazine in the water table constitutes an unholy relationship and if one were to test for atrazine, which is freely available in New South Wales, where would one have to send the blood samples and how would one gain some idea of the cost?

Ms CRANNY: I would not know, I am sorry. I am concerned, though, that there are studies showing that chemicals found in groundwater at very low levels of concentration show a presence. I have referred to this study in my paper so it has already been mentioned. Warren Porter from Wisconsin University is a professor of zoology and environmental toxicology and is concerned that quite often chemicals that are assessed by the NRA in isolation are assessed by one active constituent at a time. The NRA will also look at a total product, meaning its surfactants and additives in that one product, but it does not look at a chemical being used and being followed with another chemical and then followed by another chemical. The NRA does not have a cumulative assessment regime and this is what many overseas studies are saying.

The new study points to inadequate testing of pesticides because it looks at the fact that an aldicarb, an atrazine and a nitrate when put together result in a chemical synergy or an enhancement of toxicity which is not being assessed at the registration stage. That is why I say that the NRA is not adequate. It does not factor in precaution in its regime and also it relies on Environment Australia or other bodies such as the Occupational Health and Safety Commission to make its decision. What if those other bodies have not stood up and said, "No, sorry. From an environmental impact point of view, we do not want this chemical registered"? How often has that happened? Not often enough, I believe—especially when we look at how many chemicals that have been banned overseas are still being used here. They have been banned over there for environmental reasons.

Arguments suggesting that because there is so much water in the Netherlands and not so much water over here it will therefore not apply here are not scientific and are not adequate. We want to see the precautionary approach taken. If you are serious about intergenerational equity you will not say, "How much of this chemical can we have in our groundwater before it is a health problem?" You will say, "We do not want any chemical in our groundwater because there might be a health problem and we want to take precautions to make sure our future generations of children are not left a legacy of contaminants in the groundwater just because at the time we did not know about adequate scientific evidence to say that it was harmful."

The Hon. I. COHEN: Yesterday I asked Dr Beard from the Health Department about the Munchausen situation. He was not aware of that. Can you comment on that?

Ms CRANNY: I am aware of it. I watched it on television. I am being exposed to it every second day by the media. I am concerned.

The Hon. I. COHEN: It has been discussed around the Coffs Harbour area with issues surrounding parents who have been affected.

Ms CRANNY: There are parents who have been labelled with that term by the Health Department. There are people who no doubt are neurotic and may be causing problems for

their children, but labelling parents with the severity of the syndrome is a very strong allegation. Imagine how a parent feels when wrongly diagnosed with this syndrome. They feel not only that they have sick children but also that they have a sick Department of Health which sees the parents as the problem. Blaming the victim is what it is called, and I have just about had enough of it. This is a very serious issue and to be shooting the messenger time and time again is just not on. Most people come to me when they are very sick and they say, "Thank you for fighting our fight." I am happy that I am healthy and well enough to be able to fight for them because most of them are too sick to be able to do the kind of work that I do in trying to fight for them.

The Hon. I. COHEN: In terms of multiple chemical sensitivity, is this something that is accepted now by the Health Department and by the medical profession in your local area, given that the Coffs Harbour area has been very much the centre of debate on the impact of chemicals on children?

Ms CRANNY: I do not think so. I think that it would be appropriate for you to send some questions on notice to Health Department staff to find out exactly how they feel about these conditions and to what degree they are prepared to support acknowledging the increase in multiple chemical sensitivity, ME and a whole range of symptoms of different disorders. Some may be the same. The problem is that inadequate testing is occurring by general practitioners who are inadequately trained to recognise the symptoms, often because the symptoms are chronic resulting from very small exposures over 20 or 30 years of pesticide use. The cause is not easy to recognise.

There was an international conference on this. I heard from a doctor in America that a testing procedure called the Cheney protocol had been established. Australian doctors were being encouraged to be better trained in this protocol and in how to assess whether a patient may be suffering from multiple chemical sensitivity. A series of tests could be done and that would scientifically provide evidence to show that there is dysfunction in a particular gland or whatever it was. Unfortunately the AMA or the medical profession as a whole has not embraced that, and I think that is probably because of the cost factor.

The Hon. I. COHEN: Does that need specialised equipment?

Ms CRANNY: It is not so much specialised equipment but it is expensive to order a barrage of tests on people to ascertain if something is a problem or not. I think it is the cost factor which is the reason why it is not embraced in Australia.

CHAIR: We will ask you to take questions on notice. You alluded to Chemclear, which is obviously a Federal proposal.

Ms CRANNY: It will involve all the States in handling in all unwanted chemicals. It is a three-phase program comprising industry, the farmers and government. They have all agreed to meet one section of the cost each. The farmers have picked up the tab for drumMUSTER which is the program of recycling old drums. They have a set levy that the farmers have agreed to pay and that is the farmers' contribution. The Commonwealth Government has agreed to pick up the very expensive tab of handling the disposal of all the chemicals that are handed in. Avcare and industry have signed a commitment to prevent the generation of future waste and will handle that should it arise.

CHAIR: Who administers that? This is the first time we have heard that the Federal

Government has agreed to pick up a tab.

Ms CRANNY: It is part of the Clean Cities Program. I think there are millions of dollars provided but there is a cap on the funding.

CHAIR: Is that being operated by the Department of Primary Industries?

Ms CRANNY: It is not a bottomless coffer.

CHAIR: I will give you a copy of the questions we want you to take on notice. You may well have completely answered them already. When you receive the transcript, make sure that you believe that you have adequately answered these questions. If you have not, just send supplementary answers.

Ms CRANNY: I would be happy to do that.

CHAIR: I ask you the following questions on notice: What is your view with respect to the need or otherwise for buffer zones? Can you outline any areas of pesticide management undertaken in other States that may be useful for consideration by New South Wales? Are there any areas of improvement in the area of pesticide labelling that may assist the effective management of pesticides? How important is town planning to minimise incidences of local conflict between incompatible land uses? Given your organisation's role at the national level, are there any areas where the interface between the States and the Commonwealth can be improved in the area of pesticide management? What is your response to the view that buffer zones are an impediment to industry achieving best management practice with respect to chemical trespass?

(The witness withdrew)

(The Committee adjourned at 3.35 p.m.)