



Note Number: AG1214

Published: October 2005

Updated: September 2008

Off-label Chemical Use in Victoria.

Introduction

DPI encourages the on-label use of agricultural chemicals while acknowledging that this may not always be possible, especially when exotic pests are infesting crops, or in some minor crops where there are no chemicals registered for pest control. DPI also encourages the use of Integrated Pest Management (IPM) techniques wherever practicable to ensure better, longer lasting pest control.

Before using any chemical, users should always read and familiarise themselves with the entire label, and obtain a copy of the product's Material Safety Data Sheet (MSDS). Both provide useful information about the chemical product, its contents, health hazards, safe use and handling instructions, Personal Protective Equipment (PPE) and first aid. Copies of MSDS's are available free upon request from chemical resellers or manufacturer's websites.

'Restricted use' chemicals

DPI has a system of restricting the use of certain high risk chemicals. These chemical are referred to as 'restricted use' chemicals and include herbicides, insecticides and fumigants.

'Restricted use' chemicals are agricultural chemical products that:

- are Schedule 7 Poisons (Dangerous Poisons)
- contain atrazine, metham sodium, ester formulations of 2,4-D, 2,4-DB, MCPA and triclopyr.

'Restricted use' chemicals MUST be used in strict accordance with label directions.

Certain chemical products are classified as 'restricted supply' chemicals by the Australian Pesticides and Veterinary Medicines Authority (APVMA). It is important to note that 'restricted supply' chemicals are different from 'restricted use' chemicals. A product may have DPI state use restrictions, but not APVMA supply restrictions.

Agricultural Chemical User Permit

In Victoria, an Agricultural Chemical User Permit (ACUP) is required to purchase 'restricted supply' chemicals and to use agricultural chemical products that:

- are 'restricted use' chemicals
- contain gaseous methyl bromide, chloropicrin or phosphine for fumigation
- contain pindone concentrate for the preparation of poison baits.

Individuals using any of these chemicals must hold a valid ACUP or be working under the direct supervision of an ACUP holder.

Different arrangements apply to DPI licensed spray contractors and chemical users operating within a recognised Quality Assurance program that requires chemicals to be used in accordance with label directions and is independently audited at regular intervals of less than two years.

Off-label use

Off-label use refers to situations when a chemical is used in a manner that is not specified on the chemical's product label. Examples of off-label use include when a chemical is used to control a different pest or to protect a different host (crop/animal), at a different rate, or in a different manner to that listed on the label.

If a person proposes to use a 'restricted use' chemical for a use that is not listed on the chemical product label, they must submit an application for a Section 25A Permit to DPI. Application forms are available from the DPI Chemical Standards website at www.dpi.vic.gov.au/chemicalstandards. On receipt of an application, DPI will conduct a risk assessment of the proposed use (this may require the applicant to collect data), and will decide whether or not to issue the permit depending on the results.

Restrictions on off-label use

Some categories of off-label use are restricted nationally, such as when a chemical is used:

- at a higher rate than that listed on the label

- more frequently than the frequency listed on the label
- contrary to a specific label statement.

In these cases, a permit issued by APVMA is necessary to legalise the use.

In addition, the Control of Use laws governing chemical use are different between Victoria and other states. While a particular practice may be legal in Victoria, it may be illegal in other states, and vice-versa. For example, in other states, it is mandatory to obtain a permit from the APVMA to use any agvet chemical in an off-label manner. This differs from Victoria, where it is legal to use chemicals other than 'restricted use' chemicals off-label providing that:

- the maximum label rate is not exceeded
- the label frequency of application is not exceeded
- any specific label statements prohibiting the use are complied with (e.g. **DO NOT** statements).

It is therefore vital that chemical users who work across State borders are aware of the particular controls over chemical use that apply in the State where the chemical is to be used.

Off-label use responsibilities

While the off-label use of chemicals other than 'restricted use' chemicals is permitted in Victoria under certain circumstances, any person who chooses to use such a chemical in an off-label manner does so accepting total responsibility for:

- Efficacy - whether the chemical achieves the desired result - or not
- Residues in the environment and in produce
- Occupational Health and Safety issues.

Efficacy relates to the effectiveness of the chemical in providing its intended outcome. While it is not possible to provide comment in relation to efficacy and off-label chemical use, it is important to note that broad assumptions about chemical efficacy are risky. It should not be assumed that all insecticides, or all insecticides from an insecticide class, will have the same or similar effect on a pest. The selection of chemicals for off-label use is complex and relies on knowledge of chemical mode of action, pest life cycles, local, interstate or overseas knowledge and experience.

Experience has shown that while all aspects of off-label chemical use are important, in many cases the off-label use pattern is identical or very similar to the label use pattern, with only the crop, pest or both being different.

In these cases, the label information in relation to operator and environmental safety retains its relevance and should be complied with. If however, the off-label use pattern is different to the label use pattern, an assessment of the risks posed by the change in use should be conducted, and appropriate controls implemented.

Record keeping requirements

Specified records must be made within 48 hours of using an agricultural chemical product, and kept for a period of two years. This applies to all agricultural chemicals used, including poison baits used for pest animal control. This requirement came into effect on 24 July 2007 and excludes the use of household or home garden products.

Residues

Where food crops are involved in off-label chemical use, great care must be taken to ensure that the risks of unacceptable chemical residues are effectively managed. Should the off-label chemical use involve a chemical that is not registered for use on a particular crop, it is unlikely that a Maximum Residue Limit (MRL) has been established, therefore any detection of the chemical as a residue in the harvested produce would be unacceptable.

Should there be no alternative, such as when a chemical is registered for another use on the crop where there is an MRL established, then consideration should be given to conducting residue testing on the crop prior to harvest. This will confirm the residue status of the produce and assist in avoiding unacceptable chemical residues.

Further References

Information on chemical registrations or MRLs can be obtained from:

- DPI Chemical Standards website - www.dpi.vic.gov.au/chemicalstandards
- APVMA website - www.apvma.gov.au
- DPI Chemical Standards Officers

North West

Alan Roberts (03) 5430 4416

Dave Rumbold (03) 5430 4806

North East

Steven Field (03) 5824 5532

Jane Rhodes (03) 5833 5234

South West & Port Phillip West

Jo Robinson (03) 5355 0522

Neil Harrison (03) 5336 6616

Gippsland & Port Phillip East

Michael Laity (03) 9785 0191

- Chemical manufacturers
- Chemical resellers and agronomists

Acknowledgements

This Agnote was developed by Alan Roberts, October 2005

It was reviewed by:

Alan Roberts, September 2007.

Alan Roberts, Farm Services Victoria, September 2008

ISSN 1329-8062

Published and Authorised by: Department of Primary Industries
1 Spring Street
Melbourne, Victoria

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