

Agricultural and Veterinary Chemicals (Control of Use) Regulations 2007 – Agricultural chemical use



Introduction

From 24 July 2007, the *Agricultural and Veterinary Chemicals (Control of Use) Regulations 2007* took effect. An overview fact sheet is also available, which outlines the new Regulations and the background to their development.

Effect of the new Regulations

The new Regulations seek to minimise the risks and maximise the benefits associated with the use of agricultural and veterinary chemical use in Victoria.

The new Regulations are quite different to the old Regulations they replace. A number of provisions in the old Regulations have been deleted, some provisions have been revised, and as new risks have been identified, new provisions have been developed.

The effects of the new Regulations are to:

- prescribe the records to be made and kept by users and sellers of certain chemical products;
- prescribe requirements for labels and advice notes accompanying certain veterinary chemical products sold by veterinary practitioners for the treatment of stock;
- prescribe information to be provided in relation to certain agricultural spraying to be carried out on land near schools, hospitals, aged care services or children's services;
- prescribe the equipment to be used when carrying out aerial spraying; and
- prescribe other matters authorised by the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*.

Who will be affected by these changes?

All primary producers and spray contractors who use agricultural chemical products will be affected by the new changes.

Recording chemical use

Agricultural chemical users are now required to make accurate records for all chemical products used.

This is a significant change to record keeping for chemical users. Previously, chemical use records were only required for 'restricted use' chemicals, and there was no time period for making the record.

The following records must be made within 48 hours of using an agricultural chemical product:

- the product trade name;
- the date the product was used;
- the application rate of the product;
- the crop/commodity that was treated or the situation in which the product was applied;
- the extent of use (the area of land treated, or the volume of water treated, or the volume of stored commodity treated, or the weight of the commodity treated);
- the location where the product was used;
- the name and address of the applicator/supervisor; and
- the name and address of the person for whom the application was carried out.

Where a product is being sprayed outdoors (e.g. a crop insecticide), the following record must also be made:

- the wind speed and direction at the time of application.

This excludes hand-held devices (e.g. small portable sprayers that can be carried by a person and which are operated manually).

If using products that are poison baits intended for pest animal control (e.g. 1080 or Pindone baits), the two additional records required are:

- the date the baiting period began; and
- the date the baiting period ended.

All records of chemical use must be kept for two years after using the chemical product.

Department of Primary Industries (DPI) has developed record keeping templates for spraying and baiting, and these are available from the DPI website.

Exemptions

There are three groups of chemical users who are exempt from these record keeping requirements:

- users of household or home garden products;
- chemical users who are licensed to use an agricultural chemical product under section 108C of the *Health Act 1958* and who use these products in grounds associated with a dwelling or commercial building (other than buildings used for primary production or handling agricultural commodities); and
- chemical users who use an agricultural chemical product in accordance with a Quality Assurance or similar program that has been approved by the chief administrator, and notice of that approval has been published in the Government Gazette.

Notification when spraying near schools, hospitals, aged care services or children's services

There are new Regulations applying to the application of agricultural chemicals by aerial spraying or mister, within 200 metres of a school, hospital, aged care service, or children's service (e.g. kindergarten or child care centre).

The purpose of the new Regulations is to protect these sensitive areas by ensuring that the person employed or contracted to undertake the spraying, and the manager of the facility are notified that spraying is to be carried out, and have the opportunity to take action to manage any potential risks.

At the time a person is employed or contracted to carry out agricultural spraying by aerial spraying or mister, the land manager must:

- advise the employee or spray contractor in writing whether there is a school, hospital, aged care service or children's service within 200 metres of the land to be sprayed; and
- provide the employee or spray contractor with details relating to the location of the school, hospital, aged care service or children's service.

The employee or spray contractor cannot begin spraying without this information.

At least 24 hours before spraying is to occur, the spray employee or spray contractor must provide the land manager with the following information:

- the name of the agricultural chemical product to be used; and
- the proposed time, date and duration of the spraying.

At least 12 hours before the spraying is to occur, the land manager must make every reasonable effort to inform the school principal or site manager of:

- the agricultural chemical product to be used;
- the location of the proposed spraying; and
- the proposed time, date and duration of spraying.

Aerial spraying equipment

When aerial spraying is carried out, the aircraft pilot is largely isolated from the weather conditions on the ground, and it is vital that the pilot is aware of these conditions for effective management of risk.

The Regulations require that one or more of the following methods be used immediately before or during aerial spraying to provide the pilot with an accurate indication of the weather conditions at the target area:

- a smoke generating device used at ground level or near the point of spraying;
- the aircraft is fitted with a smoke generating device that is operating;
- a windsock is operating and is clearly visible to the pilot at ground level at or near the point of spraying; or
- an automatic weather station is located at or near the point of spraying, and information about the wind speed and direction is available to the pilot.

Further information

For further information on the new Regulations, including a free record keeping template, contact the DPI Customer Service Centre on 136 186 or visit the DPI website at www.dpi.vic.gov.au/chemicalstandards.

Copies of the Regulations can be downloaded from the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

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For further information, visit the DPI Website at www.dpi.vic.gov.au or contact the DPI Customer Service Centre on 136 186