



# Chemical Use in Victoria – What I Can and Can't Do.

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## Introduction

In Victoria, the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* came into operation August 1, 1996, setting the rules for chemical use in Victoria. Since then, a number of amendments have been made to the Act to improve its operation. Restrictions apply to the supply and use of certain high risk chemicals (including off-label use), records required for certain chemicals used, as well as the establishment of Agricultural Chemical Control Areas (ACCAs), designed in order to protect susceptible crops from damage.

## Supply of chemical products

The Australian Pesticides and Veterinary Medicines Authority (APVMA), previously known as the National Registration Authority for Agricultural and Veterinary Chemicals (NRA), is responsible for all aspects of agvet chemical manufacture, importation, registration, and review, up to and including the point of sale and supply.

In recent years, the APVMA has restricted the supply of high risk chemicals to ensure they are only supplied to 'authorised persons' who have successfully completed accredited training in their handling and use. These chemicals are known as 'restricted supply' chemicals and include 1080, endosulfan and mevinphos. It is a condition of registration that these products only be supplied to individuals authorised by the State, and it is an APVMA offence to supply these chemical products to an unauthorised person. In Victoria, this authorisation is an Agricultural Chemical User Permit (ACUP). A valid ACUP must be held by the person receiving one of these products, whether they will be the end user (who must also hold an ACUP) or not.

**CAN DO: If you hold an ACUP, you can be supplied with 'restricted supply' chemicals.**

## 'Restricted use' chemicals in Victoria

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

It is important to note that 'restricted supply' chemicals (APVMA) are different from 'restricted use' chemicals (DPI). A product may have DPI state use restrictions, but not APVMA supply restrictions.

**CAN DO: You can only use 'restricted use' chemicals according to label directions.**

Individuals using 'restricted use' 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 (QA) program that requires chemicals to be used in accordance with label directions and is independently audited at regular intervals of less than two years.

**CAN'T DO: You can't use 'restricted use' chemicals without an ACUP unless you're working under the direct supervision of an ACUP holder, are a licensed Commercial Operator or operate under a recognized QA program.**

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](http://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.

**CAN'T DO: You can't use 'restricted use' chemicals off-label without a DPI permit authorising that 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 (e.g. **DO NOT** statements).

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

### Chemical use records

It is compulsory to make specified records within 48 hours of using an agricultural chemical product, and keep these records 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.

Likewise, specified records must be made within 48 hours of using a veterinary chemical product that is classified as a Schedule 4 Poison or which has an applicable withholding period to treat stock animals. Again, these records must be kept for a period of two years.

### Record format

DPI does not specify the format in which these records must be kept. This is to provide a degree of flexibility to users who may wish to keep records on computer, in hard copy (e.g. record book, paper files) or a combination of both. An important feature of any record is that it must be readily available to a DPI authorised officer upon request.

**CAN DO: You can keep records in a format that suits you, providing that you capture all the necessary information.**

Chemical record books that comply with regulatory requirements are available commercially. Record keeping templates for recording the use of agricultural chemicals, poison baits and veterinary chemicals (including hormonal growth promotants) are also available from the DPI Chemical Standards website.

### Off-label use of chemicals in Victoria

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. Any variation from the label Directions for Use constitutes an off-label use.

In Victoria, 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)

Any person who chooses to use these chemicals 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
- Occupational Health and Safety issues
- Residues in produce.

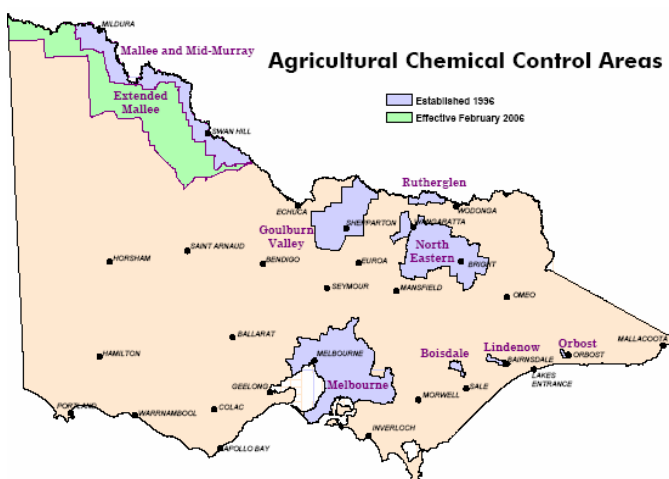
**CAN DO: You can use chemicals off-label under certain specified circumstances as long as they are not 'restricted use' chemicals.**

### Agricultural Chemical Control Areas

Nine Agricultural Chemical Control Areas (ACCAs) have been established in Victoria to protect herbicide sensitive and high value crops (such as grapevines, vegetables, and fruit trees) from damage. The types of herbicides, their method of application and the periods in which certain chemicals can be applied are restricted in these areas.

**Table 1: Dates ACCA restrictions are operational**

Melbourne	All Year
Lindenow	All Year
Orbost	All Year
Boisdale	All Year
Mallee and Mid-Murray	1 August – 30 April the following year
Extended Mallee	1 August – 30 April the following year
Goulburn Valley	1 September – 30 April the following year
North-Eastern	1 September – 30 April the following year
Rutherglen	1 September – 30 April the following year



*Diagram 1. Victoria's Agricultural Chemical Control Areas.*

Chemicals prohibited by aerial spraying or mister application whilst an ACCA is in operation (except Extended Mallee) are:

- any formulation of picloram
- hexazinone applied as a liquid
- products containing sulfometuron methyl
- ester formulations of triclopyr.

Chemicals prohibited by all methods of application whilst an ACCA is in operation (except Extended Mallee):

- ester formulations of 2,4-D, 2,4-DB or MCPA.

**CAN'T DO: You can't use ester formulations of 2,4-D, 2,4-DB or MCPA in an ACCA while it is in operation**

Chemicals prohibited from aerial spraying or mister application whilst an ACCA is in operation (except Extended Mallee) unless a permit has been granted by DPI are:

- any formulation of chlorsulfuron, clopyralid, glyphosate or metsulfuron methyl
- any amine formulation of MCPA, MCPB, 2,4-D, 2,4-DB, dicamba, mecoprop or triclopyr.

Chemicals prohibited while the Extended Mallee ACCA is in operation are ester formulations of:

- 2,4-D or MCPA – by any means of application
- triclopyr – by aircraft or mister application.

*(Mister = spraying equipment that uses air for dispersing the spray, including orchard sprayers, air blasters and air shear sprayers that produce a fine or very fine spray quality according to the American Society of Agricultural Engineers Standard 572, but not air assisted boom sprayers, twin fluid nozzle sprayers or knapsack sprayers.)*

ACCAs are defined by Parish boundaries, and the Lot numbers within those boundaries. Knowing this information for a property will help determine whether or not it is within an ACCA. Accurate maps and descriptions of ACCA boundaries are available from DPI offices and website.

## Code of Practice

Victoria has developed a Code of Practice for Farm Chemical Spray Application to provide a standard for the safe and effective application of chemicals for farmers and other chemical users.

While compliance with the Code is voluntary, chemical users in Victoria should aspire to comply with the requirements of the Code to ensure their chemical application is consistent with good agricultural practice.

## Conclusion

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.

Chemical users should also familiarise themselves with the Control of Use legislation in Victoria to ensure they meet their legal obligations. Chemical users should aim to comply with the Code of Practice for Farm Chemical Spray Application to ensure good agricultural practice in chemical use is achieved. Remember, it's considered a user's 'duty of care' to understand and comply with all the factors outlined throughout this publication.

## Further information

- DPI Chemical Standards website - [www.dpi.vic.gov.au/chemicalstandards](http://www.dpi.vic.gov.au/chemicalstandards)
- APVMA website - [www.apvma.gov.au](http://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
  - South West & Port Phillip West
    - Jo Robinson (03) 5355 0522
    - Neil Harrison (03) 5336 6616
  - Gippsland & Port Phillip East
    - David Stewart (03) 9785 0173
    - Michael Laity (03) 9785 0191
- Chemical manufacturers
- Chemical resellers and agronomists

## References

- *Victorian Agricultural and Veterinary Chemicals (Control of Use) Act 1992*
- *Victorian Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996*
- *Code of Practice for Farm Chemical Spray Application (Victoria)*

*The previous version of this information Note was published in July 2005.*

**The advice provided in this publication is intended as a source of information only. Always read the label before using any of the products mentioned. The State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.**