

Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017 – Aircraft operator changes



Responsible agricultural and veterinary chemical use is critical to protecting and enhancing consumer confidence and market access.

In Victoria, legislation is in place to balance access to agricultural and veterinary (agvet) chemicals with rules that guide their safe and responsible use and manage the risks posed to users, consumers, animals, market access and our environment.

The Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017 came into effect on 23 July, 2017. While there have been no major changes, the Regulations have been updated to ensure they remain the most effective means of regulating agvet chemical use in Victoria.

Key changes and requirements affecting agricultural pilots and aircraft operators are summarised below.

Chemical use records

Record keeping requirements have changed to reduce regulatory burden on chemical users while still maintaining sufficient information to provide traceability and verification of compliance.

The user of an agricultural chemical product must ensure an accurate written record of the details outlined below is made within 48 hours of using that product. Records may be made by a third party (e.g. a supervisor or assistant) or via automated data logging, but the user must ensure they are accurate and are kept for two years.

Record keeping templates are available at www.agriculture.vic.gov.au/chemicaluse

Agricultural chemical use records

Product trade name
Date the product was used
Application rate of the product or sufficient information to allow it to be calculated
Crop/commodity that was treated or the situation in which the product was applied
Specific location at which the product was used
Wind speed and direction at the time of application (if spraying outdoors)

Name and contact details of the applicator

Name and contact details of the supervisor (if applicable)

Name and contact details of the person for whom the application was carried out (if applicable)

Exemptions apply to approved household or home garden products available from retail outlets that are applied by hand or via a hand-operated device; any agricultural chemical products used to clean a swimming pool or a spa and for licensed pest controllers who use agricultural chemical products in non-agricultural situations.

Notification of spraying by aircraft or mister near specified places

Notification requirements still apply for spraying undertaken by aircraft or mister within 200 m of a school, hospital, aged care service or children's service.

At least 12 hours before spraying is to occur within 200 m of these facilities, the **occupier of the land** must make every reasonable effort to inform the **school principal, site manager or person in charge of the facility** of:

Trade name of chemical product to be used

Location of the proposed spraying

Proposed time, date and duration of spraying

At the time a person is **employed or contracted** to carry out spraying by aircraft or mister, the **occupier of the land** must advise them in writing of:

The details of the location/s of any school, hospital, aged care service or children's service within 200 m of the land to be sprayed.

At least 24 hours before spraying is to occur, the **employee or contractor** must provide the **occupier of the land** with:

Trade name of chemical product to be used

Proposed time, date and duration of the spraying

A notification template is available at www.agriculture.vic.gov.au/chemicaluse

Aerial spraying equipment

The Regulations now provide aircraft operators with the option to use a ground-based person to monitor wind speed and direction when spraying agricultural chemicals. This change provides greater flexibility in monitoring options, particularly for rotary (helicopter) operators who typically have a person on the ground near the application site when spraying.

The Regulations require that one or more of the following methods be used immediately before and 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 at or near the point of spraying
- a smoke generating device that is fitted to the aircraft
- an operating windsock that is clearly visible to the pilot at ground level at or near the point of spraying
- an automatic weather station is located at or near the point of spraying, and information about the wind speed and direction is continuously available to the pilot
- the pilot is in continuous radio communication before and during spraying with a ground-based person, who is located near the point of spraying and uses equipment to measure the wind speed and direction.

25A Permit changes

The Australian Pesticides and Veterinary Medicines Authority (APVMA) may now issue permits to use 'restricted use' chemicals off-label in Victoria. This eliminates the need for a Victorian section 25A permit in most cases. This change reduces duplication in permit processes and provides users with greater access to approved chemical uses.

'Restricted use' chemicals are agricultural chemical products (not including home garden products) that are:

- Schedule 7 Poisons
- contain atrazine
- contain metham sodium, ester formulations of MCPA, 2,4-D or 2,4-DB or triclopyr.

These chemicals must only be used according to their label directions unless the APVMA have issued a permit authorising that particular use.

Information on the APVMA permit process, including a search tool for current permits may be found at www.apvma.gov.au

Further Information

For more information about agvet chemical use requirements in Victoria, visit www.agriculture.vic.gov.au/chemicaluse

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