



Pesticides use in Agriculture and the Notification of Neighbours

STATEMENT OF PRINCIPLES

INTRODUCTION

The use of pesticides in agriculture carries with it risks that must be managed in order to minimise adverse impacts on the environment, human health, worker safety and our domestic and international markets.

One means of helping to minimise risks is to notify neighbours about pesticide use. This would provide warning to neighbours thereby enabling them to take protective action (eg, by moving livestock), or allowing the pesticide user to be alerted to a particular potential problem (eg, a health concern) which may require modification of spray operation practices.

Importantly, an open approach by pesticide users may also help to reduce the prospect of misunderstanding and alarm by neighbours, and avoid tension and dispute between them and the pesticide user.

This statement of principles is designed to provide guidance to pesticide users on notification strategies that can be incorporated into voluntary industry codes of practice or into notification arrangements by individual producers.

Compliance with these principles, and any voluntary codes into which they are incorporated, is not mandatory, but the Environment Protection Authority (EPA) advises they may be taken into account in any decision to prosecute under the *Pesticides Act 1999* or by the Courts in determining negligence, and in its extent.

DEFINITIONS

For the purpose of the statement:

A neighbour can be broadly defined as the owner/occupier of a property immediately beyond the boundary of the property where pesticides are to be applied. A boundary may in this context also refer to properties separated by a roadway. Any determination of a neighbour will require judgement and consideration of local conditions, but would include any property at credible risk from inadvertent spray drift.

An owner/occupier means the person who has control over the property and could be the owner, lessee, sharefarmer or manager.

A pesticide user is the person with management responsibility for the spray operation whether it be applied by an employee or contractor.

Sites of special concern include premises such as schools, pre-schools, child-care centres, hospitals, nursing homes and hospices that require special consideration in spray operations.

PRINCIPLE 1:

Pesticide users must follow any requirements for mandatory notification that apply to their circumstances.

Pesticide users must follow any notification requirement set out by the Australian Pesticide and Veterinary Medicines Authority (APVMA) and included on specific pesticide product labels or permits. The APVMA has imposed notification requirements on only a limited range of pesticides, including the insecticide endosulfan and vertebrate pest poisons sodium fluoracetate (1080) and pindone.

The EPA can also impose mandatory notification requirements on pesticide users through provisions of the *Pesticides Act 1999*.

Strategies

Identify any registered pesticide used that stipulates a mandatory notification requirement on the permit or label.

Determine whether the EPA has imposed any mandatory notification requirements under the *Pesticides Act 1999* relevant to your industry.

PRINCIPLE 2:

Individuals within a community can have legitimate reasons for requiring notification of pesticides used by neighbouring pesticide users.

There are legitimate reasons why a person may wish to know what pesticides their neighbour is using and when. Those concerns may include possible residues in crops or livestock or perceived effects on health.

Strategies

Any person who has a concern regarding pesticide use in their vicinity should be encouraged to seek advice from neighbouring pesticide users.

To assist neighbours in deciding if they wish to be notified, pesticide users should prepare an information note on the likely spray operations to be undertaken in a forthcoming season outlining the following:

- the pesticides that may be used in the season;

- where they may be used, how often, by what means and when they might be applied;
- the steps to be taken to prevent chemical trespass.

PRINCIPLE 3:

Where further notification is requested by a neighbour, every reasonable effort should be made to develop an agreed means of communication.

Where the seasonal advice provided under Principle 2 identifies a justified concern by a neighbour, the pesticide user should make every reasonable effort to provide notification in a form acceptable to both parties.

Strategies

Consult with the neighbour to identify the nature of the concern and the notification required.

The agreement reached should be proportionate to the nature of the concern, be workable, and allow for emergency applications. The agreement should be in writing and signed by both parties.

The agreement should provide for the pesticide user to notify the concerned neighbour in a timely and reliable manner. The means of such advice should be clearly specified and a time limit for a response by the person notified determined.

It's the responsibility of the person being notified to make arrangements for having the advice passed on to them in their absence.

The pesticide user is responsible for ensuring the agreed notification arrangement is followed even if notification is delegated to an employee or contractor.

Notification should be given with sufficient time to provide the neighbour with an opportunity to take action. Ideally, this should be 24 hours but proper farm management, particularly in response to pest or disease outbreaks or favourable weather conditions, may mean less notice is possible. In such cases every effort should be made by the pesticide user to give the neighbour as much warning as possible.

The arrangement for notification should be reviewed with the neighbour annually or at the instigation of either party.

PRINCIPLE 4:

If agreement cannot be reached after a reasonable period of time, the nature of the negotiations and the reasons for disagreement should be detailed in writing.

In some instances it may not be possible to reach agreement over notification requirements. In such cases a detailed written record of the steps taken to

reach agreement, and of the reasons why it was not achieved, should be made and a copy retained by the pesticide user.

Strategies

Notify the neighbour of proposed pesticide application operations giving as much notice as possible and by such means as ensures effective communication.

Maintain discussion between the two parties in an effort to reach a settlement.

Consider using mediation by a third-party if such intervention might be helpful in resolving the disagreement.

Maintain a record of subsequent discussions and attempts made to resolve the matter.

PRINCIPLE 5:

An agreement to notify does not imply any right of veto by the neighbour of the proposed pesticide operation.

The statement of principles carries no requirement, explicit or implicit, for a pesticide user to obtain consent prior to a pesticide application. However, any requests that a pesticide application not be undertaken, or be delayed, should be given genuine consideration and where possible agreed to.

Strategies

In the event that it's not possible or reasonable to agree to a neighbour's request to delay or cancel a pesticide application, communicate as fully as possible the need to proceed and the reasons for the refusal. As much warning as possible should be given by the pesticide user.

Ensure that a full record is maintained in conjunction with the record of the pesticide application, of the need for the application at that time and the reason why the request was refused.

PRINCIPLE 6:

Sites of special concern warrant extra measures to ensure satisfactory notification arrangements and particular consideration in the application of sprays.

Pesticide users should recognise the special nature of these sites and take additional measures to inform themselves of any particular sensitivities pertaining to the sites, to accommodate those sensitivities, and to avoid causing needless alarm in the conduct of their pesticide applications.

Strategies

Pesticide users should make every effort to avoid causing undue alarm to persons located at the site or to those responsible for those persons. This includes avoiding the perception of chemical trespass.

In addition to providing an information note as provided for under Principle 2, pesticide users should discuss personally their proposed pesticide application program with the person in charge of the site of special concern.

In co-operation with the person in charge, pesticide users should develop a pesticide application program that accommodates any identified sensitivities or concerns. This could include not spraying during periods when those in the site might be alarmed or inconvenienced by the applications.

Every possible effort should be made to conduct pesticide applications in accordance with the agreed program.

In the event there is a need for a pesticide application outside the agreed program, pesticide users give the longest possible notice of the application to the person in charge and the reason for it.

Both parties should maintain close contact to ensure each is kept informed of any concerns or changes in circumstance.

The pesticide user should maintain a record of the agreement reached and the circumstances relating to any pesticide application conducted outside that agreement.