

Controls over the use of agricultural and veterinary chemicals in the aquaculture industry

Correct at May 2007

1. Legislation for the control of chemical use

Chemical Usage (Agricultural and Veterinary) Control Act 1988 (Chemical Usage Act)

Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

The legislation, administered by the Department of Primary Industries and Fisheries (DPI&F), provides for controls over the use of agricultural and veterinary chemical products by all chemical users, and can be accessed on the Office of the Queensland Parliamentary Counsel website at www.legislation.qld.gov.au

2. Responsibilities of all chemical users

All users of agricultural and veterinary chemical products are required, under the legislation, to:

- only use registered chemical products that have been approved for the proposed use
- use the registered chemical product in accordance with the instructions on the label approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA).¹

Other chemical products can only be used if allowed by legislation or if a permit is issued by APVMA.

3. Use of agricultural chemical products

In general terms, agricultural chemical products are pesticides (including insecticides, fungicides and herbicides) that are used to control pests in food and fibre crops, aquatic situations and non-agricultural situations (e.g. commercial land, buildings). It should be noted that any substance used to control pests in these situations would be considered to be an agricultural chemical product.

Off-label use

The Chemical Usage Act allows all persons to use registered agricultural chemical products in certain ways (e.g. lower rate of use) that are not in accordance with the instructions on the label approved by APVMA (i.e. off-label), without these uses being considered offences under the legislation. These off-label use allowances are limited. Refer to s. 13B of the Chemical Usage Act (Compliance with instructions).

All other off-label use is not permitted unless a permit for the use has been issued by APVMA.

Unregistered chemical products

Agricultural chemical products that have not been registered by APVMA must not be used, unless a permit has been issued for use.

4. Use of veterinary chemical products

Veterinary chemical products include any pesticide or medication used on or in animals (including bees, fish and other aquatic species), whether or not applied by a veterinary surgeon. It should be noted that any substance used to treat animals would be considered to be a veterinary chemical product.

Off-label use

The legislation does not allow a person to use registered veterinary chemical products off-label, except where a veterinary surgeon has provided written instructions for

treatment of animals by the person or where a permit has been issued by APVMA. The legislation provides veterinary surgeons with certain off-label allowances (see section 5 of this fact sheet).

Unregistered chemical products

Veterinary chemical products that have not been registered by APVMA and products that have been prepared by a veterinary surgeon or a pharmacist must not be used, except where a veterinary surgeon has provided written instructions for treatment of animals by the person.

5. Veterinary surgeons

Under the Chemical Usage Act, veterinary surgeons are provided with certain allowances to use and prescribe, supply or recommend the use of:

- registered veterinary chemical products off-label
- unregistered veterinary chemical products
- compounded veterinary chemical products (prepared by themselves or a pharmacist).

These allowances for veterinary surgeons are limited by the type of product being used; whether the animals being treated are trade-species animals, major trade-species animals or companion animals; and restraint statements on the label of the chemical product. Trade-species animals include food-producing species such as fish. Aquaculture species are not defined as *major* trade-species animals in the Chemical Usage Act.

In addition, the animals being treated by the veterinary surgeon in accordance with these allowances, or by another person under the instructions of the veterinary surgeon, must be under the care of the veterinary surgeon.

Veterinary surgeons should be familiar with ss. 12–12V of the Chemical Usage Act, which also include record-keeping and information-giving requirements. A summary of these requirements—Controls over the use of veterinary chemical products to treat animals—can be found on the DPI&F website at www.dpi.qld.gov.au

Chemical residues and withholding periods

The treatment of animals with veterinary chemical products will, in many cases, result in the presence of chemical residues in products derived from treated animals (e.g. meat). The label for a registered veterinary chemical product will include information about the withholding period (WHP) for the treatment of those animals that are included on the label. The WHP is the minimum period which must elapse between the last administration or application of a veterinary chemical product (including treated feed) and the slaughter, collection or harvesting for human consumption or use of the animal commodity.

However, in those cases where the veterinary surgeon uses, or prescribes the use of, a registered chemical product off-label, or an unregistered chemical product, there will be no set WHPs. In these cases, the veterinary surgeon must determine an appropriate WHP to ensure that any residues present in the animal at slaughter for human consumption, or in the animal products, are below the maximum residue limit (MRL). If no MRL exists, there must be no measurable residues present.

¹ The label approved by APVMA is generally the label appearing on the container of the product.



Registered veterinary chemical products

Example

Alive-O White Spot Remedy (active ingredients—malachite green and formaldehyde) is a registered veterinary chemical product. As shown on the approved label, this product is permitted to be used for the treatment of white spot in freshwater and tropical freshwater aquarium fish. The label contains the restraint statement 'NOT TO BE USED ON FISH INTENDED FOR HUMAN CONSUMPTION'. While s. 12A of the Chemical Usage Act allows veterinary surgeons to use registered veterinary chemical products off-label, it does not allow a veterinary surgeon to do so contrary to a restraint statement (except to treat a single animal).

Important note: Veterinary surgeons also have responsibilities under the Health (Drugs and Poisons) Regulation 1996, administered by Queensland Health. There is particular emphasis on controlled (Schedule 8) drugs and restricted (Schedule 4) drugs. Contact details for Queensland Health are provided below.

Unregistered veterinary chemical products (e.g. vaccines for streptococcus control)

Example

Under s. 12F of the Chemical Usage Act, a veterinary surgeon may use a veterinary chemical product that is not registered by APVMA to treat a single trade-species animal (e.g. a single fish) only. Vaccines for use in aquaculture species are, by definition, veterinary chemical products and are subject to the same controls over their use as other veterinary chemicals—that is, they must be registered or a permit must be issued by APVMA if more than one animal is to be treated.

In addition, substances prepared by a veterinary surgeon, or by a pharmacist in accordance with the instructions of a veterinary surgeon, do not need to be registered but can only be used to treat a single trade-species animal (e.g. a single fish).

Hence, the use of killed vaccines or autogenous bacterin vaccines prepared by a veterinary surgeon, or by a vaccine manufacturer on the directions of a veterinary surgeon, must be covered by a permit issued by the APVMA before trade-species animals such as fish can be treated (vaccinated).

6. APVMA permits

A permit from APVMA is required if you intend to use an agricultural or veterinary chemical product in the following circumstances:

- use of a registered chemical product off-label, where the use is not otherwise allowed under legislation
- use of an unregistered chemical product, where the use is not otherwise allowed under legislation.

This requirement applies whether or not the proposed use is part of a research trial. APVMA issues permits for research purposes, and for minor and emergency use situations where the unapproved use is outside the parameters of a trial.

If a permit has not been issued, only registered chemical products may be used in strict accordance with the approved product label, unless otherwise allowed under legislation.

Research permits are issued by APVMA for genuine research purposes. A written application for a research permit must be lodged with APVMA and a permit granted before the trial work can begin.

However, an application to APVMA for a permit to conduct small-scale trials is not required, provided the research use complies with all of the conditions of small-scale trial permit PER7250—including the requirement that

no produce resulting from the trial will be made available for human or animal consumption for a period of 12 months following the application of the agricultural or veterinary chemical. The likely persistence of chemical residues should be taken into consideration before deciding to allow animals to be slaughtered for human consumption after the 12-month period. Permit PER7250 may be viewed on the APVMA website at www.apvma.gov.au

APVMA also issues permits for genuine minor and emergency uses. Minor uses generally encompass low-acreage crops or situations, or the limited or infrequent use of a chemical product in a major crop or situation. Many industries, such as aquaculture, are considered to be minor uses because the costs of registration of chemicals for use in the industry outweigh the economic returns to the chemical manufacturer and, hence, few registered chemicals are available for use.

Emergency uses are situations where the proposed use is generally unforeseen, such as the outbreak of an exotic pest or disease, or where unusual weather patterns have caused higher or more frequent pest or disease incursions.

More information about permits and application criteria is available on the APVMA website at www.apvma.gov.au

7. Making claims or recommendations

Claims about registered chemical products

Legislation, administered by APVMA, prohibits the making of claims or recommendations about a registered chemical product that are inconsistent with the instructions on the label approved by APVMA.

Claims about unregistered chemical products

The Chemical Usage Act prohibits the making of claims about the use of unregistered chemical products, unless otherwise allowed under the Act or authorised by an APVMA permit. The Act allows statements to be made in certain circumstances, for example, statements made in scientific papers, reports or at seminars that are based on 'data published in a reputable scientific refereed journal'.

8. Contacts

DPI&F (Biosecurity Queensland)

Legislation and policy
(07) 3239 3937

State coordinator, National Registration Scheme
(07) 3227 7668

Permits and registrations—veterinary
(07) 3247 5642

Permits and registrations—agricultural
(07) 3239 3932

Website: www.dpi.qld.gov.au

APVMA

Agricultural chemicals
(02) 6271 6384

Veterinary chemicals
(02) 6272 3744

Permits
(02) 6272 3726

Website: www.apvma.gov.au

Queensland Health

Environmental Health Unit
(drugs, poisons and therapeutic goods)
(07) 3234 0938

Website: www.health.qld.gov.au