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John Fennell
509 Learmonth Street
Buninyong
June 9 2010

The General Manager
Adjudication Branch
Australian Consumer and Competition Commission
GPO Box 3131
Canberra
ACT 2600

Dear Sir

Re: The Australian Competition and Consumer Commission's authorisation of Agsafe to impose trading sanctions on businesses not accredited through its industry program

I write to support the Agsafe Limited application for revocation and substitution of Authorisations.

Agsafe is an integral part of the Agricultural and Veterinary Chemical stewardship program which also includes drumMUSTER and ChemClear.

Agsafe contributes to the safety of people and premises where Agricultural and Veterinary Chemicals are stored, or sold, through accreditation of the premises, and the training of staff involved in the recommendation or sale of these chemicals.

I am a contracted Agsafe Facilitator involved in the accreditation process and delivering workplace assessments for online training provided by Agsafe. In this role I visit about 220 premises over a two year period and have observed that at most premises there is a genuine effort made to achieve compliance with the various legislative requirements but few actually achieve this at all times. Also the compliance level would be considerable lower without the influence of the Agsafe accreditation and training program.

The reasons for noncompliance are many and include changes to: legislation, stocking levels, chemical formulations, staff, farming practices and availability of chemicals. Many of the smaller operators do not have the staff or resources to keep track of legislative changes and the Agsafe Code of Practice provides a one stop shop for achieving compliance because it draws together a collection of information from the many state and federal Acts and Regulations that pertain to Agricultural and Veterinary Chemicals. Agsafe Facilitators are also available for assistance at any time.

However if Agsafe no longer had the authorisation to impose trading sanctions many of the premises and associated staff would opt out of the safety umbrella provided by Agsafe. I believe that the most at risk premises would be the ones most likely to leave.

Regulatory bodies such as the EPA and WorkSafe cannot, and do not, visit all business premises on a regular basis so that the Agsafe reaccreditation process every 2 years complements the work done by these organisations. Indeed there have been many instances where premises have exceeded manifest quantities of

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dangerous goods and have been unaware of the requirement to notify WorkSafe. Assistance was given with this when required. Most of these cases have involved LPG but there have been other instances where large quantities of toxic compressed gases such as phosphine have been found in noncompliant storages. It is unlikely that these breaches of compliance would have been rectified without the Agsafe accreditation process unless there had been an incident.

S7 poisons in general are now kept in locked cages to ensure that they are inaccessible to the public. However the reaccreditation visits occasionally detect S7 chemicals in the display area. These include creosote (recently reassigned from S6), and Selpor.

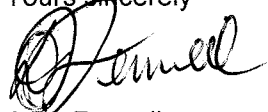
Over the last decade there has been a shift from chemicals which have flammable solvents to those with combustible solvents thus resulting in products that are safer for transport, storage and use. There are a few using isopropanol as a solvent that may present storage problems since these are Class 3 PGII materials. One store visited had a prominent display consisting of approximately 400 litres which is well over minor quantities. This was quickly moved to a more appropriate location in the store.

Incompatible chemicals, particularly Class 8 dangerous goods, are often detected in the same banded area (acids and alkalis or acids and sodium hypochlorite). It is unlikely that the noncompliant storage of S7 chemicals or incompatible chemicals would have been rectified without the Agsafe accreditation process.

1080 baits (S7) are now available for retail sale only through Agsafe accredited stores. These stores must have Agsafe 1080 accreditation and also have staff who have Agsafe 1080 training – these staff are the only ones permitted to make the sales. It is an indication of the high regard for the Agsafe accreditation program that the Victorian regulatory bodies DHS and DPI have entrusted the accreditation and training for the 1080 retail program to Agsafe.

I have previously been a lecturer in Chemistry and Biochemistry at the University of Ballarat (and its precursors) for 24 years. More recently I have worked as an OH&S consultant with specific interest in chemicals risk management and Dangerous Goods compliance. I would be pleased to discuss any aspects of the Agsafe program if required.

Yours sincerely



John Fennell
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CPMSIA