

## What is the definition in the ACVM Act?

Section 2 of the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997 defines an 'agricultural compound' as:

“any substance, mixture of substances, or biological compound, used or intended for use in the direct management of plants and animals, or to be applied to the land, place, or water on or in which the plants and animals are managed, for the purposes of—

- managing or eradicating pests, including vertebrate pests; or
- maintaining, promoting, or regulating plant or animal productivity and performance or reproduction; or
- fulfilling nutritional requirements; or
- the manipulation, capture, or immobilisation of animals; or
- diagnosing the condition of animals; or
- preventing or treating conditions of animals; or
- enhancing the effectiveness of an agricultural compound used for the treatment of plants and animals; or
- marking animals; and

includes—

- any veterinary medicine, substance, mixture of substances, or biological compound used for post-harvest treatment of raw primary produce; and
- anything used or intended to be used as feed for animals; and
- any substance, mixture of substances, or biological compound declared to be an agricultural compound for the purposes of this Act by Order in Council”.

Please note that, for the purposes of this paper, the word 'compound' is used to refer collectively to 'any substance, mixture of substances, or biological compound'.

## Which compounds are agricultural compounds?

'Agricultural compound' covers the following classes of products:

- veterinary medicines (including those used on companion animals)

- agricultural chemicals (including herbicides, fungicides, insecticides, plant growth regulators, surfactants and adjuvants)
- vertebrate toxic agents (that is products that kill or limit viability of animals such as possums, rodents and other unwanted mammals)
- fertilisers and soil conditioners
- petfood, animal feeds (including dietary supplements).

The following compounds are considered to be agricultural compounds in certain circumstances:

**Cleansers, disinfectants, sanitisers, and water conditioners** are considered agricultural compounds *if* they are intended to be used to maintain hygienic conditions for animals or plants (such as a product used to control disease organisms of cows in a dairy shed).

**Products used to clean industrial equipment, or marine antifouling paints used in aquaculture** are considered agricultural compounds *if* they are used on equipment in or on which animals or plants are being managed and *if* the purpose they are being used for is one of those listed in the definition.

**Substances that can be said to have the common characteristics of objects**, for example absorbable suture material or micro-chips, are considered agricultural compounds *if* they have a chemical imbedded in them that makes the two inseparable.

**Materials with the potential to be used as agricultural compounds** are considered agricultural compounds *if*:

- they need no further manufacture, formulation or modification before being used, and
- the stated purpose or use for the product is relevant to the ACVM Act definition of agricultural compound.

An example of this distinction is that if a bag labelled 'zinc sulphate' was purchased without any accompanying stated purpose, then it would not be an agricultural compound at the point of sale. If that same bag was purchased with a label on it stating that it was 'for use on farm animals for the treatment of footrot', it would be considered an agricultural compound.

## Which compounds are not considered agricultural compounds?

The following classes of compounds are not considered to fit the definition of 'agricultural compound':

- products used for purposes that are not listed in the ACVM Act

- public health insecticides
- household fly sprays
- industrial herbicides (where used solely in areas where plants and animals are not being managed, such as commercial industrial sites, to control weeds for purposes such as maintaining asphalt surfaces).

## **Purpose is the main consideration**

To be considered an agricultural compound, a compound must be used (or expressly intended to be used) for the management of plants and animals in one or more of the ways listed in the ACVM Act definition. For example, the use of a compound to control mosquitoes to avoid the spread of animal or plant diseases makes that compound an agricultural compound. The same compound is not considered an agricultural compound if the purpose of its use is to control mosquitoes to prevent the spread of human diseases (because this purpose is specifically excluded under the ACVM Act).

Products that modify animals or plants, even if only to provide some benefit to people, are considered agricultural compounds because the animals or plants are being managed for a productivity purpose (which is one of the purposes listed in the definition of an agricultural compound). For example, this would include products designed to produce components for human pharmaceuticals from cow's milk, because the components are as much primary produce as the milk itself.

Public health and household invertebrate pest control products that only have claims to control organisms to benefit humans are not considered agricultural compounds.

Products used to control animals and plants for a use that is not listed in the purposes in the definition (for example, to protect humans) are not considered agricultural compounds.

## **Clarification of purposes listed in the definition**

Most of the purposes set out in the ACVM Act definition do not require clarification. There are, however, three purposes that can be open to different readings.

### **Managing or eradicating pests**

Section 2 of the ACVM Act defines a 'pest' as any kind of living organism or part of an organism or genetic structure that is capable of replicating itself, that may affect plants, animals, or raw primary produce. The definition specifically excludes humans or any organism that affects only humans. The outcome of pest management under the ACVM Act must therefore relate to the management of animals or plants.

An organism may be a pest in one context and a plant or animal being managed in another. To be a pest, the organism must have an unwanted/undesirable status. The ACVM Act does not limit the way an animal or plant can be given that status except to say that it can be, but

does not have to be, conferred by Order in Council. An organism may also be declared not to be a pest for the purposes of the ACVM Act by an Order in Council.

Pest management includes managing the hygiene of the environment in which animals and plants are managed. Cleansers, disinfectants, and sanitisers are therefore considered agricultural compounds when used for this purpose.

### **Enhancing the effectiveness of agricultural compounds**

Some compounds that do not have a specific plant or animal management purpose on their own are used in combination with agricultural compounds to enhance their management purpose. Such compounds (for example pH buffers, surfactants, stickers and emulsifiers) are considered agricultural compounds because of their use to modify the impact of agricultural compounds.

### **Diagnosing the condition of animals**

This purpose requires minor clarification because there has occasionally been confusion over the meaning of 'condition'. In this context, it is not intended to refer to assessing an animal's general health. It is specifically meant to refer to an abnormality in animals, such as a disease.

## **How do ACVM Act terms affect the scope of 'agricultural compound'?**

### **'Animal'**

MPI considers that all organisms taxonomically classified in the animal kingdom, except humans, are animals. This includes invertebrates and vertebrates but not single-celled organisms such as bacteria and viruses.

### **'Animal feed'**

The Agricultural Compounds and Veterinary Medicines Amendment Act 2007 extended the definition of agricultural compound to include 'animal feed'. As noted above, this includes pet food.

### **'Plant'**

MPI considers that any organism commonly understood to be a plant in New Zealand, independent of its taxonomic classification, is a plant. This includes mushrooms and other fungi.

### **'Post-harvest treatment'**

The Agricultural Compounds and Veterinary Medicines Amendment Act 2007 broadened the scope of post-harvest treatments beyond pest control and disinfestations of raw

primary produce. While this will affect the scope of 'agricultural compound', MPI is not in a position to set a scope for post-harvest treatments that would be equally relevant to all the industry sectors involved. It uses the common terminology of each industry sector to set the scope of post-harvest treatment for that sector.

### **'Purpose'**

The purpose of the ACVM Act, as stated in section 4, is to prevent or manage listed risks associated with the use of agricultural compounds, to ensure that their use does not result in breaches of domestic food residue standards, and to ensure the provision of sufficient consumer information about them. The risk areas listed in the ACVM Act's purpose section have no effect on the scope of 'agricultural compound.'

## **Conclusion**

Clarifying which products are agricultural compounds is the first step that needs to be taken under the ACVM Act. Compounds used to manage animals and plants for the purposes listed in section 2 of the ACVM Act are agricultural compounds. As noted above, some compounds are only considered to be within the scope of 'agricultural compound' in certain circumstances.

The ACVM Act requires all agricultural compounds to either be registered or exempt from registration. While it provides tools that can be used to manage some risks associated with the use of agricultural compounds, the ACVM Act neither requires (nor provides a mandate to MPI) to take responsibility for managing all possible risks. Responsibility is split between several government agencies.