



Regulatory Control of Agricultural Compounds in New Zealand

ACVM information paper

1. The need for regulation
 2. Regulatory framework and Government policy
 3. International influences
 4. Areas of responsibility
 5. Other relevant legislation
 6. Definition of 'agricultural compound'
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1. The need for regulation

Adverse effects resulting from the use and/or misuse of agricultural compounds (see definition at end) can cause serious problems in areas ranging from human health to international trade. Consequently, these products are subject to strict regulatory controls on their importation, manufacture, sale and use.

Regulatory control of these products focuses on avoiding or minimising the possible adverse effects that may result from their use. Because of the wide range of products and substances that are classified as agricultural compounds, the adverse effects could be any or all of the following:

- harm to persons using or exposed to the products
- harm to the health and welfare of animals treated or exposed
- harm to the environment
- unacceptable primary produce for both the local and export market
- unacceptable residues in foods or pharmaceutical products
- introduction of pests or unwanted organisms, or interference in pest control programmes.

2. Regulatory framework and Government policy

The New Zealand Government has created a regulatory framework designed to manage the risks of these adverse effects. The framework includes statutory and non-statutory mechanisms to control substances, products and their use.

The basic Government policy is to impose regulatory control that is 'necessary and sufficient' to manage the risks down to acceptable levels, while avoiding unnecessary costs of compliance to New Zealand as a whole. The policy has a broad focus including:

- domestic food safety
- trade in primary produce and processed foods, food-related products and pharmaceuticals to meet importing country safety requirements
- animal welfare
- protection from the introduction of pests and unwanted organisms
- protection of the environment
- general public health and safety
- health and safety in the workplace.

3. International influences

Government policy is developed from a New Zealand perspective, but it is influenced by international and bilateral obligations as well. These external factors include agreements and treaties between New Zealand and particular countries to facilitate trade, harmonise assurance and compliance activities, and facilitate the movement of people and goods. They also include multinational standards established by organisations such as the World Health Organization (WHO), Office International de Epizooties (OIE), World Trade Organization (WTO), and the Organisation for Economic Cooperation and Development (OECD).

4. Areas of responsibility

Because specialist knowledge is needed to deal with particular risks, the management of risk areas has been placed with different government ministries and departments. There is close cooperation in areas that unavoidably overlap. The table below shows this split.

Area of responsibility	Relevant legislation	Responsible 'department'
Preventing the introduction of, eradicating or controlling pests and unwanted organisms	Biosecurity Act 1993	Ministry for Primary Industries (MPI)
Providing general assessment and imposing control on hazardous substances	Hazardous Substances and New Organisms (HSNO) Act 1996	Ministry for the Environment, Environmental Protection Authority (EPA)
Protecting the general public and the environment from hazardous substances or new organisms	Resource Management Act 1991	Ministry for the Environment, Territorial Local Authorities
Protecting animal welfare	Animal Welfare Act 1999	Ministry for Primary Industries (MPI)
Assurances for the safety of export primary produce, food and food-related products	Animal Products Act 1999	Ministry for Primary Industries (MPI)
Assurances for the safety and suitability of domestic food and food-related products	Animal Products Act 1999, Food Act 2014	Ministry for Primary Industries (MPI)
Managing risks to animal welfare, agricultural security, public health, trade from use of agricultural compounds	Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997	Ministry for Primary Industries (MPI)
Controlling hazards in the workplace	Health and Safety at Work Act 2015	Work Safe NZ
Controlling medicines and drugs	Medicines Act 1981, Misuse of Drugs Act 1975	Ministry of Health, NZ Medicines and Medical Devices Safety Authority

5. Other relevant legislation

Other more general Acts in New Zealand also have an impact on regulatory control in these areas. These include:

- Fair Trading Act 1986
- Consumer Guarantees Act 1993
- Commerce Act 1986
- Official Information Act 1982
- Privacy Act 1993
- Crimes Act 1961.

These statutes cover such areas as consumer protection, consumers' right to know, public access to information, protection of confidential information, official assurances and certification, national/local government responsibilities, and fiscal responsibility.

Collectively, all of the laws mentioned above form the statutory basis for regulatory control of substances in New Zealand. In all of these areas Government policy is based on the principles of:

- regulatory intervention only when it is necessary
- establishing acceptable levels of protection from adverse effects.

6. Definition of 'agricultural compound'

The legal definition of an agricultural compound, as stated in the ACVM Act, is:

... 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—

- a. Managing or eradicating pests, including vertebrate pests; or
- b. Maintaining, promoting, or regulating plant or animal productivity and performance or reproduction; or
- c. Fulfilling special nutritional requirements; or
- d. The manipulation, capture, or immobilisation of animals; or
- e. Diagnosing the condition of animals; or
- f. Preventing or treating conditions of animals; or
- g. Enhancing the effectiveness of an agricultural compound used for the treatment of plants and animals; or

h. Marking animals;—

and includes any veterinary medicine, any substance, mixture of substances, or biological compound used for post-harvest pest control or disinfestation of raw primary produce, 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 made under subsection (2)

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