

CODE OF PRACTICE FOR OWN USE OF COMPOUNDS

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Agricultural Compounds and Veterinary Medicines Group
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1 INTRODUCTION

Under Schedule 1 of the ACVM Regulations 2001 compounds that are not trade name products can be used as agricultural compounds by persons treating their own animals or plants on their own land without registering the compounds as trade name products.

The Schedule 1 exemption imposes a condition that users of such compounds must comply with the applicable code of practice. This Code details the expectations of responsible use of own compounds.

1.1 Scope

1.1.1 Persons who must use this code

This Code of Practice must be followed by any person using a compound that is not a trade name product as an agricultural compound on animals or plants owned by them or in any land, place or water owned or occupied by them.

This Code provides expectations for what the user must and must not do to comply with the Code.

1.1.2 Risks Managed by the Code

Users of this Code must manage the risks under the ACVM Act that may be associated with the use of compounds not subject to registration. These are:

- a. Risks to animal welfare;
- b. Risks to trade in primary produce; and
- c. Risks to agricultural security.

It must be noted that apart from the risks managed under the ACVM Act, persons using compounds in this manner must consider other risks such as those to the environment and public safety. They are therefore likely to be subject to statutory obligations under other legislation managing such risks. These include:

- Resource Management Act 1991
- Health and Safety in Employment Act 1992
- Hazardous Substances and New Organisms Act 1996
- Animal Welfare Act 1999
- Animal Products Act 1999
- Dairy Industry Act 1952
- Food Act 1981

Exempting compounds from registration under the ACVM Act does not exempt anyone from obligations under any other legislation.

1.1.3 Offences and Penalties

Non-compliance with this Code by persons using own compounds under Schedule 1 is a breach of the ACVM Regulations 2001.

Section 55, subsection 1 of the ACVM Act 1997 states that every person commits an

offence against the Act who knowingly contravenes any conditions which apply to any agricultural compound exempt from registration by regulations made under section 75 of the Act.

Every person who commits an offence against subsection 1 of section 55 is liable on summary conviction,-

- a) In the case of a natural person, to a fine not exceeding \$30,000;
- b) In the case of a corporation, to a fine not exceeding \$150,000.

The ACVM Act 1997 and ACVM Regulations 2001 may be found on the ACVM website at www.maf.govt.nz/acvm

1.2 Definitions and abbreviations

Agricultural Compound

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 purpose of the ACVM Act by Order in Council.

Direct management

Any treatment used on/in the animal or plant; or
any treatment which will be in direct contact with the animal or plant; or
any treatment where the animal remains in the water/land during the treatment period;
or
when the animals are reintroduced to the environment the agricultural compound is still present.

Occupied Land

Any land a person has a legal right to be on or using.

1.3 References

Agricultural Compounds and Veterinary Medicines Act 1997
Agricultural Compounds and Veterinary Medicines Regulations 2001

2 User Obligations; what must not occur when using own compounds

2.1 Prohibited Compounds

2.1.1 The user must not use any compound that is prohibited for use as an agricultural compound.

2.2 Genetically Modified Organisms

2.2.1 The user must not use any genetically modified organisms unless approved by ERMA New Zealand under the Hazardous Substances and New Organisms Act 1996.

2.3 Experimentation

2.3.1 The user must not experiment on animals with a compound without the appropriate animal ethics committee approval under the Animal Welfare Act 1999.

2.4 Sale of Produce

2.4.1 The user must not offer for sale any animals or plants for human consumption that would breach the domestic food residue standards, and must take due care to advise anyone who may harvest animals or plants for human consumption.

3 User Obligations; what must occur when using own compounds.

3.1 Compound fitness

3.1.1 The user must ensure that the compound is fit for its purpose. From an ACVM perspective, compounds are fit for purpose only if they do not do any of the following:

- a) produce residues in primary produce that fail to comply with applicable food residue standards set in or under any enactment;
- b) cause unnecessary pain or distress in animals due to toxic reactions or physical damage;
- c) result in malnutrition causing pain or distress in the animal, or result in undesirable physiological side-effects;
- d) contain micro-organisms at pathogenic levels or any other plant or animal pest that is likely to promote disease or pest transmission;

e) have a selenium content that would result in the application of selenium as sodium selenate at a rate exceeding 10 grams per hectare.

3.2 Compound use

3.2.1 Whenever using compounds according to this code the user is obliged to:

a) store, prepare, administer or apply, and dispose of the compound in a manner that does not expose themselves or other persons, stock or crops, or the environment in general to unnecessary hazards;

b) protect the welfare of any animals that may come into contact with the compound and mitigate any pain or distress caused by the exposure;

c) advise any likely third parties of any hazards to themselves or their property;

d) where necessary, advise the appropriate officials of the use, and the time and place of administration or application;

e) keep adequate records to show that due consideration was made of the matters above, and due care was taken to comply with them.

3.3 Use of compounds through delegated authority

3.3.1 Where compounds are used by subordinate persons or employees on behalf of a person/organisation, the responsible person/organisation must provide written instructions that direct:

a) how the compound is to be stored, prepared, administered or applied, and disposed of;

b) how the welfare of any animals that may come into contact with the compound is to be protected and how pain or distress is to be mitigated;

c) how third parties are to be contacted or advised of the use and warned of any hazards;

d) how officials are to be advised of the use, and the time and place of administration or application.

3.3.2 The responsible person/organisation must ensure that the subordinate persons or employees are appropriately trained and provided with whatever is needed to carry out the instructions safely.

3.4 Animal Involvement

3.4.1 The user must take due care to avoid unnecessary pain and distress in animals intentionally exposed to a compound and animals that may inadvertently be exposed,

and seek veterinary advice if animals continue to suffer pain or distress after treatment or exposure.