Implementation of the APVMA Cost Recovery Implementation Statement (CRIS) 2025–26

Submission on the internalisation of externalities from agricultural and veterinary chemicals, remediation, risk disclosure, and sustainable finance implications for Australia's organic sector

6 March 2026

Voice of Australia's organic industry

Organic Operators Australia

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- promote the integrity of certified organic productions systems
- promote industry development and educate producers and consumers in respect of certified organic production
- facilitate collaboration across supply chains and improve domestic and export market access for certified organic operators
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Scope of submission

This submission provides feedback on the implementation of the APVMA's Cost Recovery Implementation Statement (CRIS) 2025–26, endorsed by the Minister in December 2024. OOA notes that the formal consultation on the CRIS closed on 18 October 2024 and that the Minister's endorsement included a limited increase to the annual registration renewal fee from 1 October 2025, with all other fees and levies remaining at current rates. OOA's submission is provided as ongoing industry feedback on the implementation of the endorsed CRIS and the broader policy framework within which the APVMA's cost recovery arrangements operate.

OOA notes that the APVMA has released its Regulatory Posture Statement 2026–30 and that the Assistant Minister for Agriculture, Fisheries and Forestry, Senator the Hon Anthony Chisholm, has issued a new Ministerial Statement of Expectations. OOA's proposals in this submission are directed at matters within the scope of both instruments. The Regulatory Posture Statement commits the APVMA to prioritising resources "toward the greatest risks to humans, animals, the environment, and to Australia's trade, applying streamlined, proportionate approaches where appropriate."

OOA submits that the downstream risk to Australia's organic trade from AgVet chemical contamination—valued at approximately $1 billion AUD in organic exports annually—falls within this prioritisation framework. The Ministerial Statement of Expectations requires the APVMA to "take regulatory decisions and actions that are consistent, predictable and based on the best available science" and to "routinely and clearly communicate on its regulatory decisions and actions." OOA's proposals for standardised risk disclosure documents (Section 3.3), proactive exercise of chemical review powers (Section 3.4), and post-registration monitoring that accounts for downstream impacts on exclusion-based production systems (Section 3.4) are directed at these expectations. The Statement of Expectations further requires the APVMA to "actively contribute to the government's regulatory reform and productivity agenda" by "achieving its regulatory objectives efficiently and effectively, minimising the cost recovery burden on industry." OOA submits that the cost recovery burden on the organic sector—arising from contamination externalities the organic sector does not create—is a matter the APVMA's regulatory reform agenda should address (see Section 3.1).

This submission is one of three related submissions by OOA: a separate DAFF CRIS submission addresses organic export regulatory services and whole-of-DAFF cost recovery, and a separate OGTR submission addresses gene technology externalities. Each submission is directed to the regulatory body with the relevant jurisdiction. OOA notes that the APVMA sits within the Agriculture portfolio and is an independent statutory authority responsible for the regulation and control of agricultural and veterinary chemicals in Australia up to and including the point of retail sale.

OOA's submission addresses the environmental stewardship dimension of the organic sector's relationship to the APVMA's regulatory framework. All certified organic operators—whether exporting and/or selling domestically—are required by their certification standards to internalise environmental management obligations that the APVMA's statutory functions are designed to protect. These include the prohibition on synthetic chemical and synthetic nitrogen inputs, the maintenance of defined biodiversity conservation areas (a minimum of 5% of total farm area under the domestic standard AS 6000:2015 and the export National Standard, currently 2.65 million hectares and valued at a replacement cost of $273 million annually, see Section 4.2), and documented management of soil health, water resources, and ecological connectivity. These are auditable conditions of certification, not voluntary commitments. When AgVet chemical contamination—from spray drift, water

contamination, and legacy soil residues—degrades land managed under these environmental obligations, the consequence is both environmental (loss of a documented, auditable environmental management function) and commercial (loss of certification and market access).

OOA's submission also addresses the trade dimension. The APVMA's statutory criteria include the trade criteria under section 5C of the AgVet Code, which require that use of a registered chemical product does not, or would not, unduly prejudice trade or commerce between Australia and places outside Australia. AgVet chemical contamination that causes organic decertification and loss of organic export market access engages the trade criteria directly.

OOA's submission further addresses the sustainable finance dimension. The Australian Government's Sustainable Finance Roadmap (Treasury 2024) and the Australian Sustainable Finance Taxonomy (ASFI 2025) classify agriculture and land as one of six priority sectors for sustainable capital allocation, subject to a Do No Significant Harm (DNSH) framework that requires taxonomy-aligned activities to not undermine biodiversity, water resources, and/or pollution prevention objectives. AgVet chemical contamination threatens organic operators' taxonomy alignment and access to sustainable capital flows—a consequence that is distinct from, and additional to, the environmental, trade, and market access consequences addressed in this submission.

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Recommendations

1. Implement full cost recovery from registrants, scaled by risk. APVMA should recover 100% of assessment costs from chemical registrants under the *Agricultural and Veterinary Chemicals Code Act 1994*. The costs of evaluating environmental and health risks should be fully borne by the entities seeking commercial benefit from chemical registration, consistent with the *Australian Government Charging Framework* (see Section 3.1).

2. Establish a mandatory remediation fund through a remedial withholding mechanism. A defined component of APVMA chemical registration fees should be hypothecated to a mandatory remediation fund at the point of collection. The fund should address environmental remediation, compensation for affected organic operators, long-term monitoring, and emergency response to contamination events. The withholding rate should be scaled by product risk category, with products of higher environmental persistence, greater drift potential, and greater toxicity attracting the highest rate (see Section 3.2).

3. Produce standardised risk disclosure documents for all approved chemicals at point of sale, including known risks, environmental persistence, drift risk quantification, contamination potential for adjacent land uses, liability exposure, and buffer zone guidance—with specific guidance for adjacent organic operations and exclusion-based production systems (see Section 3.3).

4. Ensure that the APVMA's standardised risk disclosure framework supports organic operators' ability to substantiate product claims under the Australian Consumer Law. Organic certification communicates to consumers that the certified product was produced without prohibited synthetic chemical inputs. The absence of APVMA-maintained disclosure data on drift risk, environmental persistence, and contamination potential for adjacent exclusion-based production systems potentially exposes organic operators to enforcement risk under section 18 of the *Competition and Consumer Act 2010* (Schedule 2) for claims that cannot be independently substantiated. Standardised risk disclosure documents maintained by the APVMA would provide the authoritative data against which pesticide-free and chemical-free claims can be verified (see Section 3.3).

5. Exercise chemical review powers proactively for products with demonstrated downstream contamination impact on exclusion-based production systems, and establish a post-registration monitoring framework that accounts for contamination pathways to organic and other exclusion-based production systems (see Section 3.4).

6. Transmit the APVMA's registration data to state and territory control-of-use regulators in standardised form, including drift risk quantification, environmental persistence, water solubility, and contamination potential for adjacent land uses, to enable state and territory regulators to incorporate downstream contamination risk into their compliance and enforcement frameworks. This supports the APVMA's Strategic Objective 2 commitment to coordinated, effective and harmonious regulation with state and territory agencies (see Section 3.4).

7. Commission or support research into the downstream environmental and economic impacts of AgVet chemicals on exclusion-based production systems in Australian conditions (see Section 3.5).

8. Conduct a fiscal impact assessment of AgVet chemical externalities on organic market access and environmental service value. The Department of Agriculture, Fisheries and Forestry, in consultation with DCCEEW, the Clean Energy Regulator, and Treasury, should assess the downstream economic impact of AgVet chemical contamination on organic export market access, the organic sector's contribution to emissions reduction and biodiversity targets, and the sustainability disclosure consequences of the current regulatory framework for downstream entities required to report under AASB S2 and forthcoming nature-related disclosure standards (see Part 4, Sections 4.1–4.5).

Executive summary

Organic Operators Australia (OOA) provides this submission as feedback on the implementation of the APVMA's CRIS 2025–26. The current regulatory framework externalises the costs of pollution from agricultural and veterinary (AgVet) chemicals onto the organic sector, which bears the financial burden of testing, exclusion, and market loss for contamination it does not cause. OOA submits that a cost recovery framework that does not account for the downstream externalities imposed by registered chemical products on exclusion-based production systems is incomplete.

As set out in the Scope of Submission, OOA's proposals are directed at matters within the scope of both the APVMA's Regulatory Posture Statement 2026–30 and the Ministerial Statement of Expectations.

The organic sector's exposure to AgVet chemical contamination engages the APVMA's own statutory criteria. The safety criteria under section 5A of the AgVet Code require that a registered product's use is not likely to have an unintended effect that is harmful to animals, plants or things or to the environment. The trade criteria under section 5C require that a registered product's use does not unduly prejudice trade or commerce between Australia and places outside Australia. AgVet chemical contamination that destroys organic certification and eliminates access to organic export markets—valued at approximately $1 billion AUD annually for Australian organic exports and $243 billion AUD globally—engages both criteria.

The CSIRO and One Basin CRC report, *Towards a state of the food system report for Australia (2025)*, found that Australia's food system incurs up to **$274 billion annually in hidden costs**—comprising approximately $225 billion in environmental degradation costs and $49 billion in diet-related health costs—primarily driven by conventional agricultural inputs including AgVet chemicals. Organic production systems actively mitigate these costs through mechanisms including prohibition of synthetic chemicals and mandatory set-aside biodiversity areas, valued at $273 million annually to replace (see Section 4.2). A cost recovery framework that imposes additional charges on the sector that avoids these externalities, while the sectors generating them are not required to fully internalise their costs, is misaligned with sound regulatory policy.

As discussed in Section 1.3, the *Marsh v Baxter* precedent confirmed that organic operators have no effective legal remedy for contamination. A decade on, the regulatory gap persists: buffer zone recommendations remain calibrated to Maximum Residue Limits (MRL) rather than the zero-tolerance thresholds of organic certification (Ivanov 2025). The remedial withholding mechanism proposed in this submission addresses this remediation gap.

OOA's submission advances four principal propositions. First, cost recovery from chemical registrants should fund not only the APVMA's assessment functions but a mandatory remediation fund for contamination harm. Second, standardised risk disclosure at point of sale should enable organic operators to identify and exclude products with contamination potential. Third, the APVMA's chemical review powers should be exercised proactively for products with demonstrated downstream impact on exclusion-based production systems. Fourth, the sustainability disclosure and sustainable finance consequences of the current regulatory framework should be assessed, as the APVMA's regulatory decisions affect the risk profile that organic entities must disclose under AASB S2 and the taxonomy alignment on which their access to sustainable capital flows depends.

These four propositions are reinforced by additional dimensions addressed in the body of this submission. The absence of standardised risk disclosure data maintained by the APVMA exposes organic operators to potential enforcement risk under the Australian Consumer Law, where certification-based product claims cannot be independently substantiated against authoritative contamination data (Section 3.3). A structural gap exists in the current regulatory architecture: the APVMA holds registration data—including drift risk, environmental persistence, and contamination potential—but this data is not transmitted to the state and

territory control-of-use regulators who manage application compliance, nor disclosed to the downstream operators who bear the contamination risk (Section 3.4). Australia's single-materiality sustainability disclosure framework under AASB S2 creates an asymmetry in which organic operators must disclose the financial risk of AgVet chemical contamination, while the chemical registrants whose products create that risk bear no corresponding obligation to report the downstream impact—a gap that the EU's double materiality framework under the CSRD is designed to address (Section 4.3). OOA requests that the APVMA consider the proposals in this submission as inputs to its Process Enhancement Initiative 2025–27 (Section 4.5).

Part 1: Legal and statutory basis

1.1 The polluter pays principle

The polluter pays principle (PPP) is established in Australian environmental law and policy, recognised in:

a) Section 3.5.4 of the *Intergovernmental Agreement on the Environment* 1992;

b) Section 6(2)(d) of the *Protection of the Environment Administration Act 1991* (NSW);

c) Sections 6 and 10 of the *Contaminated Land Management Act 1997* (NSW)—establishing respectively that the person whose activities caused contamination is responsible for it, and that the regulator may order investigation at the responsible party's expense; and

d) Various state environmental protection legislation.

The EU's Farm to Fork Strategy, adopted under the European Green Deal, sets binding targets to reduce the overall use and risk of chemical pesticides by 50% and the use of more hazardous pesticides by 50% by 2030, alongside a target of 25% organic farmland by 2030 (European Commission 2020). These targets reflect the international regulatory consensus that the environmental and health costs of conventional AgVet chemical use warrant structural reduction—a consensus that Australia's regulatory framework does not yet reflect in its cost recovery or registration arrangements.

Internationally, the PPP is being strengthened in chemical regulation. The European Union's Chemicals Strategy for Sustainability, adopted under the European Green Deal, explicitly strengthens the principles of "no data, no market" and the "polluter-pays" under the REACH Regulation (EC 1907/2006). France's Law No. 2025-188 institutes a charge on PFAS discharges to water adhering to the polluter pays principle—the first national legislation to apply PPP directly to persistent chemical discharges. The Stockholm Convention on Persistent Organic Pollutants, to which Australia is a party, continues to expand its scope: long-chain perfluorinated carboxylic acids (C9–21 PFCAs) were included in May 2025, with a global ban from December 2026. These international developments demonstrate the direction of regulatory policy for persistent and harmful chemicals—a direction in which Australia's AgVet chemical cost recovery framework has not yet moved.

The EU's pesticide regulatory architecture further illustrates the direction of international policy: non-authorised substances default to trace-level MRL (0.01 mg/kg) at the border, operating materially closer to organic certification thresholds than Australia's MRL framework (detailed discussion, Section 4.5).

Australia's framework does not distinguish, in its cost recovery or registration arrangements, between products whose downstream contamination risk is contained within conventional production and products whose drift and persistence characteristics create financial and certification risk for organic operators. The PPP applies to AgVet chemicals in the same manner as it applies to other forms of environmental contamination: the entity that introduces the environmental risk should bear the cost of managing and remediating that risk. Currently, the organic sector bears the cost of proving that its products are free from AgVet chemical contamination—a cost that arises entirely from the commercial activities of chemical registrants and applicators, not from any action by organic operators.

1.2 The APVMA's statutory mandate and the organic sector

The APVMA is established under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* as an independent statutory authority responsible for the regulation and control of AgVet chemicals up to and including the point of retail sale. The APVMA's functions include evaluating, approving, and registering active

constituents, chemical products, and their labels; issuing permits; monitoring compliance; and exchanging information with overseas and international bodies having similar functions (section 7(1A)).

Section 7(4) of the Administration Act requires that in performing its functions, the APVMA must have regard to the Commonwealth Government's policy in relation to the principle of ecologically sustainable development and, in particular, to the need to use, conserve and enhance the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.

Under section 14 of the AgVet Code, the APVMA must be satisfied that a chemical product meets the safety criteria (section 5A), the efficacy criteria (section 5B), and the trade criteria (section 5C) before it can register the product. Of these, two are directly relevant to the organic sector's position:

Safety criteria (section 5A). A chemical product meets the safety criteria if its use is not, or would not be, an undue hazard to the safety of people, likely to have an effect that is harmful to human beings, or likely to have an unintended effect that is harmful to animals, plants or things or to the environment. AgVet chemical spray drift, water contamination, and legacy soil residues that degrade organic production land and biodiversity conservation areas are unintended effects harmful to the environment—regardless of whether the product is used in accordance with label instructions on the applicator's own property.

Trade criteria (section 5C). A chemical product meets the trade criteria if its use does not, or would not, unduly prejudice trade or commerce between Australia and places outside Australia. Australia's organic exports are valued at approximately $1 billion AUD annually. These exports depend on verified freedom from prohibited chemical residues under the regulatory systems of trading partners—including *Regulation (EU) 2018/848*, the USDA National Organic Program, and IFOAM Norms. AgVet chemical contamination that triggers organic decertification and the consequent loss of organic export market access is a direct prejudice to trade. The trade criteria are assessed for registered products and their labels; OOA submits that the downstream trade impact of contamination from registered products on exclusion-based production systems is a matter relevant to the APVMA's satisfaction that the trade criteria are met—particularly for products with demonstrated drift potential to adjacent properties.

OOA does not argue that the APVMA is responsible for control of use—that responsibility rests with state and territory authorities. OOA argues that the APVMA's registration decisions, labelling requirements, and cost recovery framework should account for the downstream consequences of registered products on exclusion-based production systems, to the extent that those consequences engage the APVMA's statutory criteria.

1.3 The *Marsh v Baxter* precedent and the absence of legal remedies

The *Marsh v Baxter* (Western Australian Supreme Court, 2014; Court of Appeal, 2015) case demonstrated the consequences of contamination for organic operators. Genetically modified canola from a neighbouring property contaminated an organic farm, resulting in loss of organic certification and associated income. The court found no legal basis for compensation. The High Court refused special leave in 2016, leaving the decision without binding national precedent.

Ten years on, a peer-reviewed assessment of the post-*Marsh v Baxter* regulatory environment has found that "the regulatory frameworks applicable to crops, whether genetically modified, organic or otherwise, remain inconsistent" and that regulatory development has "so far been driven primarily by economic factors" (Ivanov 2025). The same assessment found that the recommended buffer zones in crop management plans are structurally incompatible with the zero-tolerance thresholds maintained by organic certification systems (Ivanov 2025).

While *Marsh v Baxter* concerned gene technology contamination, the structural gap it exposed applies equally to AgVet chemical contamination. The Western Australian Standing Committee on Environment and Public Affairs (Report 49, 2019) found that contamination insurance was "in its absolute infancy" and that some crop insurance policies exclude contamination altogether (Ivanov 2025, citing Report 49). Under current Australian law, organic operators have no effective legal remedy for AgVet chemical contamination: the common law imposes a high evidentiary burden for proving spray drift damage, insurance coverage is limited or unavailable, and no statutory compensation mechanism exists.

The remedial withholding mechanism proposed in Recommendation 2 addresses this gap. The proposals for standardised risk disclosure documents (Section 3.3) address the upstream information gap that makes contamination events harder to prevent.

Part 2: The downstream impact of AgVet chemicals on the organic sector

2.1 Hidden costs of Australia's food system

The CSIRO and One Basin CRC report, *Towards a state of the food system report for Australia (2025)*, found that Australia's food system incurs up to **$274 billion annually in hidden costs**—comprising approximately **$225 billion** in environmental degradation costs and **$49 billion** in diet-related health costs—primarily driven by conventional agricultural inputs (Nelson et al. 2025). AgVet chemicals are a major driver of the environmental component of these hidden costs, through pesticide runoff, soil degradation, water contamination, and impacts on non-target species.

Organic production systems actively mitigate these costs. The peer-reviewed evidence (Gattinger et al. 2012; Skinner et al. 2014, 2019; Lori et al. 2017; Crystal-Ornelas et al. 2021; Krause et al. 2022) consistently supports higher soil organic carbon stocks, lower area-scaled N_2O emissions, enhanced soil microbial activity, and enhanced biodiversity (Tuck et al. 2014) under organic management. Organic certification standards prohibit the synthetic chemical inputs and synthetic nitrogen identified in the CSIRO report as primary drivers of environmental degradation and diet-related health costs.

The environmental degradation costs identified in the CSIRO report are consistent with the emerging peer-reviewed evidence on the scale of pesticide impacts on soil ecosystems. Köninger et al. (2026) examined the effects of 63 pesticides on soil archaea, bacteria, fungi, protists, nematodes, and arthropods across 373 sites in 26 European countries. Pesticide residues were detected in 70% of all sites investigated—including extensive grasslands (where 46% of sites tested positive) and woodlands where pesticides are not directly applied—confirming that contamination pathways extend systematically beyond the boundaries of application into adjacent land uses. Pesticide concentrations were the second strongest driver of soil biodiversity patterns after soil properties, explaining up to 29.5% of the variance in soil biodiversity community structure in croplands, and associations between pesticide concentrations and soil biodiversity were consistent across ecosystem types. Some ecological patterns—including associations between the herbicide pendimethalin and fungal plant pathogens and herbivore nematodes—were only detectable when non-cropland ecosystems were included in the analysis.

Köninger et al. (2026) found that pesticides suppressed beneficial taxa essential to soil function, including arbuscular mycorrhizal fungi (critical for plant nutrient acquisition and a key component of soil biodiversity in conservation areas) and bacterivore nematodes (regulators of nutrient cycling), and altered microbial functions involved in phosphorus and nitrogen cycling. Fungicides—which constituted 54% of all pesticides detected in European soils—negatively affected not only their target organisms but also the richness of non-target groups including protists, nematodes, and arthropods. Herbicides including glyphosate were associated with increased abundance of undesirable organisms such as fungal plant pathogens and herbivore nematodes, while simultaneously reducing the abundance of beneficial taxa. These organism-specific and function-specific impacts demonstrate that the environmental risk of registered AgVet chemicals extends well beyond the parameters currently assessed under the APVMA's safety criteria—and beyond single-species laboratory tests using a small number of invertebrate indicator species. The authors concluded that ecotoxicological assessments must move beyond single-species tests to include community-level and functional responses.

Ten of the 63 pesticides detected had already been discontinued for use in the EU at the time of sampling, demonstrating the persistence of legacy contamination. These findings quantify, at continental scale, the environmental costs that the CSIRO report identifies as hidden costs of conventional agricultural inputs—and

that organic production systems, by prohibiting synthetic chemical inputs, actively avoid generating. The study's findings are referenced throughout this submission in relation to contamination pathways (Section 2.2), the scope of environmental risk from registered products (Section 2.5), and the biodiversity service value at risk from contamination of organic conservation areas (Section 4.2).

OOA submits that cost recovery frameworks should recognise this dividend of savings. Rather than imposing costs on the organic sector arising from contamination it does not cause, the government should ensure that the entities whose products generate the $274 billion national liability bear the costs of managing and remediating that contamination—consistent with the polluter pays principle.

2.2 Contamination Pathways and the Organic Sector

The organic sector is exposed to AgVet chemical contamination through multiple pathways:

Spray drift: Aerial and ground application of AgVet chemicals on adjacent properties generates drift that can contaminate organic land, crops, water sources, and biodiversity conservation areas. Buffer zone recommendations on APVMA-approved labels are calibrated to minimise human health exposure and MRL exceedances, and OOA acknowledges that these recommendations have been effective for that purpose within conventional production systems. However, they are not calibrated to the zero-tolerance or near-zero-tolerance thresholds maintained by organic certification standards—a structural gap rather than a failure of the existing framework on its own terms. An organic operator whose property is contaminated by legal, label-compliant application of a registered product on an adjacent property has no remedy under the AgVet Code and limited prospects under common law.

The structural harm caused when regulatory frameworks designed around chemical solutions impose costs on exclusion-based production systems is documented internationally. In a case involving Brazilian organic lime growers, EU plant health rules required a post-harvest chemical wash to mitigate citrus canker disease risk prior to export. Compliance with this requirement stripped the growers' organic certification, resulting in a 35% loss in product value. Subsequent research by the University of São Paulo demonstrated that clove essential oil—a bio-solution—was more effective than the mandated chemical agent, but the bio-solution had not been authorised under the EU regime. The growers eventually regained certification, but the case illustrates how a regulatory framework that does not account for the requirements of exclusion-based production systems can cause documented economic harm to organic operators through mechanisms entirely outside those operators' control. The parallel with Australian conditions is direct: APVMA-approved labels that calibrate buffer zones to conventional MRL thresholds, without accounting for organic certification requirements, create an equivalent structural exposure for Australian organic operators adjacent to conventional chemical application.

The spillover of AgVet chemicals beyond the boundaries of application is not a theoretical risk. As discussed in Section 2.1, Köninger et al. (2026) detected pesticide residues in grasslands and woodlands where no direct application occurred, confirming that contamination pathways extend systematically into adjacent land uses. This directly supports OOA's submission that the APVMA's registration and labelling framework must account for the contamination risk to adjacent exclusion-based production systems.

Water contamination: AgVet chemicals entering waterways through runoff, leaching, or direct application contaminate water resources shared by organic and conventional operators. Organic certification standards require operators to manage water resources sustainably and protect waterways from contamination. When upstream chemical application contaminates shared water resources, the organic operator's certification and the environmental integrity of their water management plan are both compromised.

Legacy soil contamination: Persistent chemicals—including organochlorines, certain herbicides, and PFAS—remain in soils for years or decades after application ceases. Organic operators transitioning land from conventional to organic production (typically a three-year conversion period) face residual contamination

from prior chemical use. Organic operators acquiring or leasing new land face the same risk. The APVMA's registration of persistent chemicals creates an ongoing contamination liability that outlasts the period of active use.

Undisclosed gene technology-derived ingredients in AgVet products: OOA has separately identified to DAFF and the APVMA instances in which agricultural inputs approved for broad environmental application contained undisclosed gene technology-derived ingredients, resulting in the application of genetically engineered substances onto certified organic land without the knowledge of the organic operator or the certifying body. The absence of mandatory gene technology disclosure in the APVMA registration process meant that the gene technology status of the input was invisible to the organic operator, the certifying body, and the regulating department. OOA addresses the gene technology dimension in detail in its companion OGTR submission.

2.3 The trade criteria and organic export market access

Australia's organic exports are valued at approximately $1 billion AUD annually. The global organic market is valued at approximately AUD $243 billion (FiBL/IFOAM, *The World of Organic Agriculture 2026*). These markets are governed by government-enforced regulatory systems—including *Regulation (EU) 2018/848*, the USDA National Organic Program, and IFOAM Norms—that prohibit synthetic chemical residues in organic products.

The European Union maintains specific requirements under *Regulation (EC) No 396/2005* on MRL, with organic products subject to both MRL compliance and the additional prohibition on synthetic pesticide use under *Regulation (EU) 2018/848*. Residues that are within conventional MRL limits may still trigger decertification under organic standards.

The trade criteria under section 5C of the AgVet Code require that use of a registered product does not unduly prejudice trade between Australia and places outside Australia. When registered AgVet chemicals contaminate organic production through spray drift, water contamination, and legacy residues—causing decertification and loss of access to organic export markets—the use of the product has prejudiced trade. OOA submits that the trade criteria assessment for products with demonstrated drift potential should account for the downstream trade impact on exclusion-based production systems, and that the APVMA's label approval process (section 5D) should ensure that buffer zone guidance on labels reflects the requirements of adjacent exclusion-based production systems.

2.4 Distinguishing safety risk from economic risk

OOA acknowledges that the APVMA assesses chemical products against the statutory criteria of safety, efficacy, and trade, and that registered products are assessed as meeting those criteria when used in accordance with label instructions. OOA does not challenge these assessments on their own terms.

However, a product assessed as meeting the safety criteria for its intended use can constitute a high financial risk to an adjacent organic production system. If spray drift and/or water contamination occurs, the organic operator faces decertification, loss of market access, and inventory write-down—regardless of whether the chemical is safe for its registered purpose. The financial consequence is determined by the organic certification standard and the trading partner's regulatory requirements, not by the APVMA's safety assessment.

This distinction has disclosure consequences under Australia's mandatory sustainability reporting framework. As detailed in Section 4.3, organic entities must disclose the financial risk of AgVet chemical contamination under AASB S2, while chemical registrants whose products create that risk bear no corresponding

remediation or disclosure obligation—a structural asymmetry that the EU's double materiality framework is designed to address.

2.5 The scale of the risk

Australia's 3,200+ certified organic operators manage over 53 million hectares—representing 70% of organic farmland globally (Ivanov 2025). These operations are required, as a condition of certification, to maintain environmental management standards—including biodiversity conservation areas (over 2.65 million hectares under the 5% set-aside requirement), sustainable water management, and prohibition on synthetic inputs—that deliver measurable environmental outcomes. A peer-reviewed meta-analysis found that organic farming increases species richness by approximately 30% compared with conventional systems, with the benefits most pronounced in intensively managed landscapes (Tuck et al. 2014).

The environmental value of organic production systems is reinforced by the toxicological evidence base. Burtscher-Schaden et al. (2022), in a comprehensive comparison of 256 pesticide active substances approved only for conventional agriculture in the EU with 134 substances permitted in organic agriculture, found that 55% of conventional active substances carried health or environmental hazard statements compared with 3% of organic active substances, and that health-based guidance values for dietary and occupational exposure were relevant for 93% of conventional substances but only 7% of organic substances. This differential risk profile is directly relevant to the APVMA's safety criteria under section 5A: the substances the APVMA registers for conventional use carry measurably higher hazard classifications than those permitted under organic certification, and contamination from the former category threatens the lower-hazard production environment that organic certification maintains.

These findings are further substantiated by Köninger et al. (2026), discussed in Section 2.1, which demonstrated that registered pesticides alter soil biodiversity at the community and functional level—including suppression of beneficial taxa and promotion of undesirable organisms—with effects extending into non-cropland ecosystems. These organism-specific and function-specific impacts demonstrate that the environmental risk of registered AgVet chemicals extends beyond the parameters currently assessed under the APVMA's safety criteria, supporting OOA's proposal for post-registration monitoring that accounts for downstream impacts on exclusion-based production systems.

The organic sector's domestic market is valued at approximately $1.6 billion AUD and its export market at approximately $1 billion AUD. The sector delivers this value while simultaneously providing over 2.65 million hectares of audited biodiversity protection—representing a replacement cost of approximately **$273 million annually** based on the NSW Biodiversity Conservation Trust's median annual payment of $103 per hectare for in-perpetuity conservation agreements (BCT, 30 June 2025). Over 3,000 organic operators deliver this audited environmental protection at a cost to the taxpayer of less than $2 million annually—compared with the Agriculture Stewardship Package's allocation of $32.1 million to trial a biodiversity certification scheme for 140 farmers, designed to incentivise biodiversity management that certified organic producers already deliver.

AgVet chemical contamination threatens this entire value structure—environmental, commercial, and fiscal.

Part 3: APVMA-specific proposals

3.1 Full cost recovery from registrants

APVMA should recover 100% of assessment costs from chemical registrants under the *Agricultural and Veterinary Chemicals Code Act 1994*. The APVMA's current model recovers 40% of assessment costs through upfront application fees, with the remaining 60% recovered through levies on annual product sales. Full cost recovery from applicants ensures that the APVMA is adequately resourced to deliver its regulatory functions—including risk assessment, registration, label approval, post-registration monitoring, and chemical review—without reliance on levy cross-subsidisation that does not distinguish between registrants whose products create contamination risk and those whose products do not.

Under the *Australian Government Charging Framework* (Department of Finance, 2023), APVMA assessment and registration activities are triggered entirely by the registrant's decision to seek authorisation for a chemical product—the nexus is direct. Full cost recovery, with the level of cost recovery scaled by the complexity of the assessment, is consistent with the Framework.

OOA acknowledges that the APVMA's endorsed CRIS for 2025–26 maintained all fees and levies at current rates except for a limited increase to the annual registration renewal fee. OOA submits that this approach does not reflect the full efficient costs of the APVMA's regulatory activities—a concern also identified by the NFF in its October 2024 submission, which noted that further detail on the APVMA's financial forecasts and assumptions was needed to justify any changes. OOA's proposal is that cost recovery should move toward 100% recovery from registrants, with the additional revenue directed in part to the remediation fund proposed in Section 3.2.

The cost recovery framework has a further consequence for investment certainty. Gene technology industry stakeholders have consistently argued that regulatory uncertainty creates a "chilling effect" on investment in innovation—a concern that OOA's companion OGTR submission acknowledges. OOA submits that the absence of standardised disclosure of AgVet chemical drift risk, environmental persistence, and contamination potential for adjacent exclusion-based production systems creates an equivalent chilling effect on organic sector investment. If organic operators cannot quantify the contamination risk from registered products used on adjacent properties—because the APVMA's registration and labelling framework does not require this information to be disclosed at point of sale—they cannot make informed investment decisions about export infrastructure, market development, and/or production expansion for markets that require verified freedom from synthetic chemical residues.

The market-based incentive effects of regulatory disclosure and cost signals are empirically supported. In the European Union, enforcement of trace-level MRL for non-authorised substances, combined with the cost exposure from border rejections under the Rapid Alert System for Food and Feed, is documented as driving the uptake of biopesticides by exporters to the EU market. The regulatory signal—that contamination above trace level carries a direct commercial consequence—has changed producer behaviour without requiring prohibition of conventional inputs. The remedial withholding mechanism proposed in Section 3.2 and the standardised risk disclosure documents proposed in Section 3.3 are designed to generate an equivalent behavioural signal within the Australian domestic market: disclosure of drift risk and liability exposure at point of sale, combined with a cost recovery structure that internalises contamination risk to the registrant, provides the market-based incentive for careful application that the current framework lacks.

Both sectors face investment uncertainty from regulatory gaps. The Ministerial Statement of Expectations requires the APVMA to actively contribute to the government's "regulatory reform and productivity agenda" and to support "efficiency, growth and dynamism." A cost recovery framework that funds standardised risk

disclosure—enabling both chemical applicators and adjacent organic operators to make informed decisions—supports the productivity of both sectors. The remediation fund proposed in Section 3.2 addresses the residual risk where contamination occurs despite disclosure; the disclosure mechanism proposed in Section 3.3 addresses the information gap that prevents contamination from being avoided in the first instance.

3.2 Remedial withholding mechanism

OOA proposes that a defined component of APVMA cost recovery charges should be hypothecated to a mandatory remediation fund rather than being returned to consolidated revenue. This mechanism—"remedial withholding"—ensures that cost recovery from chemical registrants simultaneously builds the remediation capacity needed to address the harm their products create.

Under this mechanism, a defined percentage of APVMA chemical registration fees would be withheld at the point of collection and directed to a remediation fund. The fund would be available to:

a) Remediate agricultural land contaminated by chemical drift, water contamination, and legacy soil contamination;

b) Compensate organic operators who lose certification and/or market access due to AgVet chemical contamination that they did not use and did not authorise;

c) Fund long-term environmental monitoring of legacy contamination sites; and

d) Fund research into remediation techniques for persistent chemicals, including PFAS contamination in agricultural systems.

This is not a novel regulatory mechanism. Remedial withholding is functionally equivalent to the rehabilitation fund levies that operate in the Australian extractive industries:

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (section 571(2)) requires petroleum title holders to demonstrate financial capacity for remediation;

Western Australia's Mining Rehabilitation Fund operates a 1% annual levy on disturbed land, hypothecated to rehabilitation;

Queensland's Financial Provisioning Scheme under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* requires resource companies to provide financial assurance proportionate to their rehabilitation liability; and

South Australia's Extractive Areas Rehabilitation Fund provides further precedent.

The contribution to the remediation fund should be scaled by product risk category: products with higher environmental persistence, greater drift potential, and greater toxicity should attract a higher withholding rate. A zero contribution from any product category involving environmental application would be inconsistent with the polluter pays principle. The fund should be administered independently of the registrant and accessible to affected parties (including organic operators) through a streamlined claims process.

3.3 Standardised risk disclosure documents

The APVMA must produce standardised risk disclosure documents for all approved chemicals, provided at point of sale, including:

a) Known risks to human health and the environment;

b) Environmental persistence data, including soil half-life, water solubility, and bioaccumulation potential;

c) Drift risk quantification under varying conditions (aerial vs ground application, wind speed, droplet size);

d) Contamination potential for adjacent land uses, including specific guidance for organic and other exclusion-based production systems;

e) Liability exposure for applicators and landowners, including the absence of legal remedies for downstream contamination of organic operations under current Australian law; and

f) Buffer zone guidance, including specific guidance for adjacent organic operations, calibrated to the zero-tolerance or near-zero-tolerance thresholds that organic certification standards require—not only to MRL.

Point-of-sale disclosure enables both applicators and adjacent organic operators to make informed decisions about contamination risk. For applicators, disclosure of the downstream liability exposure from drift onto organic land provides a market-based incentive for careful application. For organic operators, disclosure of the drift risk and environmental persistence of products used on adjacent properties enables proactive risk management.

The legitimacy of process-and-production-method disclosure in regulatory frameworks is supported by international trade jurisprudence. In the US-Tuna dispute (DS 381), the WTO Appellate Body upheld the permissibility of a labelling scheme that enabled consumers and market participants to distinguish products based on production methods, provided the scheme was not discriminatory in application. In the US-Shrimp dispute (DS 58), the Appellate Body affirmed that environmental protection objectives are legitimate grounds for regulatory measures affecting trade, while requiring that such measures account for different conditions in other territories rather than mandating a single domestic standard. These rulings establish that point-of-sale disclosure of environmental risk characteristics—including drift potential, persistence, and contamination pathways relevant to adjacent production systems—is a category of regulatory action that international trade law recognises as legitimate when applied on a non-discriminatory basis. The standardised risk disclosure documents proposed in this section are consistent with this framework: they do not restrict trade in registered chemical products but provide the information necessary for downstream operators and applicators to manage contamination risk.

OOA notes that the APVMA's labelling criteria under section 5D of the AgVet Code require that labels contain adequate instructions relating to the circumstances in which the product should be used, the safe handling of the product, and any matters prescribed by the AgVet Code Regulations. OOA submits that "adequate instructions" should include information sufficient to prevent unintended contamination of adjacent exclusion-based production systems—a class of unintended harm that the safety criteria under section 5A are designed to prevent.

The point-of-sale disclosure gap has a further legal consequence for organic operators. Organic certification implicitly communicates to consumers that the certified product was produced without prohibited synthetic chemical inputs—because the prohibition on synthetic chemicals is a condition of certification under both the National Standard and AS 6000:2015. Any explicit negative claim—such as "Pesticide Free," "No Synthetic Chemicals," or "Chemical Free"—is subject to the Australian Consumer Law prohibition on misleading or deceptive conduct (section 18, *Competition and Consumer Act 2010*, Schedule 2) and the requirement that claims be substantiable.

The ACCC has been active in enforcing against unsubstantiated environmental claims. An organic operator making a pesticide-free or chemical-free claim that cannot be verified—because the regulatory framework does not provide the disclosure data necessary to confirm that no spray drift, water contamination, and

legacy residue from registered AgVet chemicals has entered the production system—is potentially exposed to enforcement action for an unsubstantiated claim. This is a consequence of the disclosure gap that falls directly on the organic operator: the certification standard requires freedom from synthetic chemical inputs; the APVMA's registration and labelling framework does not require disclosure of drift risk, environmental persistence, and contamination potential to adjacent exclusion-based production systems; and the Australian Consumer Law penalises claims that cannot be substantiated. Standardised risk disclosure documents—maintained by the APVMA and accessible to organic operators and their certifying bodies—are the mechanism that resolves this regulatory circularity by providing the authoritative data against which pesticide-free and chemical-free claims can be substantiated.

The disclosure proposal also directly supports the APVMA's own stated strategic objectives. The APVMA's Regulatory Posture Statement 2026–30 identifies trust, transparency, and fair regulation as foundational commitments, and states that "trust is critical to our ability to regulate effectively, and that transparent engagement is essential to our approach." The APVMA's Strategic Plan 2025–30 identifies "build community confidence in the safety and efficacy of registered AgVet chemicals" as a strategic outcome under Strategic Objective 1 and measures this through stakeholder survey results.

The APVMA's Corporate Plan 2025–29 confirms that the APVMA's 2024 Stakeholder and Public Survey indicates that "Australians have a high degree of trust in AgVet chemical products that are regulated by the APVMA" and that Australians "depend on the APVMA for confidence that there will be no unexpected negative consequences from using such chemicals." This finding is consistent with the Voconiq (2024) community trust study, commissioned by the Grains Research and Development Corporation, which found that community acceptance of agricultural technologies—including AgVet chemicals—is contingent on perceived regulatory transparency and responsiveness to downstream impacts. The study's relevance in the APVMA context is reinforced by its commissioning by an AgVet-sector Research and Development Corporation.

Standardised risk disclosure documents that include downstream contamination potential for adjacent exclusion-based production systems would strengthen, not undermine, community confidence—by demonstrating that the APVMA's regulatory framework accounts for the full range of consequences from registered product use, including consequences for adjacent land uses that the community expects the regulatory system to address. Conversely, the absence of such disclosure—where registered products cause documented downstream harm to adjacent organic operations, biodiversity conservation areas, and water resources without any point-of-sale information enabling prevention—may erode the community confidence the APVMA's own strategic framework is designed to maintain.

This proposal is consistent with the approach advanced in OOA's companion submission to the OGTR, which identifies the same regulatory circularity for gene technology-free claims arising from the combined effect of the OGTR's NND classification and FSANZ's P1055 determination.

3.4 Chemical review powers and post-registration monitoring

The APVMA has the power under section 34 of the AgVet Code to reconsider the approval of an active constituent or the registration of a chemical product. A reconsideration (chemical review) may be initiated if the APVMA has reason to believe that the product may not meet the safety criteria, the efficacy criteria, or the trade criteria.

OOA submits that evidence of systematic AgVet chemical contamination of organic production systems—through spray drift, water contamination, and legacy residues—constitutes a basis for the APVMA to consider whether a registered product continues to meet the trade criteria under section 5C. Where a product's registered use pattern results in recurrent contamination of adjacent organic operations, causing decertification and loss of organic export market access, the product's use is prejudicing trade.

The APVMA's Regulatory Posture Statement 2026–30 commits the regulator to making "consistent and predictable decisions that are data-driven and evidence-based" and to acting "swiftly when there is evidence of non-compliance." The Ministerial Statement of Expectations reinforces this, requiring the APVMA to "act swiftly and proportionately in response to evidence of non-compliance with AgVet chemical legislation." OOA submits that recurrent contamination of organic production systems—where that contamination arises from registered use patterns rather than label non-compliance—engages these commitments: the harm is systematic, predictable, and documented, and the APVMA's chemical review powers under section 34 provide the mechanism to respond.

OOA further submits that the APVMA's chemical review function should be supported by a post-registration monitoring framework that accounts for contamination pathways to organic and other exclusion-based production systems. The current regulatory framework assesses products at the point of registration against the statutory criteria. Post-registration monitoring—to the extent it occurs—focuses on efficacy, resistance development, and environmental fate in the context of the product's intended use. It does not systematically monitor the downstream impact of registered products on exclusion-based production systems that must verify freedom from all synthetic chemical inputs.

The inadequacy of current regulatory risk assessment methodologies to capture the downstream impacts of registered pesticides is now documented at continental scale. Köninger et al. (2026) found that regulatory assessments that rely on single-species laboratory tests using a small number of invertebrate indicator species do not capture the complexity of field-level community responses to pesticide exposure. The study demonstrated that pesticide concentrations altered the diversity and functional structure of all non-target taxonomic groups investigated, and that pesticide-driven changes in taxonomic diversity corresponded to shifts in functional gene diversity involved in carbon, nitrogen, and phosphorus cycling. The authors concluded that ecotoxicological assessments must move beyond single-species tests to include community-level and functional responses—a conclusion that supports OOA's proposal for post-registration monitoring that assesses the downstream impact of registered products on the biological integrity of exclusion-based production systems. This is the AgVet chemical parallel to the post-release monitoring gap identified in OOA's companion OGTR submission, where the Regulator's capacity to monitor gene technology organisms after approval depends on maintaining comprehensive records and monitoring infrastructure.

The APVMA's functions under section 7(1A)(i) of the Administration Act include exchanging information relating to chemical products and their use with overseas and international bodies having similar functions. Where international regulators—including the European Chemicals Agency (ECHA) under REACH, or national authorities implementing the Stockholm Convention—identify concerns about registered chemical products that affect Australian organic export market access, the APVMA's international liaison function is directly relevant. OOA submits that the APVMA's post-registration monitoring framework should incorporate international regulatory developments that affect the trade criteria for registered products, particularly where those developments concern persistent organic pollutants, PFAS, and other substances with specific relevance to organic export markets.

OOA notes a structural gap in the current regulatory architecture for AgVet chemical downstream impacts that parallels the gap-filling concern identified in OOA's companion OGTR submission. The APVMA regulates AgVet chemicals up to and including the point of retail sale. State and territory authorities regulate control of use beyond the point of sale. However, no agency currently maintains systematic data on the downstream contamination impact of registered AgVet chemicals on exclusion-based production systems.

The APVMA holds registration data—including environmental persistence, drift characteristics, water solubility, and soil half-life—but does not systematically assess and/or disclose the downstream contamination risk that this data implies for adjacent organic operations. State and territory control-of-use regulators manage application compliance but do not receive APVMA registration data in a form that enables assessment of contamination risk to adjacent exclusion-based production systems. The result is a regulatory framework in which the data necessary to prevent downstream contamination exists (held by the

APVMA) but is not transmitted to the regulatory level at which control-of-use decisions are made (state and territory authorities), nor disclosed to the downstream operators who bear the contamination risk (organic operators and their certifying bodies). The APVMA's Regulatory Posture Statement 2026–30 commits to delivering "the full suite of our regulatory functions in accordance with our legislative obligations," and the Corporate Plan 2025–29 identifies working with state and territory agencies to ensure "the coordinated, effective and harmonious regulation of AgVet chemicals" as a strategic outcome under Strategic Objective 2. The Corporate Plan's performance measures under Strategic Objective 2 include the number of audits, compliance actions, and cooperative activities with state and territory partners that require action and the percentage resolved—a measured outcome that a standardised data transmission mechanism for downstream contamination risk would directly support.

An operational model for cross-jurisdictional regulatory data sharing already exists in the European Union. The EU's Rapid Alert System for Food and Feed (RASFF) enables Member State food safety authorities, the European Commission, and the European Food Safety Authority to report and access import incident data—including environmental contamination, residue exceedances, and documentation irregularities—in near real-time across all Member States. The system coordinates enforcement across multiple regulatory jurisdictions (national customs, food safety authorities, and the Commission) and enables border control decisions to be informed by data held at the central regulatory level. The data transmission mechanism proposed in this section for Australian conditions—whereby the APVMA's registration data on drift risk, environmental persistence, water solubility, and contamination potential is transmitted to state and territory control-of-use regulators in standardised form—is functionally comparable. The EU's experience demonstrates that cross-jurisdictional data sharing for chemical risk management is operationally feasible and is already standard practice in a major trading partner whose regulatory requirements directly affect Australian organic export market access.

OOA submits that the coordinated and harmonious regulation of AgVet chemicals requires a mechanism for the APVMA's registration data—specifically drift risk, environmental persistence, and contamination potential for adjacent land uses—to be made available to state and territory control-of-use regulators in standardised form, enabling those regulators to incorporate downstream contamination risk into their own compliance and enforcement frameworks. The standardised risk disclosure documents proposed in Section 3.3 would serve this function at the point of retail sale; the data transmission mechanism proposed here would serve it at the regulatory level.

3.5 Research gap

OOA notes a gap in the Australian research base that is relevant to the APVMA's regulatory functions and to the proposals in this submission. Australian public research funding—through CSIRO, GRDC, ARC, and the Rural Research and Development Corporations—is directed overwhelmingly at optimising AgVet chemical use in conventional production systems: efficacy, resistance management, application technology, and environmental fate within the intended-use context. OOA does not question the value of this research.

However, OOA has been unable to identify any Australian-funded peer-reviewed research addressing the downstream impacts of AgVet chemical contamination on exclusion-based production systems—including spray drift impacts on organic certification areas, residue persistence in organic-transitioning soils, contamination pathways from shared water resources to organic land, or the economic impact of AgVet chemical contamination on organic operators' market access and business viability.

The peer-reviewed evidence on AgVet chemical drift and contamination pathways exists internationally but has not been replicated or validated in Australian conditions and landscapes. This research gap has regulatory consequences: the APVMA's chemical review decisions under section 34 depend on evidence of downstream impact, and the absence of Australian-specific research into that impact means the evidence

base for chemical review is incomplete. The international evidence base is advancing rapidly, further highlighting the absence of equivalent Australian research.

Köninger et al. (2026) represents the first continent-wide assessment of the relative importance of pesticide residues in shaping soil biodiversity compared to soil properties, climate, and ecosystem type. The study's finding—that pesticides are the second most important driver of soil biodiversity patterns in croplands, and that their effects extend into non-cropland ecosystems—has not been replicated or tested for Australian conditions, soil types, climatic zones, or production systems. Given that Australia's certified organic operators manage over 53 million hectares and that the APVMA registers products whose drift and persistence characteristics create contamination pathways to these operations, the absence of Australian-specific research into the soil biodiversity impacts of registered AgVet chemicals on organic and adjacent exclusion-based production systems is a significant gap.

The research gap has practical consequences that are documented in comparable regulatory environments. The EU's Joint Research Centre, in modelling the impacts of the Farm to Fork strategy's pesticide reduction targets, found that the targets could be substantially achieved through expansion of organic farming, with conventional pesticide use remaining relatively stable. This finding—that organic production can deliver pesticide reduction objectives at the system level—has not been tested or replicated for Australian conditions, landscapes, or production systems.

Similarly, the disparity in biopesticide authorisation between the United States (over 200 authorised biopesticides, supported by a dedicated accelerated registration pathway) and the European Union (approximately 60 at the time of comparable assessment) demonstrates that regulatory design choices about assessment pathways directly determine the availability of lower-risk alternatives. Australian public research has not systematically assessed whether the APVMA's registration framework—which does not maintain a separate assessment pathway for biological or lower-risk inputs—constrains the availability of alternatives that would reduce contamination risk to exclusion-based production systems.

OOA submits that the APVMA, in consultation with AgriFutures Australia and the relevant commodity Research and Development Corporations, should support or commission research into the downstream environmental and economic impacts of AgVet chemicals on exclusion-based production systems in Australian conditions. This is consistent with the APVMA's function under section 7(1A)(l) of the Administration Act to fund and co-operate in programs designed to ensure compliance with the AgVet Codes.

Part 4: Fiscal, sustainability disclosure, and cross-portfolio context

4.1 Carbon sequestration, greenhouse gas mitigation, and Government cost implications

The *Climate Change Act 2022* (Cth) commits Australia to reducing net greenhouse gas emissions to 43% below 2005 levels by 2030 and to net zero by 2050. The *Agriculture and Land Sector Plan* (DAFF, 2024) identifies soil carbon sequestration as a foundational strategy. The Climate Change Authority's *Sectoral Pathways Review* (September 2024) identifies the land sector as the only sector projected to achieve net negative emissions.

The peer-reviewed evidence supports higher soil organic carbon (SOC) stocks under organic management. Gattinger et al. (2012) found statistically significant higher SOC concentrations, stocks, and sequestration rates in organically farmed soils. Crystal-Ornelas et al. (2021) found that best management practices within organic systems increased SOC concentrations by 18% and microbial biomass carbon by 30%. Skinner et al. (2014) found area-scaled N_2O emissions from organically managed soils were significantly lower. Skinner et al. (2019) confirmed reduced greenhouse gas emissions under long-term organic management. Lori et al. (2017) found organic farming enhanced soil microbial abundance and activity with SOC elevated by 19%. Krause et al. (2022) confirmed these findings over a 42-year field trial.

OOA acknowledges the Leifeld et al. (2013) critique and the nuances in the evidence base, particularly regarding yield-scaled emissions and the dependence of SOC benefits on management practices, as well as the Gattinger et al refutation (2013). The direction of the evidence is consistent: organic management delivers measurable soil carbon and emissions benefits that align with Australia's legislated climate targets.

The Australian Government invests substantially in emissions reduction through the ACCU Scheme, the Carbon Farming Outreach Program ($27.8 million in 2024–25), the Zero Net Emissions Agriculture CRC ($87 million), and broader programs ($60.8 million in 2024–25). Organic farming delivers these outcomes as a systemic feature of the production model. Imposing additional regulatory cost burdens on organic operators through AgVet chemical contamination costs—while spending public funds to encourage conventional operators to adopt organic-adjacent practices—is fiscally incoherent.

4.2 Biodiversity service value

Over 2.65 million hectares of certified organic land are dedicated to biodiversity under the 5% set-aside requirement of organic certification (National Standard; AS 6000:2015). Based on the NSW Biodiversity Conservation Trust's median annual payment of **$103 per hectare** for in-perpetuity conservation agreements (BCT, 30 June 2025), this represents a replacement cost of approximately **$273 million annually**. Over 3,000 organic operators deliver this audited environmental protection at a cost to the taxpayer of **less than $2 million annually**—compared with the Agriculture Stewardship Package's allocation of **$32.1 million** to trial a biodiversity certification scheme for 140 farmers, designed to incentivise biodiversity management that certified organic producers already deliver.

Under the *Global Biodiversity Framework*, Australia has committed to protecting 30% of its land by 2030. The organic sector's self-funded biodiversity areas constitute natural infrastructure supporting pollination, water filtration, and pest control for the broader agricultural landscape. AgVet chemical contamination of these areas—through spray drift, water contamination, and aerial deposition—degrades the biodiversity function

the areas are certified to deliver. The specific mechanisms through which AgVet chemical contamination degrades biodiversity are now empirically documented.

Köninger et al. (2026) demonstrated that pesticide residues suppress arbuscular mycorrhizal fungi and alter nutrient cycling functions in non-target ecosystems including grasslands and woodlands (see Section 2.1). The organic sector's biodiversity conservation areas—valued at approximately $273 million annually in replacement cost—are directly exposed to these contamination pathways. OOA proposes that the organic sector's contribution to biodiversity and emissions reduction be reflected in the determination of cost recovery levels for regulatory activities affecting the organic sector, whether through the cost allocation methodology or through the Minister's exercise of discretion under the *Australian Government Charging Framework*.

4.3 Sustainability disclosure framework

AASB S2, effective from 1 January 2025 for Group 1 entities under the *Treasury Laws Amendment (Financial Market Infrastructure and Other Measures) Act 2024*, defines climate-related transition risks as including policy, legal, technological, market and reputational risks that could carry financial implications for an entity, such as increased operating costs or asset impairment due to new or amended regulations (AASB S2, Appendix A). The disclosure obligation phases to Group 2 entities from 1 July 2026 and Group 3 entities from 1 July 2027. Group 3 entities are exempt from full sustainability reporting only if they do not identify material climate-related risks or opportunities. Certified organic operators facing AgVet chemical contamination risk—a transition risk by the standard's definition—would be unable to avail themselves of this exemption.

The current regulatory framework creates a structural disclosure asymmetry: organic entities must disclose the financial risk of AgVet chemical contamination (loss of certification, asset impairment, market access loss), but the chemical registrants whose products create the risk bear no corresponding obligation to fund remediation and/or to disclose the downstream impact of their products on exclusion-based production systems.

The directors' declaration requirements under the *Corporations Act 2001*, as amended by the Treasury Laws Amendment Act, require directors of entities preparing sustainability reports to declare that the sustainability report complies with the Act—or, during the transitional period to 31 December 2027, that the entity has taken reasonable steps to ensure compliance. For certified organic entities, this means directors must be satisfied that the entity's disclosed climate-related risks—including AgVet chemical contamination risk—are accurate and complete. If the APVMA's registration process does not require standardised disclosure of drift risk, environmental persistence, and contamination potential for adjacent exclusion-based production systems, directors cannot verify the risk profile of chemical products used on adjacent properties—creating a gap in the information available to support the directors' declaration.

The disclosure asymmetry identified above is structural, not incidental. Australia's mandatory sustainability disclosure framework—AASB S2, effective from 1 January 2025—adopts a single materiality approach: entities disclose sustainability-related risks to their own financial position. The organic operator must disclose the risk of AgVet chemical contamination to its cash flows, asset values, and market access. The chemical registrant, by contrast, discloses only sustainability risks to its own financial position—not the impacts its products create for downstream entities and/the environment. This is a one-directional disclosure architecture applied to a bidirectional risk event. The contamination event—spray drift, water contamination, legacy soil residues—is a single physical occurrence. The organic operator reports it as a financial risk. The chemical registrant, under Australia's current framework, does not report the corresponding impact.

The EU's Corporate Sustainability Reporting Directive (CSRD) identifies this gap and addresses it through the principle of "double materiality," which requires entities to disclose both the financial risks sustainability matters pose to the entity (financial materiality) and the impacts the entity's activities have on people and the

environment (impact materiality) (Mezzanotte 2024; Dunfjäll 2025). Impact materiality under the European Sustainability Reporting Standards encompasses material actual or potential impacts on people or the environment, including impacts connected with the undertaking's operations and its upstream and downstream value chain, through its products and business relationships. AgVet chemicals that contaminate exclusion-based production systems and biodiversity conservation areas through spray drift, water contamination, and legacy soil persistence are impacts "through products" in the downstream value chain—precisely the scope that double materiality is designed to capture.

OOA does not propose that Australia adopt the EU's double materiality framework—that is a matter for Treasury and the AASB. OOA notes that Australia's current single-materiality approach creates a disclosure environment in which the entity suffering the harm must report it, the entity creating the harm is not required to report the corresponding impact, and the regulatory body whose decisions determine whether the harm is traceable has no mechanism to assess the disclosure consequences of its own regulatory decisions for downstream industries. This structural asymmetry is relevant to the APVMA because it means that registration decisions—including the approval of products with demonstrated drift potential and environmental persistence—generate sustainability disclosure obligations for organic operators without generating any corresponding disclosure obligation for the chemical registrants whose products create the risk.

The Government's stated "climate first, but not only" approach to mandatory sustainability disclosure indicates that the scope of mandatory reporting will expand beyond climate. The International Sustainability Standards Board (ISSB) commenced standard-setting for nature-related disclosure requirements in November 2025, covering biodiversity, land use, water, and ecosystem services (ISSB 2025). When nature-related disclosure requirements are adopted in Australia, AgVet chemical contamination of organic operators' biodiversity conservation areas, soil health, and water resources will be directly disclosable nature-related risks. The APVMA's registration data—environmental persistence, drift potential, water solubility, and contamination pathways—will be relied upon in these disclosures as the authoritative source for the risk characteristics of registered products.

4.4 Sustainable finance architecture

The Australian Government's Sustainable Finance Roadmap (Treasury 2024) establishes a "climate first, but not only" framework for mobilising private capital toward sustainable economic activities. The Roadmap identifies ten priorities across three pillars, with the development of the Australian Sustainable Finance Taxonomy (ASFT) as its second priority. The ASFT Version 1 (ASFI 2025) sets climate change mitigation technical screening criteria for 71 activities across six priority sectors, one of which is agriculture and land. The Taxonomy identifies six environmental objectives—climate change mitigation, climate change adaptation, biodiversity and ecosystem protection, sustainable water use, pollution prevention and control, and transition to a circular economy—with a Do No Significant Harm (DNSH) framework that requires taxonomy-aligned activities to not undermine any of the other environmental objectives.

Certified organic production systems are strongly positioned against these criteria. AgVet chemical contamination threatens organic operators' taxonomy alignment in two ways. First, contamination can trigger decertification, removing the operator from the certified system that satisfies the Taxonomy's criteria. Second, contamination of biodiversity conservation areas and water resources constitutes harm to the environmental objectives the DNSH framework is designed to protect—specifically pollution prevention, biodiversity protection, and water resource protection.

The Taxonomy is currently available for voluntary use, with the Government to explore regulatory use cases and potential expansion (Treasury 2024). The organic sector's interest in taxonomy alignment is driven by access to sustainable capital flows—green bonds, taxonomy-aligned investment products, and preferential sustainable lending. AgVet chemical contamination that degrades biodiversity conservation areas undermines

the DNSH assessment on which taxonomy alignment depends, potentially excluding organic operators from the sustainable capital flows the Roadmap is designed to mobilise.

The Roadmap explicitly recognises that the absence of reliable sustainability data impedes financial decision-making, and identifies nature-related data as a priority for the Council of Financial Regulators (Treasury 2024). The APVMA's registration data—environmental persistence, drift characteristics, water solubility, soil half-life—is directly relevant to DNSH assessments for the agriculture and land sector. OOA submits that the APVMA should recognise the emerging role of its registration data in Australia's sustainable finance infrastructure, and that standardised risk disclosure documents (Section 3.3) would serve not only downstream agricultural stakeholders but also the financial sector's need for reliable environmental data to support taxonomy assessments.

4.5 Cross-portfolio misalignment

The APVMA sits within the Agriculture portfolio. The organic export sector is regulated by DAFF. The downstream economic impacts of APVMA registration decisions—including contamination of organic production systems, loss of organic certification, and loss of organic export market access—fall on an industry regulated by the same portfolio but administered by a different agency. There is currently no mechanism to ensure that the downstream economic impacts of APVMA registration decisions on the organic sector are systematically assessed.

The APVMA is a Commonwealth entity subject to the Commonwealth Climate Disclosure Requirements (Department of Finance 2025), which require Commonwealth entities to disclose material climate-related risks and opportunities that have, or may have, a significant impact on the entity, its ability to deliver public policy, and/or its financial prospects. The inclusion of "ability to deliver public policy" extends the disclosure obligation beyond financial self-interest to the entity's capacity to fulfil its statutory mandate. For the APVMA, the relevant question is whether its regulatory decisions—specifically the registration of products with demonstrated drift potential and environmental persistence—affect its ability to deliver public policy on ecologically sustainable development as required by section 7(4) of the Administration Act. OOA submits that the APVMA's own disclosure obligations under the Commonwealth framework are engaged.

The APVMA's Strategic Plan 2025–30 identifies "building regulatory foresight capability" as one of five strategic objectives, committing to "identify and implement ways of working and building our capability to support innovation within the AgVet chemical sector and respond to Australia's future regulatory needs." OOA submits that the sustainable finance architecture—including the AASB S2 disclosure framework and the Australian Sustainable Finance Taxonomy—represents a future regulatory need that the APVMA's foresight capability should account for: the APVMA's registration data is becoming a component of Australia's sustainable finance infrastructure, and the APVMA's regulatory decisions affect the nature-related data on which downstream taxonomy assessments depend.

The APVMA's Corporate Plan 2025–29 confirms that the APVMA commenced a significant two-year Process Enhancement Initiative in early 2025, undertaking a comprehensive review of all regulatory and operational functions to identify improvements in efficiency and effectiveness. OOA submits that the Initiative's scope should include assessment of the downstream impact of the APVMA's registration, labelling, and cost recovery functions on exclusion-based production systems. The proposals in Part 3, Sections 3.1–3.5—full cost recovery, standardised risk disclosure, remedial withholding, and proactive exercise of chemical review powers—are directly relevant to the Initiative's objectives. OOA requests that the APVMA consider these proposals as inputs to the Process Enhancement Initiative.

Internationally, the direction of chemical regulation policy supports OOA's position. The European Union's Chemicals Strategy for Sustainability explicitly strengthens the polluter-pays principle under REACH. France has instituted polluter-pays charges on PFAS discharges. The Stockholm Convention continues to expand its

coverage of persistent chemicals. The FAO International Code of Conduct on Pesticide Management (revised 2013) establishes a lifecycle framework for pesticide management that includes post-registration monitoring and the consideration of impacts on non-target environments. The Codex Alimentarius MRL standards, which inform Australia's own residue framework, are set in a context where international organic markets apply zero-tolerance or near-zero-tolerance thresholds that are stricter than MRL limits.

The distinction between prohibition and non-authorisation in international pesticide regulation is directly relevant to Australia's cost recovery and registration framework. Under the EU regime, a pesticide active substance may be non-authorised—not because it has been assessed as unsafe, but because the molecule holder has no commercial incentive to seek or renew registration in a particular market. Non-authorisation triggers the same trace-level MRL default as a safety-based prohibition.

This means that Australia's organic exports to the EU are subject to a residue framework in which the absence of EU registration—for any reason—results in effective zero-tolerance enforcement at the border. The APVMA's registration decisions therefore have a direct downstream consequence for Australian organic export market access that is not mediated by the APVMA's own safety assessment: a product registered by the APVMA for Australian use may contain an active substance that is non-authorised in a trading partner's jurisdiction, and contamination of organic product by that substance triggers border rejection regardless of the APVMA's assessment that the product meets the safety criteria under section 5A. This reinforces the submission's argument that the trade criteria under section 5C require the APVMA to account for the regulatory requirements of organic export destination markets in its registration and labelling framework.

OOA submits that the APVMA, in consultation with DAFF, should establish a formal impact assessment process for chemical registration decisions that affect organic and other exclusion-based production systems—parallel to the fiscal impact assessment proposed in OOA's companion OGTR submission for gene technology regulatory decisions. The remedial withholding mechanism proposed in Section 3.2 provides the funding framework to address impacts where they occur.

4.6 Link to DAFF CRIS cost base

OOA has separately requested that DAFF provide a functional cost breakdown of the Export Organic team, disaggregated by function, to enable identification of cost categories within the organic program that arise from AgVet chemical and other externalities created by other industries. Upon receipt of that breakdown, OOA will identify any AgVet-chemical-related costs—including contamination investigation, residue testing, and market access remediation—for exclusion from the organic program's recoverable cost base under the DAFF CRIS. The remedial withholding mechanism proposed in Section 3.2 provides the alternative funding source for those costs: rather than being socialised across the organic program and recovered from organic operators, they should be funded from the remediation fund hypothecated from chemical registrant fees.

Conclusion

OOA supports the principle that those who create risks requiring regulatory management should bear associated costs. The costs of managing risks from AgVet chemicals—including contamination remediation, traceability, and market access loss—should be fully internalised to the chemical industry, not borne by organic operators who suffer the consequences of contamination they do not cause.

The APVMA's statutory criteria—safety, trade, and the ecologically sustainable development obligation—are directly engaged by the downstream impact of registered AgVet chemicals on the organic sector. The remedial withholding mechanism ensures that cost recovery from chemical registrants simultaneously builds the remediation capacity needed to address contamination harm. This is consistent with established Australian precedents in the extractive industries and with the *Australian Government Charging Framework*.

The submission further identifies a structural gap in the regulatory architecture: the APVMA holds the registration data necessary to assess downstream contamination risk—drift characteristics, environmental persistence, water solubility—but this data is not transmitted to the state and territory regulators who manage control of use, nor disclosed to the organic operators who bear the contamination consequences. The proposed data transmission mechanism and standardised risk disclosure documents address this gap. The absence of authoritative disclosure data also exposes organic operators to potential enforcement risk under the Australian Consumer Law, where certification-based product claims cannot be independently substantiated. The APVMA's Process Enhancement Initiative 2025–27 provides a timely vehicle for assessing whether the APVMA's current regulatory and operational functions account for the downstream impacts identified in this submission.

The sustainability disclosure and sustainable finance dimensions reinforce the urgency. Organic operators must disclose the financial risks created by AgVet chemical contamination under AASB S2, while the registrants whose products create those risks bear no corresponding remediation obligation. The Australian Sustainable Finance Taxonomy's DNSH framework depends on reliable data about the environmental characteristics of AgVet chemicals—data that the APVMA's standardised risk disclosure documents would provide. The APVMA's registration data is becoming a component of Australia's sustainable finance infrastructure, and the APVMA's own Commonwealth Climate Disclosure obligations are engaged.

OOA draws the APVMA's attention to its companion submissions to DAFF and the OGTR, which address the broader fiscal context—including gene technology externalities, the structural reform of DAFF's organic export program, and the internalisation of externality-related costs to the entities that create them.

OOA requests that the APVMA engage constructively on the proposals advanced in this submission.

Submitted by: Organic Operators Australia

This submission was prepared using publicly available information from APVMA (including the CRIS 2025–26 and consultation materials), the APVMA Regulatory Posture Statement 2026–30, the Ministerial Statement of Expectations (Assistant Minister Chisholm, 2025), the APVMA Strategic Plan 2025–30, the APVMA Corporate Plan 2025–29, DAFF, the Department of Finance (Australian Government Charging Framework; Commonwealth Climate Disclosure Requirements), DCCEEW, the Climate Change Authority, the Intergovernmental Agreement on the Environment 1992, relevant state environmental legislation, the Offshore Petroleum and Greenhouse Gas Storage Act 2006, the Mineral and Energy Resources (Financial Provisioning) Act 2018 (Qld), the Agricultural and Veterinary Chemicals (Administration) Act 1992, the Agricultural and Veterinary Chemicals Code Act 1994, the Environment Protection and Biodiversity Conservation Act 1999, the Climate Change Act 2022, EU Regulation 2018/848, Regulation (EC) No 396/2005, the EU REACH Regulation (EC 1907/2006), the EU Chemicals Strategy for Sustainability, the Stockholm Convention on Persistent Organic Pollutants, the FAO International Code of Conduct on Pesticide Management, the Codex Alimentarius Commission, the USDA National Organic Program regulations, IFOAM Norms, AASB S2, AASB 136, AASB 102, the Treasury Laws Amendment (Financial Market Infrastructure and Other Measures) Act 2024, the International Sustainability Standards Board (ISSB/IFRS Foundation), the Taskforce on Nature-related Financial Disclosures (TNFD), CSIRO, the Australian Government Sustainable Finance Roadmap (Treasury 2024), the Australian Sustainable Finance Taxonomy Version 1 (ASFI 2025), the Standing Committee on Environment and Public Affairs (Parliament of Western Australia) Report 49, FiBL/IFOAM statistical yearbooks, the EU Corporate Sustainability Reporting Directive (CSRD), the European Sustainability Reporting Standards (ESRS), the Competition and Consumer Act 2010 (Cth), the EU pesticide authorisation regime under Regulation (EC) No 1107/2009 and Implementing Regulation (EU) No 540/2011, the European Food Safety Authority (EFSA), the EU Rapid Alert System for Food and Feed (RASFF), WTO Appellate Body reports in DS 58 (United States—Import Prohibition of Certain Shrimp and Shrimp Products), DS 381 (United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products), and DS 400 (European Communities—Measures Prohibiting the Importation and Marketing of Seal Products), the EU–Mercosur Association Agreement, the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), the WTO Agreement on Technical Barriers to Trade (TBT Agreement), Article XX of the General Agreement on Tariffs and Trade (GATT), the European Commission Joint Research Centre modelling of the Farm to Fork Strategy, and peer-reviewed published research as cited.

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