

Pesticides Act 1999

Pesticide Control Order issued under section 38

1. Name

This Order is to be known as the **Pesticide Control (PAPP) Order 2021**

2. Authority for Order

This Order is made by the Environment Protection Authority with the approval of the Chairperson of the Environment Protection Authority as delegate for the Minister for Energy and Environment, under Part 4 of the *Pesticides Act 1999*.

3. Commencement

This Order commences on the date of its publication in the NSW Government Gazette.

4. Revocation of Previous Order

Pesticide Control (PAPP) Order 2016 is revoked.

5. Objects

The objects of this Order are to:

- (a) Authorise those persons described in clause 9 of this Order to possess or use PAPP products;
- (b) Specify the manner in which PAPP products must be used in NSW; and
- (c) Revoke and replace Pesticide Control (PAPP) Order 2016.

6. Background

A chemical product that contains 4-aminopropiophenone (PAPP) has been declared to be a “restricted chemical product” as set out in Regulation 45 and Schedule 4 of the *Agricultural and Veterinary Chemicals Code Regulations 1995* (Cth).

Section 94 of the Agvet Code, which is applied as a law of New South Wales by the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*, provides that a person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction.

Section 4 of the *Pesticides Act 1999* provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the *Pesticides Act 1999* provides that a person must not use or possess a restricted pesticide unless authorised to do so by a restricted pesticide authorisation or a pesticide control order.

7. Application

This Order authorises the possession and use of PAPP products subject to the conditions specified in this Order, including the Schedule to this Order.

8. Definitions and interpretation

In this Order (including the Schedule to this Order) –

aerial application means applying a pesticide from an aircraft.

Agvet Code has the same meaning as in the *Pesticides Act 1999*.

application site means the position of the PAPP product within the location.

apply a pesticide includes, but is not limited to, disperse, drop, lay, place, spread or otherwise apply the pesticide by any means, including by ground or aerial application.

approved label has the same meaning as in the *Pesticides Act 1999*.

APVMA means the Australian Pesticides and Veterinary Medicines Authority, established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

APVMA permit has the same meaning as in section 109 of the Agvet Code.

Australian Qualifications Framework has the same meaning as in section 7 of the *Higher Education Act 2001*.

authorised agent means a person who is engaged by a landholder to take possession of PAPP products on the landholder's behalf and use PAPP products on the property of that landholder.

Authorised Control Officer means a person who:

(a) either:

- (i) holds a VET statement of attainment issued by NSW DPI's Registered Training Organisation, or another Registered Training Organisation, on completion of the training and assessment components of the Vertebrate Pest Management course¹ delivered by NSW DPI, or a Registered Training Organisation; or
- (ii) is employed by a public authority that has an EPA-approved system for evaluating and establishing recognised prior learning that is, at minimum, equivalent to obtaining accreditation for the successful completion of the training and assessment components of the Vertebrate Pest Management course; and

(b) holds a certificate of completion issued by the NSW DPI within the previous five (5) years for completion of the training and assessment components of the Vertebrate Pesticide Accreditation course; and

(c) holds a VET statement of attainment on completion of the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework levels 3 and 4 that has been issued by a Registered Training Organisation. To maintain currency of level 3 Chemical Accreditation a person must complete refresher training every 5 years. However, for level 4 Chemical Accreditation only initial accreditation is required for the duration of their employment, functioning as an Authorised Control Officer; and

(d) either:

- (i) is a member of staff of LLS, NPWS, NSW DPI, or another Public Service Agency and is currently employed as part of the Public Service under Part 4 of the *Government Sector Employment Act 2013* to enable that Public Service Agency to exercise its functions; or

¹ This includes completion of the NSW Agriculture/ NSW DPI Vertebrate Pest Management course prior to the establishment of nationally recognised competencies.

- (ii) has obtained approval to operate as an Authorised Control Officer from an EPA employee appointed from time to time (in an ongoing, temporary, casual or acting capability) to the position of Senior Executive Band 1 and above within the EPA, prior to completing the training requirements in (c) above, for the purposes of this Order.

coordinated PAPP program means a PAPP program for the control of vertebrate pests that is overseen by an Authorised Control Officer coordinating the program and either takes place at multiple locations or involves multiple end users.

ejector training course means a training course delivered by the LLS or NPWS, which provides certification for the use of PAPP ejector capsules to control vertebrate pests, and which provides instruction in:

- (a) setting up, using and maintaining equipment used to apply PAPP ejector capsules;
- (b) handling, loading and disposing of PAPP ejector capsules; and
- (c) minimising risks to users, bystanders, environment and non-target animals.

end user means a person who is authorised to use PAPP products in accordance with clause 9(1)(b) of this Order.

EPA means the Environment Protection Authority (NSW).

formed entry point means a particular place that has been constructed to allow a person to enter the location. It excludes permanently closed or unauthorised entry points.

landholder means an owner, occupier or manager of land.

LLS means the Local Land Services as constituted under the *Local Land Services Act 2013*.

location means:

- (a) in the case of public places:
 - (i) subject to sub-paragraphs (a)(ii) and (a)(iii) of this definition, the whole of the property;
 - (ii) in the case of State forests, and LLS-managed travelling stock reserves – the area, delimited by peripheral roads, formed tracks, property boundaries, rivers or internal fences, of the State forest or LLS-managed travelling stock reserve where PAPP products are being applied; and
 - (iii) in the case of NPWS estate or property included under a NPWS RPMS program – the area defined by a map in the Authorised Control Officer risk assessment for the PAPP program; and
- (b) in any other case:
 - (i) where the property is less than 100 ha – the whole of the property; and
 - (ii) where the property is 100 ha or more – the area, delimited by peripheral roads, formed tracks, property boundaries, rivers or internal fences, of the property where PAPP products are being applied.

nominated person means a person, of at least 18 years of age, who has written evidence of approval from a person authorised to use PAPP products under clause 9(1)(b) of this Order to collect PAPP products from an Authorised Control Officer on that person's behalf in accordance with this Order.

NPWS means the National Parks and Wildlife Service as defined under the *National Parks and Wildlife Act 1974* and also includes any person involved in the administration of that Act.

NPWS estate means the land reserved or acquired under the *National Parks and Wildlife Act 1974*.

NPWS RPMS program means a program listed in a Regional Pest Management Strategy, or an equivalent pest management strategy, of the NPWS.

NSW DPI means the NSW Department of Primary Industries within the NSW Department of Regional NSW.

ongoing in relation to PAPP programs means a PAPP program that is planned to continue indefinitely at a property and as part of which PAPP products are available continuously to vertebrate pests. PAPP products are still considered to be available continuously where they are removed during periods of high risk (e.g. school holidays) or periods of high non-target interference, provided the PAPP products are not removed for longer than 2 months in areas where vehicle access is available, or 4 months in remote areas where vehicle access is not available.

PAPP means the chemical 4-aminopropiophenone.

PAPP cloth means a cloth or gauze that has PAPP paste applied to it.

PAPP ejector capsule means a capsule containing any ejector PAPP product.

PAPP paste means any PAPP product that is a paste formulation of PAPP.

PAPP Poison Notice means a notice as defined in conditions 3.7, 3.8 and 3.9 of the Schedule to this Order.

PAPP product means any APVMA registered chemical product, or product permitted for use under an APMVA permit for the control of vertebrate pests, that contains PAPP as its only active constituent.

PAPP program means the use of PAPP products at a location, for the control of vertebrate pests.

possession of a pesticide has the same meaning as under the *Pesticides Act 1999*.

property means an area of land, including privately owned land, a holding (as defined in the *Local Land Services Act 2013*), a travelling stock reserve, a State forest, a NPWS estate, or a public place.

public authority has the same meaning as in the *Pesticides Act 1999*.

public place has the same meaning as in the *Protection of the Environment Operations Act 1997*.

public place manager means a public authority or any other person that owns or manages a public place on behalf of a public authority.

Public Service Agency has the same meaning as in the *Government Sector Employment Act 2013*, and also includes a statutory body representing the Crown.

recognised qualification means a certificate of completion, or statement of attainment on completion, of a course of study or specific units of competency, with respect to the use of pesticides that is:

- (a) issued by a registered training organisation in accordance with the Australian Qualifications Framework (within the meaning of section 7 of the *Higher Education Act 2001*); and
- (b) in recognition of the person's satisfactory attainment of the specified units of competency; and
- (c) assessed at Australian Qualifications Framework level 3.

Registered Training Organisation has the same meaning as under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

secure packaging means a container (including a plastic bag) that is structurally sound and meets the requirements of regulation 18 of the *Agricultural and Veterinary Chemicals Code Regulations 1995* of the Commonwealth.

State forest has the same meaning as under the *Forestry Act 2012*.

thoroughfare means a road or track for public use for travel or transportation, including through a property. It excludes tracks, trails and similar access routes on public land such as NPWS estate or State forests, which are not intended for use by the general public (for example, formed fire trails used for fighting fires).

threatened species means “threatened species” and “threatened ecological community” as defined under the *Biodiversity Conservation Act 2016*, and “listed threatened species” and “listed threatened ecological communities” as defined under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

travelling stock reserve has the same meaning as under the *Local Land Services Act 2013*.

unused, in relation to a PAPP product, means a PAPP product that has been safely stored and has at no time been placed in the environment for any period to control vertebrate pests.

use of a pesticide has the same meaning as under the *Pesticides Act 1999*.

vertebrate pest means the target pest species:

- (a) listed on an approved label for a registered PAPP product; or
- (b) identified in an APVMA permit that permits the use of a PAPP product.

VET statement of attainment has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

VPM means the NSW DPI Vertebrate Pesticide Manual published at <http://www.dpi.nsw.gov.au>, as updated from time to time.

9. Persons authorised

- (1) Only the following persons are authorised to use or possess PAPP products, subject to clause 10(1) of this Order:
 - (a) Authorised Control Officers; and
 - (b) any person, other than an Authorised Control Officer, who:
 - (i) has obtained the PAPP products from an Authorised Control Officer, or from the person’s nominated person who has obtained the PAPP products from an Authorised Control Officer; and
 - (ii) holds as a minimum:
 - (A) a recognised qualification that was issued to the person within the last 5 years; or
 - (B) a recognised qualification that was issued to the person other than within the last 5 years if, within the last 5 years, the person:
 - (I) has participated in a quality assurance or stewardship program that instructs on the use of PAPP products, and is approved by the NSW EPA by notice published in the NSW Government Gazette; and

- (II) has complied with any conditions required by that notice in relation to that program; or
 - (C) a certificate of completion that was issued to the person within the last 5 years by the LLS, or the NPWS, for the Vertebrate Pesticides Induction training course developed for the EPA, delivered by the LLS or the NPWS; and
- (iii) is either:
- (A) a member of staff of the NPWS, Wild Dog Destruction Board, NSW DPI or the LLS, or any other person who is contracted or employed by NPWS, NSW DPI or the LLS to use PAPP products; or
 - (B) a landholder of the land on which PAPP products are to be used; or
 - (C) the authorised agent of the landholder of the land on which PAPP products are to be used; and
- (iv) for the use of PAPP ejector capsules, holds a current certificate of completion issued by the LLS or NPWS for the Ejector training course delivered by the LLS or NPWS.
- (2) A nominated person is authorised to possess PAPP products obtained from an Authorised Control Officer, subject to clause 10(2) of this Order.
- (3) An authorised officer of the Environment Protection Authority is authorised to use or possess PAPP products, subject to clause 10(3) of this Order.

10. Conditions on the use of PAPP products

- (1) Each person authorised to possess and use PAPP products under clause 9(1) of this Order must only possess or use the PAPP products in accordance with the conditions stated in the Schedule to this Order.
- (2) Each person authorised to possess PAPP products under clause 9(2) of this Order must only possess the PAPP products in accordance with the conditions stated in the Schedule to this Order.
- (3) Each person authorised to use or possess PAPP products under clause 9(3) of this Order must only use or possess PAPP products for the purposes of storing or possessing a sample of PAPP products collected in the exercise of powers under section 198 of the *Protection of the Environment Operations Act 1997*.

Notes

Words used in an Order have the same meaning as in the Pesticides Act 1999, unless otherwise defined in this Order.

A person must not contravene this Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.

This Order will remain in force until it is revoked.

Note for users of PAPP products

Approved labels of PAPP products and APMVA permits do not contain all of the conditions that apply to the use of PAPP products in NSW. All persons using PAPP products must also follow the instructions in the Schedule to this Order in order to comply with section 39 of the Pesticides Act 1999. Where the Schedule to this Order gives no instruction on a matter that is included in an approved label or APVMA permit for a PAPP product, then the instructions on that matter in the approved label or APVMA permit must be complied with. Where any instructions on an approved label or in an APVMA

permit for a PAPP product are inconsistent with instructions in the Schedule to this Order, then the conditions in the Schedule to this Order prevail to the extent of the inconsistency.

Tracy Mackey
Chief Executive Officer
Environment Protection Authority
(as delegate of the EPA)

Rayne de Gruchy
Chairperson
Environment Protection Authority
(as delegate of the Minister)

Schedule 1

USE OF PAPP PRODUCTS FOR CONTROL OF VERTEBRATE PESTS

1. POSSESSION AND USE OF PAPP PRODUCTS

A person authorised to possess or use PAPP products under clause 9 of this Order must comply with the following conditions on the possession and use of PAPP products:

Requirements for Authorised Control Officers permitting a person to take possession of PAPP products

- 1.1 An Authorised Control Officer must not permit a person to take possession of PAPP products unless that person is authorised to possess PAPP products under clause 9 of this Order.
- 1.2 Before permitting a person to take possession of PAPP products in accordance with condition 1.1 of this Schedule, an Authorised Control Officer must conduct a risk assessment to determine if it is appropriate for that person to possess PAPP products, and for the end user to use PAPP products at the intended location. The risk assessment must be conducted in accordance with the policy and procedures of the VPM, and the NPWS guidelines for all PAPP programs coordinated by a NPWS Authorised Control Officer or the LLS guidelines for all other PAPP programs. If the Authorised Control Officer determines from the risk assessment that it is not appropriate to permit a person to take possession of PAPP products, then the Authorised Control Officer must not allow that person to take possession of any PAPP products from the Authorised Control Officer.
- 1.3 An Authorised Control Officer must ensure that a copy of the risk assessment (see condition 1.2 of this Schedule) is provided to the end user for each property or NPWS RPMS program on which PAPP products are intended to be used.
- 1.4 An Authorised Control Officer must ensure that a copy of this Pesticide Control Order is provided to the end user for each property or NPWS RPMS program on which PAPP products are intended to be used.
- 1.5 If an Authorised Control Officer prohibits a person from taking possession of PAPP products, the Authorised Control Officer must record, in a logbook or diary, the date, time and specific reasons for refusing to permit that person to take possession of PAPP products and notify their Authorised Control Officer supervisor in writing.
- 1.6 An Authorised Control Officer must not allow a person authorised to possess PAPP products under clause 9(1)(b) or 9(2) of this Order to take possession of PAPP products unless the Authorised Control Officer has first established that the intended end user for the PAPP products meets the qualifications or training requirements in clause 9(1)(b) of this Order.
- 1.7 An Authorised Control Officer must only allow a person to take possession of PAPP products that are in secure packaging and have an approved label affixed.
- 1.8 An Authorised Control Officer must undertake a risk assessment to determine the appropriate number of PAPP products that can be used for a PAPP program on a property (see condition 1.2 of this Schedule). An Authorised Control Officer must not permit a person to take possession of more PAPP products than necessary for the PAPP program as determined by the risk assessment.
- 1.9 An Authorised Control Officer must not allow a nominated person to take possession of PAPP products unless the Authorised Control Officer has received evidence of the authorisation given to the nominated person by the landholder, for each property on which the PAPP products are intended to be used.

1.10 An Authorised Control Officer must not allow an authorised agent to take possession of PAPP products unless the authorised agent has provided evidence of the authorisation, given by the landholder, for each property on which the PAPP products are intended to be used. The authorisation must not cover a period of time greater than 12 months.

Requirements for end users of PAPP products

1.11 A person using PAPP products must only use PAPP products to control vertebrate pests.

1.12 A person must only take possession of PAPP products that are in secure packaging and have an approved label affixed.

1.13 A person must not possess more PAPP products than necessary for the PAPP program, as determined by the risk assessment (see condition 1.2 of this Schedule).

1.14 A person must not apply PAPP products on a property without the written consent of the property's landholder unless the use of PAPP products has been determined to be necessary under the *Local Land Services Act 2013* or *Biosecurity Act 2015* and is carried out by an employee or contractor of the LLS or another public authority.

1.15 A person using PAPP products must ensure that the PAPP products are used in accordance with any risk mitigating measures identified in the risk assessment (see condition 1.2 of this Schedule).

1.16 A landholder authorising a person to take possession of PAPP products on their behalf as their nominated person must provide evidence prior to their nominated person taking possession of the PAPP products to the Authorised Control Officer of that authorisation for each property on which the PAPP products are intended to be used.

1.17 A person taking possession of PAPP products and applying PAPP products on behalf of a landholder as their authorised agent must provide evidence prior to taking possession of the PAPP products to the Authorised Control Officer of that authorisation given by the landholder on whose property the PAPP products will be used. The authorisation must clearly set out the dates or date range to which it applies and must not cover a period of time greater than 12 months.

2. PACKAGING, LABELLING, STORAGE AND TRANSPORT REQUIREMENTS

A person authorised to possess or use PAPP products under clause 9 of this Order must only do so in accordance with the following conditions:

2.1 A person must ensure that PAPP products are in secure packaging and have an approved label affixed when not in use.

2.2 A person must store PAPP products in a lockable storage area. A person must ensure that any PAPP products stored on the premises cannot be accessed by any persons who are not authorised to possess or use PAPP products under clause 9 of this Order.

2.3 A person transporting PAPP products in a vehicle must store the PAPP products in a secure and lockable area of the vehicle.

2.4 A person must ensure that PAPP products, including PAPP products being used, stored or transported, are kept away from children, livestock, pets, feed, foodstuffs, seed and fertiliser at all times.

3. NOTIFICATION AND SIGNAGE REQUIREMENTS

A person authorised to use PAPP products under clause 9 of this Order must notify certain persons of the use of PAPP products and erect notices ("PAPP Poison Notices") in accordance with the following conditions:

Notification of neighbours

- 3.1 A person must not use any PAPP products on any land unless a minimum of three days' notice has been given before the date on which they intend to use the PAPP products ("**the notification**"), subject to condition 7.1 of this Schedule.
- 3.2 The notification required in condition 3.1 of this Schedule must be given to the landholder of every property that has a property boundary within one kilometre of any boundary of the location where the PAPP products are to be used.
- 3.3 The notification required in condition 3.1 of this Schedule must contain the following information:
 - (a) the type of pest being controlled with the PAPP products;
 - (b) dates on which the PAPP products will be used or the range of dates during which PAPP products will be used;
 - (c) property on which the PAPP products will be used;
 - (d) contact details of the person who will use the PAPP products or of their office, or, in the case of a public authority, contact details of the person who can be contacted for more information about PAPP products being used on the property or of their office; and
 - (e) a warning that pets and working dogs may be affected and recommended actions to be taken as specified in condition 8.1 of this Schedule.
- 3.4 The notification required in condition 3.1 of this Schedule may be given by telephone, text message, email, in person or by mail (including letter box drop). Where the notification cannot be made by those methods, or the number of persons to be notified is more than 25 or, for coordinated programs, where the number of participants is more than 25:
 - (a) the notification may be made by advertisement in a local newspaper; or
 - (b) where use of PAPP products is to be done under a NPWS RPMS program or equivalent Forestry Corporation of New South Wales program, the notification may be made by advertisement in a local newspaper or on a government website.
- 3.5 The use of PAPP products must commence within 21 days of the notification, otherwise the notification procedure set out in condition 3.1 of this Schedule must be repeated.
- 3.6 For ongoing PAPP programs, the notification must be given at least every 6 months.

PAPP Poison Notices

- 3.7 A person must not use PAPP products on a property unless they have erected PAPP Poison Notices at that property. These notices must remain erect, intact, legible and clearly visible for the duration of the PAPP program.
- 3.8 A person must place PAPP Poison Notices at:
 - (a) all vehicle entry points to the location, commonly used entry points to the location and every formed entry point to the location; and
 - (b) the main entrances to the property where PAPP products are being used; and
 - (c) every five kilometers along all thoroughfares which border or pass through the location.
- 3.9 PAPP Poison Notices must specify the following:
 - (a) the type of pest being controlled with PAPP products; and
 - (b) that PAPP products are being used on the property; and
 - (c) the dates on which PAPP products will be used or the range of dates during which PAPP products will be used; and
 - (d) contact details of the person who will use the PAPP products or of their office, or, in the case of a public authority, contact details of the person who can be contacted for more information about PAPP products being used on the property or of their office; and

- (e) a warning that the health of domestic animals may be affected by exposure to PAPP products.

Notes

- (1) *Under Part 5 of the Pesticides Regulation 2017, public authorities have additional public notification obligations that must be complied with.*
- (2) *A person may obtain PAPP Poison Notices from an Authorised Control Officer.*

4. LOCATION AND DISTANCE REQUIREMENTS

A person authorised to use PAPP products under clause 9 of this Order must only undertake a PAPP program in accordance with the following conditions:

- 4.1 A person must only apply PAPP products within 5 metres of a property boundary where:
 - (a) the PAPP products are being applied as part of a coordinated PAPP program; and
 - (b) the relevant part of the property boundary is only shared between properties that are part of the coordinated PAPP program; and
 - (c) the Authorised Control Officer has undertaken a risk assessment (see condition 1.2 of this Schedule) and has determined that PAPP products can be applied at distances of less than 5 metres from the property boundary; and
 - (d) the Authorised Control Officer has obtained written consent from all landholders involved in the coordinated PAPP program to use, or to allow the use, of PAPP products at distances of less than 5 metres from the property boundary on the landholder's property.

5. GROUND APPLICATION

A person authorised to use PAPP products under clause 9 of this Order must only undertake a PAPP program in accordance with the following conditions:

- 5.1 A person must place PAPP products in such a way that they can be readily retrieved and disposed of in accordance with condition 7.79.2 of this Schedule.
- 5.2 A person using PAPP products must ensure that all application sites containing PAPP products are marked or otherwise identifiable to the person authorised to use PAPP products under clause 9 of this Order.
- 5.3 Where ongoing PAPP programs are necessary in some instances to reduce the impacts of vertebrate pests on native fauna and domestic livestock, such programs must only be undertaken if:
 - (a) an Authorised Control Officer has approved an ongoing PAPP program in accordance with the risk assessment (see condition 1.2 of this Schedule); and
 - (b) the risk to non-target species is low (see also conditions 8.1 and 8.2 of this Schedule); and
 - (c) application sites containing PAPP products are checked at intervals of no more than 2 months where vehicle access is available, or at intervals of no more than 4 months in remote areas where vehicle access is not available; and
 - (d) taken, degraded, empty or spent PAPP products are replaced each time application sites are checked.

Note

The interval between times when PAPP products are checked and replaced may vary according to the anticipated rate of vertebrate pest immigration into the target area (e.g. daily, weekly, monthly), provided that interval is no longer than 2 months where vehicle access is available or 4 months in remote areas where vehicle access is not available.

6. AERIAL APPLICATION

A person authorised to use PAPP products under clause 9 of this Order must undertake any aerial application in accordance with the following conditions:

- 6.1 A person may only undertake aerial application of a PAPP product if that PAPP product is approved for the control of a vertebrate pest by aerial application under the conditions of an approved label or APVMA permit.
- 6.2 A person must not undertake aerial application on NPWS estate unless written approval has been obtained from the relevant NPWS Director who has responsibility for PAPP programs run by NPWS or their equivalent. For application on all other land, a person must not undertake aerial application unless written approval has been obtained from the LLS Chief Executive or their delegate.
- 6.3 Aerial application of PAPP products must be coordinated through either LLS or NPWS, or another NSW public authority that the EPA has given approval to undertake such an activity.
- 6.4 Aerial application of PAPP products must be conducted in accordance with the LLS and NPWS approved guidelines and procedures for aerial application, as in force from time to time.
- 6.5 A person coordinating or organising aerial application PAPP programs must ensure that pilots are given digitised flight paths for all areas where PAPP products will be dropped from an aircraft that is used to aerially apply PAPP products.
- 6.6 A pilot who operates an aircraft that is used in the aerial application of PAPP products must use onboard GPS navigation equipment mounted in the pilot's line of sight to navigate along flight paths assigned in condition 6.5 of this Schedule. The GPS navigation equipment must be of the type that has a moving map display with topographic features that provide accurate guidance to the pilot. The GPS equipment must have full data logging capabilities and all flight paths must be pre-programmed into the GPS navigation equipment before using PAPP products for aerial application.
- 6.7 A pilot who operates an aircraft that is used in the aerial application of PAPP products must make a record of the GPS flight path, which includes the start and finish drop point data for PAPP products, for each aerial run. The record must be kept for a period of at least three years after the date on which the PAPP products was aerially applied. A pilot must make any records available to the EPA on request.
- 6.8 A person who is responsible for dropping PAPP products from an aircraft must not be given the task of navigating the aircraft. A pilot is responsible for navigation and must ensure that PAPP products are dropped along the flight paths assigned in condition 6.5 of this Schedule.
- 6.9 A person must not drop PAPP products from an aircraft that is used to aerially apply PAPP products unless that person holds, at minimum, the qualifications specified in clause 9(1)(b) of this Order.

7. EMERGENCY APPLICATION (Ground application only)

A person authorised to use PAPP products under clause 9 of this Order may undertake emergency application using ground application in accordance with the following conditions:

- 7.1 A person who can provide evidence that livestock are being attacked, that livestock are under imminent threat of attack, or that a listed threatened species is being attacked or under imminent threat of attack, may seek approval from an Authorised Control Officer to apply PAPP products without the need to comply with condition 3.1 of this Schedule (3-day prior neighbour notification).
- 7.2 A person who undertakes emergency application must comply with all requirements in relation to the use of PAPP products, except as provided in condition 7.1 of this Schedule.
- 7.3 A person who undertakes emergency application must not apply more than the number of PAPP products approved by an Authorised Control Officer.

- 7.4 A person whose land is adjoining (or nearby) to land where livestock or threatened species are being attacked, or are under imminent threat of attack, and whose land is part of a coordinated PAPP program, may undertake emergency application.

8. PROTECTION OF NON-TARGET ANIMALS

PAPP products are toxic to some native wildlife. In particular, PAPP is toxic to marsupial carnivores, bandicoots, goanna or monitor lizards and some birds. A person authorised to use PAPP products under clause 9 of this Order must comply with the following requirements:

- 8.1 A person who uses PAPP products must take all reasonable measures to avoid poisoning of domestic pets or working dogs. This includes, but is not limited to:
- (a) notification of all neighbouring landholders, in accordance with condition 3.3(e) of this Schedule, to restrain or otherwise prevent their dogs and other pets from entering the location during PAPP programs, or to muzzle working dogs if paddocks have to be mustered when PAPP products are being used; and
 - (b) notification of all neighbouring landholders, in accordance with condition 3.3(e) of this Schedule, advising them on how to obtain information on symptoms of PAPP poisoning and what measures should be taken in the event that PAPP products are consumed by a non-target animal, including the need to immediately seek veterinary assistance in the event of accidental poisoning.
- 8.2 A person using the PAPP products must take all reasonable measures to ensure that PAPP programs are implemented when non-target species are least active or least susceptible.
- 8.3 A person who uses PAPP products must take all reasonable measures to recover carcasses of animals poisoned by PAPP products and dispose of them in accordance with the disposal instructions for PAPP products in condition 7.79.4 of this Schedule.

9. DISPOSAL REQUIREMENTS

A person authorised to possess or use PAPP products under clause 9(1) of this Order must comply with the following disposal requirements:

- 9.1. A person handling any collected or unused PAPP products must only store them in secure packaging that has an approved label affixed.
- 9.2. A person undertaking ground application must ensure that all PAPP products that remain untaken at the end of the PAPP program are collected and removed from each application site.
- 9.3. A person must ensure that all collected or unused PAPP products are disposed of as soon as practicable after the end of the PAPP program:
- (a) in a waste management facility that can lawfully accept the PAPP products; or
 - (b) by burial in accordance with condition 9.4 of this Schedule, on the property where the PAPP products were collected or intended to be used; or
 - (c) in the case of a coordinated PAPP program, by burial in accordance with condition 9.4 of this Schedule, at a property or location identified and approved by the Authorised Control Officer coordinating the program; or
 - (d) in the case of unused PAPP products, by returning unused PAPP products to an Authorised Control Officer.
- 9.4. A person must ensure that all collected or unused PAPP products are buried in a disposal pit under a minimum of 500 mm of soil at the disposal location identified in condition 9.3(a) or 9.3(b) of this Schedule. The disposal pit must be clear of permanent waterways, and ephemeral waterways, so as to not cause pollution of waters under Part 5.3 of the *Protection of the Environment Operations Act 1997*.
- 9.5. A person must not reuse packaging that has contained PAPP products unless the packaging is:
- (a) used to contain PAPP products and not used for any other purpose; and

(b) not damaged and is structurally sound.

- 9.6. A person must dispose of any packaging that has contained PAPP products either by burning in accordance with condition 9.7, or as follows:
- (a) the packaging, including plastic bags or containers, must be triple rinsed or pressure rinsed, and must be broken, crushed or punctured; and
 - (b) the packaging and the rinsate must be disposed of:
 - (i) at the disposal location identified in condition 9.3(a) or 9.3(b) of this Schedule; or
 - (ii) in a waste management facility that can lawfully accept the packaging or the rinsate.
- 9.7. Empty plastic bags that have contained PAPP products must not be burnt by open fire unless an approval has been issued by the EPA under the *Protection of the Environment Operations (Clean Air) Regulation 2021*. A person who disposes of plastic bags by way of burning must comply with all conditions of the EPA approval.
- 9.8. An Authorised Control Officer must ensure that all persons dispose of PAPP products in accordance with condition 9.4 of this Schedule, as soon as practicable and within two months of completion of the PAPP program.