

AG301*

Agricultural Produce (Chemical Residues) Act 1983

Agricultural Produce (Chemical Residues) Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Agricultural Produce (Chemical Residues) Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Agricultural Produce (Chemical Residues) Regulations 1985**.

[* Reprinted as at 9 November 2001.

For amendments to 16 June 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 12.*]

3. Regulation 2AA amended

Regulation 2AA is amended by inserting in the appropriate alphabetical positions —

“

“**Food Standards Code**” means the code published under the name “Food Standards Code” in the Commonwealth *Food Standards Gazette* on 27 August 1987 together with any amendments to the standards in that Code up to and including “Amendment 84”;

“**MRL Standard**” means the “Maximum Residue Limit Standard”, listing maximum residue limits set by the Australian Pesticides and Veterinary Medicines Authority (APVMA) as published in the *Agricultural and Veterinary Chemical Gazette*

of the Commonwealth, together with any amendments, as at February 2006;

”.

4. Regulation 2A replaced

Regulation 2A is repealed and the following regulation is inserted instead —

“

2A. Agricultural chemicals

If a substance is —

- (a) defined as a “metal contaminant” in the Food Standards Code, Standard 1.4.1, clause 2; or
- (b) defined as a “chemical” in the Food Standards Code, Standard 1.4.2, clause 1(6) and listed in bold type in one of the shaded boxes in Schedule 1 of that Standard; or
- (c) listed as a “compound” in the MRL Standard Table 4; or
- (d) listed as in Schedule 3 to these regulations,

that substance is prescribed to be an “agricultural chemical” for the purposes of the Act.

”.

5. Regulation 3 replaced

Regulation 3 is repealed and the following regulation is inserted instead —

“

3. Maximum residue limits

- (1) Subject to this regulation, the maximum residue limits prescribed for agricultural chemicals in agricultural produce are those set out in —
 - (a) the Table to clause 2 of the Food Standards Code, Standard 1.4.1; or
 - (b) Schedule 1 of the Food Standards Code, Standard 1.4.2; or
 - (c) Table 4 to the MRL Standard.
- (2) Where there is no maximum residue limit prescribed for an agricultural chemical in agricultural produce under subregulation (1), the maximum residual limit is zero.
- (3) Where mixed agricultural produce listed in a Schedule or Table referred to in subregulation (1) contains more than one kind of agricultural produce listed under or against an agricultural chemical, then the following formulae are to be used to calculate a maximum

residue limit (MRL) for the agricultural chemical in relation to that mixed agricultural produce —

For a mixture of 2:

$$MRL C = \frac{Weight A}{Total Weight} \times MRL A + \frac{Weight B}{Total Weight} \times MRL B$$

Where —

MRL C = the MRL that applies to the agricultural chemical in the mixed agricultural produce;

MRL A = the MRL for the agricultural chemical which applies to agricultural produce A;

MRL B = the MRL for the agricultural chemical which applies to agricultural produce B;

Total Weight = the total weight of the mixed agricultural produce;

Weight A = the total weight of agricultural produce A;

Weight B = the total weight of agricultural produce B.

For a mixture of more than 2:

$$MRL C = \sum_{i=1}^n \frac{Weight i}{Total Weight} \times MRL i$$

- (4) Where residues of 2 or more of the agricultural chemicals listed in any one group of those specified in Schedule 3 are present in any agricultural produce, then when the following formula is applied, the MRL levels are exceeded if the result (Z) is greater than 1.

Where 2 residues are present:

$$\frac{Concentration\ of\ chemical\ A\ present}{MRL\ for\ chemical\ A} + \frac{Concentration\ of\ chemical\ B\ present}{MRL\ for\ chemical\ B} = Z$$

Where more than 2 residues are present:

$$\sum_{i=1}^n \frac{[i]}{MRL\ i} = Z$$

”.

6. Schedule 2 repealed

Schedule 2 is repealed.

7. Schedule 3 amended

Schedule 3 is amended as follows:

- (a) in Group B by deleting “1,1-Dichloro-2,2-bis-(4-ethylphenyl) ethane”;
- (b) in Group D by deleting “Formetanate”;

(c) by deleting Group E and inserting instead —

“

Group E

Dithiocarbamates	propineb
(including —	thiram
ferbam	zineb
mancozeb	ziram)
maneb	Formetanate

”.

(d) by deleting Group J and inserting instead —

“

Group J

Carbendazim (including —
benomyl
thiophanate
thiophanate-methyl)

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.