

# THE SPRAY DRIFT AGREEMENT

## A PROTOCOL FOR THE APPLICATION OF AGRICULTURAL CHEMICALS BY GROUND RIG OR BY AIRCRAFT

### 1. Title

A one-sentence description of the situation in which the Agreement is being used. It nominates the industries involved, and the method(s) of application of the chemicals.

For example: This protocol outlines agreed standards and actions to be adopted by six grain producers in the application of agricultural chemicals by ground or air in the vicinity of Fred Smith Marron Farm, Bullamacanka.

### 2. The parties

This clause lists the names of the parties/stakeholders to the Agreement, and their role, ie, Sensitive Property Owner/Manager, Sprayer, Target Property Owner/Manager.

### 3. Definitions

These describe in detail the primary stakeholders and other terms used in the Agreement. Some definitions (eg. Sprayer, Sensitive Property) are likely to appear in all Agreements. Others (such as Field Supervisor, Pilot) will only be included if they are appropriate. The actual definition of each term will also vary from Agreement to Agreement. For example:

**Agricultural Chemicals** – Insecticides, herbicides or fungicides or any other chemicals that are applied to crops on the Target Property, and that are registered or permitted by the National Registration Authority for Agricultural and Veterinary Chemicals.

**Field Specifications** – the formal Field Specifications developed between the Sensitive Property Owner/Manager, the Target Property Owner and the Sprayer for application of agricultural chemicals on the Target Property to ensure protection to a neighbouring Sensitive Property. The Field Specification and the Protocol are part of the Agreement.

**Field Supervisor** – (usually only applicable where the Target Property Owner is a corporate body) - an employee/representative of the Target Property Owner who is responsible for supervising and coordinating the spray operation in the field, who maintains sole communication with the Sprayer and acts as ground observer during operations.

**Neighbour** – a landowner who has a common boundary to the Target Property or is situated across the road from the Target Property. This may not necessarily be the owner of a Sensitive Property

**Pilot** – the Pilot of the aircraft engaged to apply the agricultural chemical on behalf of an aerial spraying contractor.

**Sensitive Property** – A property on which there is a commercial activity that is sensitive to exposure to agricultural chemicals used in the district. (For example, marron farm, trout farm, vineyard, vegetable farm or an organic farming enterprise).

**Sensitive Property Owner/Manager** – An owner and/or manager of a Sensitive Property.

**Sprayer** – the person that applies the agricultural chemicals to the Target Property. This could be the Target Property Owner, an employee, or a Contractor (either aerial or ground).

**Target Property** – a property that is the target for application of agricultural chemicals (there is likely to be more than one).

**Target Property Owner/Manager** – the owner and/or manager of the Target Property who is responsible for initiating and managing the spraying operation.

#### **4. Preamble**

Provides more information on the local situation by restating the industries and the relative sensitivities and providing guidance for the completion of the Agreement. For example:

*The six grain growers recognise that application of **agricultural chemicals** to crops may pose a threat to sensitive industries (named?) that are adjacent to or near properties targeted for spraying.*

*The objective of this protocol is to set the guidelines for the safe use of agricultural chemicals, such that a **Sensitive Property Owner/Manager**, and other stakeholders are aware of the process that a **Target Property Owner/Manager** will follow before initiating action to control a pest by spraying.*

*The specifications for the application of agricultural chemicals will be provided in the document: '**Field Specifications** for Application of Agricultural Chemicals to Crops Located Adjacent to a Sensitive Property' (hereafter known as the **Field Specifications**). This document must be signed by the **Sensitive Property Owner/Manager**, the **Target Property Owner/Manager** and the **Sprayer** before application occurs.*

#### **5. Undertakings**

A formal statement of what the target property owner will do and the circumstances of any action. It is also the place where the sensitive property owner can be assured of the genuineness of the target property owner's intent. For example:

*The six grain growers will take all precautions to avoid drift that might impact on neighbouring properties. The **Target Property Owner/Manager** will respond to genuine concerns from all **Neighbours** and take reasonable action to avoid impacts from spray drift on all **Neighbours**. However, a **Target Property Owner/Manager** retains the right to act, within the constraints of legislation governing the application of **agricultural chemicals**, to take any action necessary to prevent damage to his or her crop by pests, weeds or diseases.*

*This protocol will be adopted by all six growers, provided the guidelines for notification, liaison and the negotiation process with neighbours of **Target Properties** to ensure all genuine and sensitive issues are addressed in a consistent and acceptable manner.*

#### **6. Background and justification for chemical use**

Provides technical information on the target crop, how big it is, its location in relation to the **Sensitive Property** (a map would help here), its agronomy and need for chemical treatment.

#### **7. Notifications**

The procedure of notification (and what information will be notified), that will take place between the target property owner and the sensitive property owner and others. It is likely that these procedures will vary considerably from situation to situation. For example, where the target property owners are cereal farmers, notification could be limited to an advance notice at the beginning of the season, with a pre-application contact 24 hours before spraying.

It is important that neighbourhood groups agree on the best notification regime for their circumstances.

This section also introduces the Field Specifications, who will prepare them and when they will be used.

## **8. Application standards**

The regulatory or other standards under which the chemicals will be applied. For example:

***Prescriptions.** The six grain growers will develop standard prescriptions for the application of agricultural chemicals that comply with accepted good practice and statutory requirements.*

***Accreditation of Sprayer.** All Spraying Contractors, whether ground or aerial, are to be licensed by the appropriate State Government agency.*

## **9. Other relevant matters**

This is the ‘catch-all’ section that deals with any other relevant issues, for example, the provision of buffer zones, or anything else peculiar to the situation that does not fit one of the other sections.

## **10. Dispute resolution**

This is an important section that provides for the agreed process for settling disputes both before the Agreement is signed, and in the event that a breach of the Agreement is alleged to have occurred.

Any person acceptable to the Group can be nominated as an arbitrator.

The Agricultural Practices (Disputes) Act 1995, is also available as an alternative means for dispute resolution. For example:

***Development of the Field Specifications.** Where, in relation to the development of the Field Specifications, agreement between the parties cannot be reached, the issue will be referred to an independent arbitrator that is acceptable to the Group.*

***Failure to comply with the agreed Field Specifications.** In the event that a dispute occurs as a result of a breach of the agreed **Field Specifications**, the parties involved should first attempt to resolve the dispute.*

Where the parties are unable to resolve the dispute, the case should be referred to the independent arbitrator. If this action fails to resolve the issue the dispute should be referred to the Registrar as appointed under the Agricultural Practices (Disputes) Act 1995.

*Where a spraying event is suspected of being in breach of any Act or Regulation it should be referred to the DEPARTMENT OF AGRICULTURE Regional Protection Manager, via the nearest DEPARTMENT OF AGRICULTURE office.*

## **11. Field specification**

This provides the proposed and actual chemical application details and will vary with the local situation. A suggested format is attached.

The Field Specification, as part of the complete Agreement (including the Protocol) is signed by the principle stakeholders.

## **12. Signatures (optional at this point)**

### **Sensitive Property Owner/Manager**

I, the Sensitive Property Owner/Manager, agree to the provisions of this protocol as the basis for the application of agricultural chemicals according to the Field Specifications.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

### **Target Property Owner (1)**

I, the Target Property owner, agree to the provisions of this protocol as the basis for the application of agricultural chemicals according to the Field Specifications.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

### **Target Property Owner (2)**

I, the Target Property owner, agree to the provisions of this protocol as the basis for the application of agricultural chemicals according to the Field Specifications.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

### **Target Property Owner (3)**

I, the Target Property owner, agree to the provisions of this protocol as the basis for the application of agricultural chemicals according to the Field Specifications.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

### **Target Property Owner (4)**

I, the Target Property owner, agree to the provisions of this protocol as the basis for the application of agricultural chemicals according to the Field Specifications.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

### **Sprayer (if an aerial or ground contractor)**

I, the Sprayer, agree to the provisions of this protocol as the basis for the application of agricultural chemicals according to the Field Specifications.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

**B. FIELD SPECIFICATIONS FOR THE APPLICATION OF AGRICULTURAL CHEMICALS TO CROPS LOCATED ADJACENT TO A SENSITIVE PROPERTY<sup>1</sup>**

**Section 1 Details of parties involved in the development of field specifications**

**1.1 Sensitive Property Owner/Manager**

Name: \_\_\_\_\_

Location numbers: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Nature of sensitive activity to be protected (Details of activity that is sensitive to pesticide contamination and reasons why the activity is sensitive):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**1.2 Target property owner/manager**

Personal or Company name: \_\_\_\_\_

Property name: \_\_\_\_\_

Location numbers: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Field supervisor: \_\_\_\_\_ (name)

Field supervisor: \_\_\_\_\_ (name)

**1.3 SPRAYER**

Name: \_\_\_\_\_

Company name (if applicable): \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> The Field Specification Section of this document should not be separated from the preceding section.

## Section 2 Target application conditions

### Proposed date of application

\_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

Latest date of proposed spraying: \_\_\_\_\_

### Target pest(s)

Common name(s): \_\_\_\_\_

Scientific name(s): \_\_\_\_\_

### Chemical(s) to be used

Before spraying commences, the Sensitive Property Owner/Manager must be informed of the identity of the chemicals and any adjuvants to be used, and the application rate.

1. Brand name: \_\_\_\_\_ Rate (L/ha): \_\_\_\_\_

Active ingredient: \_\_\_\_\_

2. Brand name: \_\_\_\_\_ Rate (L/ha): \_\_\_\_\_

Active ingredient: \_\_\_\_\_

3. Brand name: \_\_\_\_\_ Rate (L/ha): \_\_\_\_\_

Active ingredient: \_\_\_\_\_

### Additives:

Name: \_\_\_\_\_ Rate (L/ha): \_\_\_\_\_

Name: \_\_\_\_\_ Rate (L/ha): \_\_\_\_\_

Total output: \_\_\_\_\_ (L/ha)

Reactive strips placed : Yes  No

Agreed placement positions for strips: \_\_\_\_\_ (refer to attached map)



**FIELD COMMUNICATIONS (usually only applicable in the case of aerial application);**

**General**

Radio communication is to be maintained between the Pilot and the Field Supervisor at all times during the aerial spraying operation. Communication is also to be maintained between the Sensitive Property Owner/Manager and the Field Supervisor and any communication with the Pilot is to be done through the Field Supervisor.

Agreed communication between:

- 1. The Field Supervisor and the Pilot (communications with the Pilot can only be through the Field Supervisor):  
Radio band and channel \_\_\_\_\_
- 2. The Sensitive Property Owner/Manager and the Field Supervisor:  
Specify \_\_\_\_\_

If none to any of the above is available, what alternative arrangements are to be followed to maintain communications?  
\_\_\_\_\_

Nominated deputy for Sensitive Property Owner/Manager (name and contact details):  
\_\_\_\_\_

**SIGNATURES:**

**1. Sensitive Property Owner/Manager**

I, the Sensitive Property Owner/Manager, agree to the specifications, weather conditions and other specified conditions under which spraying can proceed.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

**2. Target Property Owner**

I, the Target Property owner, agree to the specifications, weather conditions and other specified conditions under which spraying can proceed.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

**3. The Sprayer (if an aerial or ground contractor)**

I, the Sprayer, agree to the specifications, weather conditions and other specified conditions under which spraying can proceed.

Signed: (name) \_\_\_\_\_ (signature) \_\_\_\_\_

**Section 3 RECORD OF APPLICATION – to be completed by Target Property Owner/Manager (or Field Supervisor) after spraying is completed – copy provided to Sensitive Property Owner/Manager and Sprayer**

**Actual date of application**

\_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

**Actual weather conditions**

**Wind direction**

Target Property location No(s) \_\_\_\_\_

N NNE NE ENE E ESE SE SSE S SSW SW WSW W WNW NW NNW  
(Circle one or more)

Target Property location No(s) \_\_\_\_\_

N NNE NE ENE E ESE SE SSE S SSW SW WSW W WNW NW NNW  
(Circle one or more)

Target Property location No(s) \_\_\_\_\_

N NNE NE ENE E ESE SE SSE S SSW SW WSW W WNW NW NNW  
(Circle one or more)

**Wind speed:**

(Maximum) \_\_\_\_\_ kph (Minimum) \_\_\_\_\_ kph

**Temperature:**

(Maximum) \_\_\_\_\_ °C (Minimum) \_\_\_\_\_ °C

**Relative humidity:**

(Range) \_\_\_\_\_ % to \_\_\_\_\_ %

Reactive strips placed : Yes  No

Results/Observations of strips: \_\_\_\_\_

Other relevant comments and observations:

\_\_\_\_\_  
\_\_\_\_\_

Sensitive Property Owner/Manager: \_\_\_\_\_

Target Property Owner: \_\_\_\_\_

Sprayer: \_\_\_\_\_

