CropLife Australia

May 2026

National Environmental Standard for Matters of National Environmental Significance (MNES Standard)

Submission

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INTRODUCTION

CropLife Australia (CropLife) is the national peak industry organisation representing the agricultural chemical and plant biotechnology (plant science) sector in Australia. CropLife represents the innovators, developers, manufacturers, formulators and suppliers of crop protection products (organic, synthetic, and biological based pesticides) and agricultural biotechnology innovations. CropLife's membership is made up of both large and small, patent holding and generic, Australian, and international companies. Accordingly, CropLife only advocates for policy positions that deliver whole of industry and national benefit. However, our focus is specifically on sustainable environmental land management and an Australian farming sector that is internationally competitive through globally leading productivity and sustainability practices. Both of which are achieved through access to world-class technological innovation and products of the plant science sector.

The plant science industry contributes to the nation's agricultural productivity, environmental sustainability, and food security through innovation in plant breeding and pesticides that protect crops against pests, weeds, and disease. More than $31 billion of the value of Australia's agricultural production is directly attributable to the responsible use of crop protection products, while the plant science industry itself directly employs thousands of people across country.[1] CropLife Australia is a member of CropLife Asia and part of the CropLife International Federation of 91 CropLife national associations globally.

SUMMARY

CropLife Australia welcomes the opportunity to comment on the proposed National Environmental Standard for Matters of National Environmental Significance (MNES). CropLife Australia supports the intent of the MNES Standard to guide the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decision making. However, the draft lacks clarity, risks duplication, and creates uncertainty around liability. The plant science industry supports robust, evidence-based regulation that delivers strong environmental outcomes while maintaining regulatory clarity, proportionality, and alignment with existing statutory frameworks. A clear distinction must be maintained between upfront approval processes under the EPBC Act and state and territory-based compliance regimes that address environmental harm after it occurs.

[1] Deloitte Access Economics, 'Economic Contribution of Crop Protection Products in Australia', August 2023, https://www.croplife.org.au/resources/reports/economic-contribution-of-crop-protection-products-in-australia/.

Australia already has a comprehensive, science-based regulatory system through the Australian Pesticides and Veterinary Medicines Authority (APVMA), which assesses environmental and human health risks, including use patterns and exposure pathways. The MNES Standard must not duplicate or override this established framework. The draft's broad treatment of indirect and cumulative impacts, risks extending responsibility beyond what manufacturers of registered products can control, including third party misuse, which is already addressed through APVMA (under the Intergovernmental Agreement) label requirements and existing compliance regimes.

Three core principles must be explicit:

- The environmental regulator does not regulate pesticide approvals; this is solely the role of the APVMA.
- Manufacturers of registered products are not responsible for misuse, which is managed through existing compliance frameworks.
- Restrictions on the use of pesticides must not be considered in environmental approvals. Risk management requirements mandated by the APVMA, ensure sensitive environments are protected.

Consistent with these principles, crop protection product approvals must not be considered in consent orders where risks are already managed under APVMA approvals. CropLife Australia supports the intent of the MNES Standard but recommends targeted refinement to:

- Clarify its role as an approval framework, not a compliance regime.
- Avoid duplication with the APVMA's statutory role.
- Define clear limits on indirect and cumulative impacts based on control and causation.
- Ensure regulatory obligations remain proportionate and evidence based.
- Exclude liability for manufacturers for misuse or unlawful third-party actions

These refinements are essential to maintain regulatory clarity, support innovation, and deliver strong environmental outcomes without duplication. They will help ensure a coherent, efficient, and investment-enabling regulatory system.

REGULATORY SCOPE

The current drafting creates ambiguity by suggesting manufacturers of registered products could be responsible for post approval impacts outside their control. The MNES Standard must operate solely as an approval framework, not a compliance or liability regime.

It must not:

- Extend responsibility to post-approval impacts outside the control of manufacturers.
- Question or override APVMA approvals.
- Create indirect liability for lawful, approved product use.

The Standard must make clear that the EPBC Act framework cannot be used to second-guess, erode, or override the APVMA's scientific assessment and approval of crop protection products. It must not create an indirect avenue for imposing liability or facilitating litigation in relation to the legitimate, authorised use of registered chemical products in accordance with approved label conditions. Any attempt to extend the Standard in this way would duplicate established statutory processes, create profound regulatory uncertainty, and fundamentally undermine confidence in Australia's science-based chemical regulatory system.

AVOIDING REGULATORY DUPLICATION

Crop protection products are already subject to extensive assessment and approval processes,[2] under Australia's national regulatory framework prior to market entry.[3] The Australian Pesticides and Veterinary Medicines Authority, (APVMA) evaluates environmental safety, including off-target impacts and downstream exposure pathways, as a core part of its statutory function. If applied without clear boundaries, the MNES Standard risks duplicating, the APVMA's statutory role, particularly through the inclusion of indirect and facilitated impacts such as downstream chemical effects.[4] The APVMA is the sole national regulator of pesticide approvals, including environmental risk assessment. The MNES Standard must not duplicate this role.

Doing so would:

- Reassess risks already evaluated by the APVMA.
- Reduce certainty for investment and innovation.
- Increase costs and delays without improving environmental outcomes.
- Undermine EPBC reform objectives.

Beyond this, failure to clearly recognise the interaction between the MNES Standard and existing Commonwealth regulatory regimes, including the APVMA, risks creating inconsistencies, duplication, and regulatory conflict. Where requirements or conclusions differ between frameworks, the absence of defined hierarchy or primacy introduces uncertainty for manufacturers of registered products and decision-makers. The Standard should explicitly clarify how it interfaces with established, industry-specific regulatory bodies and confirm the hierarchy that applies where regulatory outcomes do not align. This outcome would directly undermine the stated objective of the EPBC Act reform to reduce complexity and improve efficiency in environmental approvals.

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[2] Chemical Regulation - DAFF

[3] Australian Pesticides and Veterinary Medicines Authority

[4] Department of Climate Change, Energy, the Environment and Water. 2026. *National Environmental Standard (Matters of National Environmental Significance)*. National Environmental Standard for Matters of National Environmental Significance (MNES) - Department of Climate Change, Energy, Environment and Water

CropLife Australia's Climate Smart Agriculture Report reinforces the importance of science-based regulation, effective stewardship and risk-based decision-making, as central to delivering sustainable and climate smart agricultural systems. Australia's existing regulatory framework for crop protection products is grounded in rigorous scientific assessment and already plays a critical role in supporting environmental protection and farmer confidence. To maintain a coherent and efficient regulatory system, the MNES Standard must avoid duplication and operate consistently with the APVMA's established role in chemical risk assessment.

The plant science sector is actively investing in delivering more modern sophisticated targeted chemistries, driven by advances in science and global regulatory trends to even further improve their effectiveness and minimise environmental impact. Introducing additional or duplicative regulatory hurdles at the approval stage risks delaying or discouraging the development and adoption of these safer alternatives, undermining both innovation and the achievement of improved environmental outcomes.

Recommendations

- The MNES Standard must explicitly recognise and defer to the APVMA as the sole regulator of agricultural chemicals.
- Exclude APVMA-assessed products from reassessment under the Standard (including Principle 4).[5]
- Clearly define regulatory hierarchy.

INDIRECT IMPACTS: CLEAR LIMITS ON RESPONSIBILITY

The current approach is overly broad and risks extending responsibility beyond reasonable control. This is inconsistent with established regulatory practice. A fundamental principle must apply, whereby responsibility must be limited to impacts that are reasonably foreseeable and within the control of manufacturers of registered products.

Critically:

- Manufacturers must not be held liable for misuse, improper handling, or unlawful application once products leave their control.
- These risks are already managed through:
    - APVMA label conditions; and

[5] Department of Climate Change, Energy, the Environment and Water. 2026. *National Environmental Standard (Matters of National Environmental Significance)*. National Environmental Standard for Matters of National Environmental Significance (MNES) - Department of Climate Change, Energy, Environment and Water

- State and territory compliance and enforcement regimes.

Extending liability beyond this would create open-ended and unmanageable regulatory exposure without environmental benefits.

Recommendations

- Define clear thresholds and boundaries for indirect impacts.
- Align attribution with control and causation.
- Explicitly exclude, third-party misuse; and non-compliant or unlawful application.
- Exclude impacts already assessed and managed by the APVMA from reassessment.

CUMULATIVE IMPACTS

Cumulative impacts in agriculture are diffuse, multi-source, and shaped by landscape-scale processes. They must not be attributed to individual crop protection products or their manufacturers, particularly where those products are already comprehensively regulated, and their risks rigorously assessed within established regulatory frameworks.

Instead, cumulative impacts must be addressed at the system level, where broader land-use pressures and regional conditions can be properly considered. As highlighted in CropLife Australia's Climate Smart Agriculture report, positive environmental and biodiversity outcomes in agriculture are achieved through integrated, system-level farming practices that respond to regional conditions and shared land-use pressures.[6]

Recommendations

- The MNES Standard must avoid attributing cumulative impacts to individual products.
- Ensure manufacturers are not held responsible for pre-existing or background cumulative impacts beyond their control.

These approaches better reflect how cumulative environmental outcomes arise in agricultural landscapes and supports more effective, coordinated, and system level mitigation responses.

OFFSET AND COMPENSATION

While detailed requirements for offsets are set out in the separate Environmental Offsets Standard,[7] the MNES Standard plays a critical role in determining when offset and compensation obligations are triggered. The MNES Standard must only trigger offset and compensation requirements where impacts are direct, clearly attributable, and not already managed under

[6] CropLife Australia | Climate-smart agriculture: Australian sustainable farming practices enabled by plant science innovation – An independent technical review

[7] National Environmental Standard for Environmental Offsets - Department of Climate Change, Energy, Environment and Water

existing regulatory frameworks. Imposing additional obligations where risks are already regulated creates duplication and unnecessary burden without environmental benefit. Offsets must be targeted, proportionate, and evidence-based, and avoid duplication with existing frameworks, including APVMA approvals. The lawful use of APVMA-registered products must be treated as part of the environmental baseline and must not trigger offsets or compensation.

Recommendations

- The MNES Standard must ensure compensatory obligations are proportionate and deliver additional environmental outcomes.
- Do not duplicate impacts already assessed and managed under existing regimes.

ROLE OF CROP PROTECTION

Modern crop protection technologies play an important enabling role in sustainable agriculture, by reducing pest and weed pressures, improving productivity, reducing land pressure, and enabling conservation practices. When used in accordance with APVMA regulatory requirements and best practice, these technologies contribute positively to biodiversity and environmental outcomes by:

- Supporting higher productivity on existing land.
- Reducing pressure for land clearing
- Enabling conservation farming practices.
- Contributing to positive biodiversity and environmental outcomes.

The MNES Standard should recognise that regulated agricultural inputs are part of the solution, not a regulatory gap.

CONCLUSION

CropLife Australia supports the intent of the MNES Standard as a tool to guide environmental approvals under the EPBC Act. However, targeted refinement is required to ensure it:

- Remains as an approval standard, not a compliance or liability regime.
- Avoids duplication with the APVMA's established regulatory function.
- Limits responsibility to impacts within a manufacturers control and causation.
- Explicitly excludes liability for misuse or unlawful third-party actions.
- Does not reconsider pesticide approvals already assessed under APVMA frameworks.

Without these safeguards, the Standard risks regulatory duplication, uncertainty, and indeterminate liability, undermining EPBC reform objectives. With them, it can deliver strong environmental outcomes within a clear, efficient, and proportionate regulatory system.