

Submission by Conquest Crop Protection Pty Ltd

30/11/2012

Australian Customs Dumping Notice No. 2012/54

Conquest Crop Protection Pty Ltd is a registrant and supplier of a range of products based on the glyphosate herbicide. These products are registered and are considered fit for sale according to the Australian Pesticides and Veterinary Medicines Authority (APVMA).

The original and most popular glyphosate product used in Australia is a soluble liquid formulation of glyphosate 450 g/L present as Isopropylamine salt (IPA). The original product was launched by Monsanto in the mid 1980's as RoundUP CT BroadAcre Herbicide.

The label for RoundUP CT summarises the situation of use, application rates, weeds for control and other information required by the end user. The label is the outcome of years of research efforts by Monsanto Australia that took place when the product was under patent and being developed for commercial use. Although there have been some minor changes over time, today's label for all glyphosate 450g/L IPA products is very similar to the original reference product.

To register a product, Conquest Crop Protection successfully demonstrated that the formulation (type, active and incipient materials) was similar to a reference product. The approval by the APVMA to registered products under a Category 6 or Category 7 application methods is based on pretext that the formulations being compared are equal or closely similar. An application to support a different formulation would require the applicant to generate its own field data and label. To the best of our knowledge, this has never occurred and is demonstrated by the APVMA PUBCRIS database which reveals that no registrant of this glyphosate formulation has applied for data protection claims over field work that would take years and hundreds of thousands of dollars to generate.

Besides the herbicide active, the surfactant component of the product is critical to field performance and it is also the second largest part of the product by volume and cost. To make a litre of Conquest 450 g/L glyphosate IPA using 95% technical would require 474 grams of acid and 120 grams of the approved ethoxylated tallow amine surfactant (eg Terwet 3780). The quantity and the type and amount of surfactant listed above is in accordance with the APVMA approved formulation for the product.

Formulations costs are relatively fixed in large scale formulation plants as the process is not one that is labour intensive. Substituting surfactant type and amount is one practise that is used by some formulators or registrants to reduce cost of goods.

The TMRO's decision to reinstate the investigation on the basis that glyphosate product supplied under the pretence that it was made according to the APVMA approved formulation should be included in the assessment is, in our opinion, correct.

The TMRO has identified that product supplied from organisations looking at supplying unapproved surfactants should not be excluded and that volume of this fraudulent product entering the Australian market is in fact significant.

We are of the opinion that the practise of supplying fraudulent Glyphosate product into the market is equivalent to the practise of dumping product into a market at below cost. If product was being supplied as per the APVMA approved formulation then this cost advantage is less likely to exist.

