



Food Standards Australia New Zealand
Submissions
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Via email: submissions@foodstandards.gov.au

Dear FSANZ Submissions

HARMONISATION OF MARINE BIOTOXINS STANDARDS FOR BIVALVE SHELLFISH – APPLICATION A1243

Thank you for providing the Department of Health Western Australia (DOHWA) with the opportunity to provide input into the above application. Please find the Department of Health's comments in response to Application A1243 to FSANZ for harmonisation of marine biotoxins standards for bivalve shellfish submitted by SafeFish on behalf of the Australian Shellfish Quality Assurance Advisory Committee (ASQAAC).

The specific requests stated in the application are as follows:

- Lower the ML for **diarrhetic shellfish toxins** (poisons) expressed as okadaic acid equivalent (OA equivalent) from 0.20 mg/kg to 0.16 mg/kg in bivalve molluscs.
- Define **paralytic shellfish toxins** (poisons) in mg saxitoxin dihydrochloride equivalents/kg rather than mg saxitoxin equivalents/kg. While the ML would remain at 0.8mg/kg, this amendment would effectively lower the ML for marine biotoxin paralytic shellfish poisons in bivalve mollusc from 0.8mg/kg to approx. 0.6mg/kg

This submission has been prepared by the DOHWA Environmental Health Directorate. The DOHWA **supports FSANZ's Option 2** – Harmonise the ML for diarrhetic shellfish toxins (DSTs) and paralytic shellfish toxins (PST) to Codex.

This option would amend the Code to change the MLs requested in the application. This option would align DST and PST MLs for bivalve molluscs in Schedule 19 of the Code with the levels stated in both:

- Codex Standard CAC 292-2008 Standard for Live and Raw Bivalve Molluscs, and the
- New Zealand Regulated Control Scheme - Bivalve Molluscan Shellfish for Human Consumption.

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Please also find the department's response to the additional information (8 questions) requested from stakeholders (to test FSANZ's assumptions and improve the analysis for the Approved Report).

Response to consultation questions

Question 1: Are there any significant impacts missing from table 1?

No, the major impacts for each social group (namely consumers, seafood industry and government) are adequately covered in supporting document 2 - Table 1.

Question 2: Do you have any data that can be used to quantify the potential reduction in foodborne illnesses?

No response – OzFoodNet data already provided.

Question 3: Do you agree with the value of the industry and the number of impacted businesses? If not, do you have any alternative data that you would like us to consider?

No response - in regard to the monetary value for the industry by commodity and State.

In regard to the number of impacted businesses this would be accurate as bivalve molluscs businesses have to register with the Department of Health in WA under the *Food Act 2008*. Similar arrangements apply to the other states and therefore the number of impacted businesses would be reflected accurately.

Question 4: Do you agree with the estimated number of additional detections per year? Do you have any additional data that could be used to improve the estimate or estimate the potential number of additional closures?

Yes, the additional DST and PST detections per year is provided in Table 3 and Table 4 respectively and the calculation is based on the number of detections under the proposed standard, less detections under the current standard, divided by the number of years that the data covers.

The department provided the most recent data available for the period 2012 to 2017 and then provided additional data as requested for the period 2018 to 2022.

Question 5: Do you have any evidence that can be used to calculate the potential cost impact of the proposal?

No response

Question 6: Do you agree that there is unlikely to be any impact on international trade? If not, do you have evidence that can be used to demonstrate an impact?

Yes, agree unlikely to be any impact on international trade given the stats for 2010 to 2020 (there has only been one instance where imported products would not meet the lower threshold).

Question 7: Do you agree that there is a benefit to government? Do you have any evidence that can be used to quantify any of the potential impacts?

Yes, currently in export listed harvesting areas there may be a situation where product is meeting the biotoxin limits prescribed in the Food Standards Code Schedule 19 but does not meet export standards and the harvesting area status would be closed for export. This causes confusion to industry and regulators, and additional work for exporting companies to ensure they comply with both sets of standards. Adopting Codex MLs will reduce inconsistency as it would mean the compliance with the FSANZ Code would equate to compliance with all international standards.

Amendment of the MLs in the Code would bring Australia into line with domestic standards in New Zealand, as well as several other international standards including the European Union and the USA and will support international trade. Government agencies would therefore benefit from having a single set of standards, simplifying monitoring and enforcement of legislation.

Another benefit for government is the lowering of MLs based on more recent risk assessments would further reduce the amount of biotoxins allowed in bivalve molluscs providing a health protective measure. Additionally, in the application it states the high toxicity of DST and PST and low safety margin associated with current MLs and the alignment with FSANZ principle of keeping the levels of contamination from toxins in the food chain as low as reasonably achievable (ALARA).

As government agencies must use recent scientific evidence a review is welcome as the MLs in the Code were determined in 1999 and have not been reviewed since then.

Question 8: Do you agree that benefits outweigh costs

Yes, agree with FSANZ that there is likely to be a net benefit in harmonisation that would outweigh the cost associated with the potential for more frequent closures.

Thank you for considering the above comments. Should you wish to discuss any of these comments please do not hesitate to contact the [REDACTED]

Yours sincerely

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