

20th June 2013

Food Standards Australia and New Zealand
PO Box 7186
Canberra BC, ACT 2610

SUBMISSION – Application A1083
Maximum Residue Limits for blueberries and Raspberries

Raspberries and Blackberries Australia Inc. (RABA) is the peak industry body representing commercial growers of raspberries and hybrid blackberries in Australia. The Australian Rubus industry is a viable horticultural industry with production of high quality berries doubling over the last three years. It is expected to double again in the next 3-5 years. Most of the berries produced are marketed as fresh berries but there is an increasing supply of IQF frozen berries to fill the demand for Australian grown frozen berries.

In the Application, AFGC argues that “The importation of IQF blueberries and raspberries allows year round access to these products for consumers.” It is not that the fruit is imported that allows for year-round supply, it is IQF as a product that provides year-round supply, regardless of origin.

RABA acknowledges that the amount of IQF berries currently produced by Australian growers cannot fill year-round consumer demand in grocery stores. RABA also acknowledges that having berries available from the freezer at any time of the year increases consumer awareness of the benefits of consuming berries as a regular part of the diet. Fresh Australian raspberries are now available in the fresh produce refrigerator of most supermarkets at any time of the year and these compete directly with imported frozen berries for the consumer discretionary spending dollar. Thus, it is most important that imported frozen berries abide by the same stringent maximum residue limits (MRLs) with which Australian producers must comply.

The chemical Bifenthrin does not have label registration nor has a Minor Use Permit to be used on raspberries in Australia. Hence, there is currently no MRL for Bifenthrin on raspberries in Australia.

FSANZ’s assessment of Application A1083 by the AFGC and Patties Foods focusses on “promoting a consistent approach to MRLs for both domestic and imported foods” and not violating Australia’s WTO obligations to promote free trade. FSANZ has not taken into consideration that permitting the proposed Variation to Australia New Zealand Food Standards Code will significantly disadvantage Australian raspberry producers as our producers are not able to use Bifenthrin to protect their crops from pest insects.

RABA acknowledges that CODEX lists a MRL for Bifenthrin in raspberries as an internationally accepted standard. While Bifenthrin is used on other Australian horticultural produce at the proposed level of MRL of 1.0mg/kg, without risk to food safety and ADIs, it cannot currently be used on raspberries.

Australian raspberry producers would also wish to have access to Bifenthrin to control pests such as Carpophilus beetle and Monolepta beetle, Elephant Weevil and Plague Thrips.

In order not to disadvantage Australian producers of both fresh and IQF raspberries, FSANZ must take the following actions **before** accepting the proposed Variation to the Australia New Zealand Food Standards Code:

1. Delay approval to import Chilean raspberries with residues of Bifenthrin until a Minor Use Permit for raspberries, with a MRL of 1.0mg/kg, has been gazetted by APVMA
2. Alternatively, ensure that the use of Bifenthrin on raspberries is listed on the chemical label for use in Australia (prior to the approval to import Chilean product)
3. Expedite the granting of label registration or a MUP for Australian producers and minimize the associated costs to industry by accepting the CODEX MRL without a requirement for further residue trials in Australia to maintain the availability of Bifenthrin for domestic producers.

After the use of Bifenthrin is approved for Australian raspberry producers, Chilean IQF product imported by Patties Foods and others, must be regularly monitored for chemical residues, in the same way that Australian product is tested.

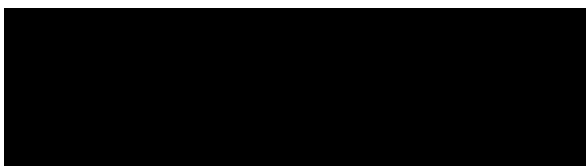
A further issue for clarification: Should FSANZ grant the request for Variation of the Food Standards Code and accept the CODEX MRL of 1.0mg/kg Bifenthrin on raspberries, will this be automatically apply to use of Bifenthrin by Australian raspberry producers? It would be a significant anomaly if overseas chemical residue data were considered an acceptable basis for accrediting an MRL for imported foods, while such data is not considered adequate by Australia's regulatory authority, the APVMA, for use to justify an application for use within Australia in the absence of detailed field trialling and analyses. Until such time as the APVMA has approved an MRL for the relevant chemical for use by Australian producers, surely FSANZ is obliged to set a zero MRL for the material in the context of imported foods.

In considering the application A1083 from AFGC and Patties Foods, FSANZ must ensure that Australian producers are not disadvantaged by any decision that may unfairly favour Chilean imports of IQF raspberries. FSANZ has an obligation to ensure that both Domestic and International Trade can operate under the same CODEX standards.

RABA and the raspberry producers of Australia look forward to FSANZ response and to FSANZ impartial support for this rapidly expanding Australian industry.

Should you require further clarification or wish to discuss any of the points raised in this Submission, my contact details are provided.

Yours faithfully,

A large black rectangular box redacting the signature of Alison Brinson.

Alison Brinson
Executive Officer
Raspberries and Blackberries Australia Inc.