

26 July 2013
[13-13]

Call for submissions – Proposal M1009

Maximum Residue Limits

FSANZ has assessed a proposal prepared to consider varying certain maximum residue limits (MRLs) in the Australia New Zealand Food Standards Code (the Code) and has prepared a draft food regulatory measure. Pursuant to section 61 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), FSANZ now calls for submissions to assist consideration of the draft food regulatory measure.

For information about making a submission, visit the FSANZ website at [information for submitters](#).

All submissions on applications and proposals will be published on our website. We will not publish material that is provided in-confidence, but will record that such information is held. In-confidence submissions may be subject to release under the provisions of the *Freedom of Information Act 1991*. Submissions will be published as soon as possible after the end of the public comment period. Where large numbers of documents are involved, FSANZ will make these available on CD, rather than on the website.

Under section 114 of the FSANZ Act, some information provided to FSANZ cannot be disclosed. More information about the disclosure of confidential commercial information is available on the FSANZ website at [information for submitters](#).

Submissions should be made in writing; be marked clearly with the word 'Submission' and quote the correct project number and name. While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website via the link on [Documents for public comment](#). You can also email your submission directly to submissions@foodstandards.gov.au.

There is no need to send a hard copy of your submission if you have submitted it by email or via the FSANZ website. FSANZ endeavours to formally acknowledge receipt of submissions within 3 business days.

DEADLINE FOR SUBMISSIONS: 6pm (Canberra time) 23 August 2013

Submissions received after this date will not be considered unless an extension had been given before the closing date. Extensions will only be granted due to extraordinary circumstances during the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

Questions about making submissions or the application process can be sent to standards.management@foodstandards.gov.au.

Hard copy submissions may be sent to one of the following addresses:

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Supporting documents

The following documents which informed the assessment of this Proposal are available on the FSANZ website at:

http://www.foodstandards.gov.au/code/proposals/Pages/proposal_m1009_maximum5788.aspx

- SD1 MRLs proposed in relation to MRL harmonisation requests
- SD2 Dietary exposure estimates

1. Executive summary

The purpose of this Proposal is to consider incorporating certain maximum residue limits (MRLs) for agricultural and veterinary chemicals that may legitimately occur in food in Standard 1.4.2 in the *Australia New Zealand Food Standards Code* (the Code).

Standard 1.4.2 lists the MRLs for agricultural and veterinary chemical residues which may occur in foods in Australia. Limits prescribed in the Code constitute a mandatory requirement applying to all food products of a particular class whether produced domestically or imported.

The Proposal includes consideration of MRLs gazetted by the Australian Pesticides and Veterinary Medicines Authority (APVMA) in November 2012 for fenthion as part of its review of the chemical; other deletions and reductions proposed by the APVMA; and MRLs requested by other parties to further align the Code with Codex or trading partner standards.

Dietary exposure assessments indicate that the proposed limits for the agricultural and veterinary chemical residues of interest do not present any public health and safety concerns in relation to relevant health-based guidance values. The Proposal does not include consideration of any MRLs for antibiotic residues in food.

Inclusion of the MRLs in the Code will permit the sale of foods containing legitimate residues and protect public health and safety by minimising residues in foods consistent with the effective control of pests and diseases.

The *Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System* (the Treaty) excludes MRLs for agricultural and veterinary chemicals in food from the system setting joint food standards.

FSANZ will make a Sanitary and Phytosanitary notification to the World Trade Organization (WTO).

2. Introduction

2.1 The Proposal

The Proposal was prepared to consider varying certain MRLs in the Code. This is a routine process, both to include limits to allow the sale of food with legitimate residues and to remove limits that the Australian Pesticides and Veterinary Medicines Authority (APVMA) has already removed from the APVMA MRL Standard. The Proposal includes consideration of MRL variations proposed by the APVMA, as well as MRL harmonisation requests from other interested parties.

2.2 The current Standard

Standard 1.4.2 lists the limits for agricultural and veterinary chemical residues which may occur in foods. Limits prescribed in the Code constitute a mandatory requirement applying to all food products of a particular class whether produced domestically or imported. Food products with residues exceeding the relevant limit listed in the Code cannot legally be supplied in Australia. This ensures that residues of agricultural and veterinary chemicals are kept as low as possible and consistent with the approved use of chemical products to control pests and diseases of plants and animals.

2.3 Reasons for preparing the Proposal

The purpose of this Proposal is to vary MRLs for residues of agricultural or veterinary chemicals in food, see **Attachments A, B**.

The Proposal includes consideration of MRL variations for fenthion and other chemicals proposed by the APVMA. The fenthion MRL variations relate to regulatory decisions on the use of chemical products made by the APVMA as part of its review of fenthion. FSANZ and the APVMA agreed that FSANZ would consult with interested parties and raise a proposal to consider making these variations in the Code.

The Proposal also includes consideration of MRLs to further align the Code with Codex and trading partner standards. These MRLs were requested by the Australian Food and Grocery Council (AFGC), the California Cherry Marketing and Research Board, the California Table Grape Commission, the Cranberry Marketing Committee, the Food and Beverage Importers Association (FBIA) and Fruits and Concentrates International.

Internationally, countries set MRLs according to good agricultural practice (GAP) or good veterinary practice (GVP). Agricultural and veterinary chemicals are used differently in different countries around the world as pests, diseases and environmental factors differ and because product use patterns may differ. This means that residues in imported foods may legitimately differ from those in domestically produced foods.

The proposed MRLs will permit the sale of foods containing legitimate residues and protect public health and safety by minimising residues in foods consistent with the effective control of pests and diseases.

The limits may minimise potential trade disruption and extend consumer choice. MRLs proposed in relation to requests to harmonise limits in the Code with trading partner or Codex limits are listed in **Supporting Document 1**.

2.5 Procedure for assessment

The Proposal is being assessed under the General Procedure.

3. Summary of the assessment

3.1 Risk assessment

To assess the public health and safety implications of chemical residues in food, FSANZ estimates the dietary exposure to chemical residues from potentially treated foods in the diet and compares the dietary exposure with the relevant health-based guidance value, for example the acceptable daily intake (ADI) or the acute reference dose (ARfD).

The ADI and ARfD for individual agricultural and veterinary chemicals are established by the Office of Chemical Safety and Environmental Health (OCSEH) following an assessment of the toxicology of each chemical. In the case that an Australian ADI or ARfD has not been established, a Joint Food and Agriculture Organization / World Health Organization Meeting on Pesticide Residues (JMPR) ADI or ARfD may be used for risk assessment purposes.

FSANZ conducts and reviews dietary exposure assessments using the best available scientific data and internationally recognised risk assessment methodology. Variations to limits in the Code will not be supported where estimated dietary exposures to the residues of a chemical indicate a potential public health and safety risk for the population or a population sub group.

The steps undertaken in conducting a dietary exposure assessment are:

- determining the residues of a chemical in a treated food
- calculating dietary exposure to a chemical from relevant foods, using residue data and food consumption data from national nutrition surveys; and
- completing a risk characterisation where estimated dietary exposures are compared to the relevant health-based guidance value.

FSANZ has reviewed the dietary exposure assessments submitted by the APVMA and conducted additional dietary exposure assessments to assess the limits requested by other parties. The proposed MRLs do not present any public health and safety concerns. A summary of the dietary exposure estimates is provided in **Supporting Document 2**.

3.2 Risk Management

When assessing this Proposal and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters in section 59 of the FSANZ Act:

- whether costs that would arise from a food regulatory measure developed or varied as a result of the Proposal outweigh the direct and indirect benefits to the community, Government or industry that would arise from the development or variation of the food regulatory measure
- whether other measures (whether available to FSANZ or not) would be more cost-effective than a food regulatory measure developed or varied as a result of the Proposal

- any relevant New Zealand standards
- any other relevant matters.

3.2.1 Cost/benefit analysis

The proposed MRL variations benefit Australian Government, state and territory agencies, growers and producers, in that they serve to further harmonise agricultural and food standards. Achieving further consistency between agricultural and food legislation will minimise compliance costs to primary producers and assist in efficient enforcement of regulations.

Importers may benefit or be disadvantaged by the approval of the proposed draft variations. Additional or increased MRLs may benefit importers and consequently consumers in that this may extend the options to source safe foods. Conversely, importers and consequently consumers may be disadvantaged where proposed additional or increased MRLs are not progressed as this may unnecessarily limit sources of certain foods.

Any MRL deletions or reductions have the potential to restrict importation of foods and could potentially result in higher food prices and a reduced product range available to consumers. However, if a need is identified through consultation, there is scope under current processes to retain specific MRLs for imported foods where the residues do not present a human health risk, and there is a legitimate Codex or trading partner MRL.

3.2.2 Other measures

There were no measures that could achieve the same result other than an amendment to Standard 1.4.2.

3.2.3 Relevant New Zealand standards

The Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (the Treaty) excludes MRLs for agricultural and veterinary chemicals in food from the system setting joint food standards. Australia and New Zealand independently and separately develop MRLs for agricultural and veterinary chemicals in food.

All domestically produced food sold in New Zealand must comply with the New Zealand (Maximum Residue Limits of Agricultural Compounds) Food Standards 2012 and any amendments (the New Zealand MRL Standards). If food is imported into New Zealand, such food must comply either with the New Zealand MRL Standards or with Codex MRLs (except for food imported from Australia).

Under the New Zealand MRL Standards, agricultural chemical residues in food must comply with the specific MRLs listed in the Standards. The New Zealand MRL Standards also include a provision for residues of up to 0.1 mg/kg for agricultural chemical / commodity combinations not specifically listed.

Further information about the New Zealand MRL Standards is available on the New Zealand Ministry for Primary Industries website: <http://www.foodsafety.govt.nz/industry/sectors/plant-products/pesticide-mrl/>

Limits in the Code and in the New Zealand MRL Standards may differ for a number of legitimate reasons including differing use patterns for chemical products as a result of varying pest and disease pressures and varying climatic conditions.

3.2.4 Any other relevant matters

A Regulation Impact Statement (RIS) is not required because the proposed variations to Standard 1.4.2 are minor and do not substantially alter existing arrangements.

3.2.5 Addressing FSANZ's objectives for standards-setting

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

3.2.5.1 Protection of public health and safety

FSANZ has reviewed the dietary exposure assessments submitted by the APVMA and conducted additional dietary exposure assessments to assess the MRLs requested by other parties. Using the best available scientific data and internationally recognised risk assessment methodology, FSANZ concluded that in relation to current health-based guidance values, setting the limits as proposed does not present any public health and safety concerns.

3.2.5.2 The provision of adequate information relating to food to enable consumers to make informed choices

This objective is not relevant to matters under consideration in the Proposal.

3.2.5.3 The prevention of misleading or deceptive conduct

This objective is not relevant to matters under consideration in the Proposal.

3.2.5.4 Subsection 18(2) considerations

FSANZ has also had regard to the matters listed in subsection 18(2):

- the need for standards to be based on risk analysis using the best available scientific evidence

FSANZ's primary role in developing food regulatory measures for residues of agricultural and veterinary chemicals in food is to ensure that estimated exposures to potential residues are within health-based guidance values. As described in Section 3.2.5.1, FSANZ conducts and reviews dietary exposure assessments using the best available scientific data and internationally recognised risk assessment methodology.

- the promotion of consistency between domestic and international food standards

The proposed changes would remove inconsistencies between agricultural and food standards; and further align the Code with Codex and trading partner standards.

- the desirability of an efficient and internationally competitive food industry

The proposed MRL variations ensure openness and transparency in relation to the residues that could reasonably occur in food.

The changes will minimise potential costs to primary producers, rural and regional communities and importers in terms of permitting the sale of food containing legitimate residues.

- the promotion of fair trading in food

Section 3.2.1 lists a number of considerations that address fair trading with respect to variations to MRLs in this proposal.

- any written policy guidelines formulated by the Ministerial Council¹.

The proposal has regard to the need to promote a consistent approach to MRLs for both domestic and imported foods, where appropriate, and the need to be consistent with Australia's obligations under the WTO Sanitary and Phytosanitary Agreement (SPS Agreement).

3.3. Risk communication

FSANZ has adopted a basic communication strategy for this Proposal, with a focus on alerting the community that changes to the Code are being contemplated.

FSANZ is seeking public comment on the proposed changes to the Code outlined in this consultation document to help finalise the assessment. All comments are welcome. However FSANZ is particularly interested in comments on any impacts (costs/benefits) of the proposed variations, in particular, likely impacts on importation of food if specific variations are advanced and any public health and safety considerations associated with the proposed changes.

FSANZ publishes details about proposed changes, submissions and subsequent reports on its website, alerts more than 5000 subscribers via email of the availability of these reports for comment, and issues media releases drawing attention to proposed Code amendments.

Social media and FSANZ publications are also used to communicate calls for submissions.

Individuals and organisations making submissions on this Proposal will be notified at each stage of the assessment. If the FSANZ Board approves the draft variations to the Code, FSANZ will notify its decision to the COAG Legislative and Governance Forum on Food Regulation. FSANZ will notify the gazetted changes to the Code in the national press and on the FSANZ website.

3.3.2 World Trade Organization (WTO)

As a member of the WTO, Australia is obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and where the proposed measure may have a significant effect on trade.

Limits prescribed in the Code constitute a mandatory requirement applying to all food products of a particular class whether produced domestically or imported. Food products with residues exceeding the relevant limit listed in the Code cannot legally be supplied in Australia.

¹ Now known as the COAG Legislative and Governance Forum on Food Regulation.

This Proposal includes consideration of varying limits in the Code for residues of agricultural and veterinary chemicals in food that are addressed in the international Codex standard. Limits in the Proposal relate to chemical residues that may occur in heavily traded agricultural commodities that may indirectly have a significant effect on trade of derivative food products between WTO members.

The primary objective of the measure is to support the regulation of the use of agricultural and veterinary chemical products to protect human, animal and plant health and the environment. Therefore, a notification to the WTO under Australia's obligations under the WTO Sanitary and Phytosanitary Measures Agreement has been made to enable other WTO members to comment on the proposed amendments.

3.3.3 Codex Alimentarius Commission Standards

Codex standards are used as the relevant international standard to determine whether a new or changed standard requires a WTO notification.

FSANZ may consider varying limits for residues of agricultural or veterinary chemicals in food in a Proposal where interested parties have identified anomalies between the Code and international standards that may result in adverse impacts. FSANZ must have regard to its WTO obligations, the promotion of consistency between domestic and international food standards and the promotion of fair trading in food. These matters encompass a consideration of international standards and trade issues. The assessment gives careful consideration to public health and safety.

Interested parties provided information that specific anomalies between the Code and Codex or other standards may present barriers to trade in certain foods. The proposed variations to the Code would align limits in the Code with international standards and/or standards in producer or other importing countries and permit the sale in Australia of relevant foods containing legitimate residues that do not present health or safety concerns.

The following table lists proposed limits where there is a corresponding Codex limit. Note that numerical MRL values may not be directly comparable as residue definitions may differ. The proposed MRLs may differ to Codex limits due to varying pest and disease factors amongst production regions. MRLs proposed for inclusion in the Code in relation to MRL harmonisation requests are listed in **Supporting Document 1**.

Chemical Food	Proposed limit^{†‡} mg/kg	Codex limit mg/kg
Abamectin Melons, except watermelon Watermelon	Omit T0.02 Omit T0.02	0.01 0.01
Acetamiprid Grapes	0.35	0.5

Chemical Food	Proposed limit^{†‡} mg/kg	Codex limit mg/kg
Azoxystrobin		
Blackberries	5	Berries and other small fruits [Except cranberry, grapes and strawberry] 5
Boysenberry	5	Berries and other small fruits [Except cranberry, grapes and strawberry] 5
Peppers, Chili	3	Fruiting vegetables other than cucurbits 3
Peppers, Sweet	3	Fruiting vegetables other than cucurbits 3
Raspberries, red, black	5	Berries and other small fruits [Except cranberry, grapes and strawberry] 5
Strawberry	10	10
Bifenthrin		
Blackberries	1	1
Boysenberry	1	Dewberries (including boysenberry and loganberry) 1
Cereal grains	*0.02	Cereal grains [Except barley, oats, rye and wheat] 0.1
Strawberry	1	1
Boscalid		
Blackberries	6	Berries and other small fruits [Except strawberry and grapes] 10
Blueberries	13	Berries and other small fruits [Except strawberry and grapes] 10
Boysenberry	6	Berries and other small fruits [Except strawberry and grapes] 10
Raspberries, red, black	6	Berries and other small fruits [Except strawberry and grapes] 10
Strawberry	10	3
Bromopropylate		
Pome fruits	Omit 5	2
Carbendazim		
Peppers, Chili	*0.1	Peppers Chili 2
Peppers, Chili (dry)	20	Peppers Chili, dried 20
Spices	*0.1	Spices, Fruits and Berries and Spices, Roots and Rhizomes 0.1
Cumin seed	*0.1	Spices, Fruits and Berries and Spices, Roots and Rhizomes 0.1
Fennel seed	*0.1	Spices, Fruits and Berries and Spices, Roots and Rhizomes 0.1
Chlorpyrifos		
Spices (seeds)	5	Spices, Seeds 5
Clofentezine		
Grapes	1	2
Closantel		
Cattle fat	Omit T3	3
Cattle, Kidney	Omit T3	3
Cattle, liver	Omit T1	1
Cattle muscle	Omit T1	1
Cyhalothrin		
Berries and other small fruits	0.2	0.2
Cyprodinil		
Raspberries, red, black	10	0.5
Strawberry	5	2

Chemical Food	Proposed limit^{†‡} mg/kg	Codex limit mg/kg
Fenpropathrin Grapes	5	5
Fenthion Apricot Cherries Citrus fruits Citrus fruit for juice Lemons Mandarins Olive oil, crude Olives Oranges	0.2 0.4 T0.7 0.7 0.7 0.7 T0.5 T0.2 0.7	2 2 Citrus fruits 2 Citrus fruits 2 Citrus fruits 2 Citrus fruits 2 Olive oil, virgin 2 2 Citrus fruits 2
Flubendiamide Grapes	1.4	2
Fludioxonil Blackberries Boysenberry Raspberries, red, black	5 5 5	5 Dewberries (including boysenberry and loganberry) 5 5
Fluopicolide Grapes	2	2
Hexythiazox Grapes	1	1
Imidacloprid Berries and other small fruits [except cranberry, grapes and strawberry] Strawberry	5 0.5	5 0.5
Iprodione Adzuki bean (dry) Sunflower seed	Omit T0.1 Omit T0.05	Beans (dry) 0.1 0.5
Kresoxim-methyl Grapes	1	1
Permethrin Peppers, Chili (dry)	10	10
Pirimicarb Peppers Peppers, Chili Peppers, Sweet	1 1 1	Fruiting vegetables other than cucurbits [Except edible fungi and Sweet corn] 0.5 Fruiting vegetables other than cucurbits [Except edible fungi and Sweet corn] 0.5 Fruiting vegetables other than cucurbits [Except edible fungi and Sweet corn] 0.5
Pyraclostrobin Blackberries Blueberries Raspberries, red, black Strawberry	4 4 4 1	3 4 3 1.5
Spiramycin Pig, Edible offal of Pig meat Poultry, Edible offal of Poultry meat	Omit *1 Omit *0.1 Omit *1 Omit *0.1	Pig, Kidney 5 Pig, Liver 2 Pig, Muscle 0.5 Chicken, Kidney 5 Chicken, Liver 2 Chicken, Muscle 0.5

Chemical Food	Proposed limit^{†‡} mg/kg	Codex limit mg/kg
Spirodiclofen Grapes	2	0.2
Thiamethoxam Berries and other small fruits Grapes	0.5 0.2	0.5 Berries and other small fruits 0.5
Thiophanate-methyl Cherries	20	Listed under carbendazim 10
Zoxamide Grapes	3	5

[†] Note that a 'T' indicates that the limit is temporary.

[‡] An asterisk indicates that the limit is at or about the limit of analytical quantification.

3.3.5 Impacts on imported foods of MRL variations proposed by the APVMA

Deletions or reductions of MRLs may affect imported foods containing residues that currently comply with existing MRLs. In cases where deletions are proposed by the APVMA, these existing MRLs are no longer required for domestically produced food. FSANZ is committed to ensuring that the implications of MRL variations are considered. Under the current process for considering variations to the Code, FSANZ encourages submissions including information demonstrating a need for an alternative specific MRL variation to be considered rather than the proposed variation. FSANZ will consider amending proposed MRL variations to continue to allow the sale of imported food where such MRLs are supported by adequate data or information demonstrating that the residues are legitimate and likely to occur. The risk assessment will consider dietary exposure in the context of the Australian diet. Further information on data requirements may be obtained from FSANZ.

To assist in identifying possible impacts on imported foods, FSANZ has compiled the following table of foods for which deletion or reductions of MRLs are proposed.

Chemical Food
Abamectin Chervil Coriander (leaves, roots and stem) Ground cherries [cape gooseberries] Herbs Lemon balm Melons, except watermelon Mizuna Passionfruit Rucola [rocket] Watermelon
Bifenthrin Cereal grains
Bromopropylate Pome fruits Stone fruits
Carbetamide Edible offal (mammalian) Eggs Meal [mammalian] Milks Poultry, Edible offal of Poultry meat

Chemical
Food
Closantel Cattle fat Cattle, Kidney Cattle, liver Cattle muscle
Ethamsulfuron-methyl Edible offal (mammalian) Eggs Lupin (dry) Meat (mammalian) Milks Poultry, edible offal of Poultry meat
Fenthion Citrus fruits Fig Fruiting vegetables, Cucurbits Fruiting vegetables, other than Cucurbits Grapes Guava Olives Olive oil, crude Persimmon, Japanese Pome fruits Stone fruits
Fluazifop-butyl Coffee beans Olives Rhubarb
Iprodione Adzuki bean (dry) Sunflower seed Taro
Isofenphos Banana Sugar cane
Kitasamycin Poultry, Edible offal of Poultry meat
Mecoprop Cereal grains Edible offal (mammalian) Eggs Meat [mammalian] Milks Poultry, Edible offal of Poultry meat
Methabenzthiazuron Cereal grains Grapes
Methomyl Mango
Naphthalophos Goat, Edible offal of Goat meat
Naptalam Fruiting vegetables, Cucurbits

Chemical Food
Pirimiphos-methyl Kiwifruit
Propazine Lupin
Pyrazophos Cucumber
Sethoxydim Bergamot Burnet, salad Chervil Dill, seed Fennel, bulb Fennel, seed Herbs [except thyme] Kaffir lime leaves Lemon grass Lemon verbena (fresh weight) Mizuna Rose and dianthus (edible flowers) Strawberry Thyme
Spectinomycin Goat milk
Spiramycin Pig, Edible offal of Pig meat Poultry, Edible offal of Poultry meat
Thiamethoxam Sugar cane Tree nuts
Triclabendazole Cattle milk
Vamidothion Apple Brassica (cole or cabbage) vegetables, Head cabbages, Flowerhead brassicas Peach Pear Potato

FSANZ requests comment on any possible ramifications for imported foods of the proposed variations.

4. Draft variation

The draft variations to Standard 1.4.2 are at **Attachment A**. An explanatory statement to the variations is at **Attachment B**.

Attachments

- A. Draft variations to the *Australia New Zealand Food Standards Code*
- B. Draft Explanatory Statement

Attachment A – Draft variations to the *Australia New Zealand Food Standards Code*



Food Standards (Proposal M1009 – Maximum Residue Limits) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated [To be completed by Standards Management Officer]

Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC **XX on XX Month 20XX**. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal M1009 – Maximum Residue Limits) Variation*.

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on **the date of gazettal**.

SCHEDULE

[1] **Standard 1.4.2** is varied by

[1.1] omitting from Schedule 1 all entries for the following chemicals

“Bromopropylate
Carbetamide
Ethametsulfuron methyl
Isofenphos
Mecoprop
Naptalam
Pyrazophos
Spiramycin
Thiophanate-methyl
Vamidothion”

[1.2] inserting in alphabetical order in Schedule 1

“

Cyflufenamid Cyflufenamid	
Grapes	0.15

”

“

1,3-dichloropropene 1,3-dichloropropene	
Grapes	0.018

”

“

Dinotefuran Sum of dinotefuran and its metabolites DN, 1-methyl-3-(tetrahydro-3-furylmethyl)guanidine and UF, 1-methyl-3-(tetrahydro-3-furylmethyl)urea expressed as dinotefuran	
Grapes	0.9

”

“

Fluopicolide Fluopicolide	
Grapes	2

”

“

Mepanipyrim Mepanipyrim	
Strawberry	2

”

“

Metaflumizone Sum of metaflumizone, its E and Z isomers and its metabolite 4-{2-oxo-2-[3-(trifluoromethyl)phenyl]ethyl}-benzotrile expressed as metaflumizone	
Grapes	0.04

”

“

Quinclorac Quinclorac	
Cranberry	1.5

”

“

Thiophanate-methyl Sum of thiophanate-methyl and 2-aminobenzimidazole, expressed as thiophanate-methyl	
Cherries	20

”

“

Zoxamide Zoxamide	
Grapes	3

”

[1.3] inserting in Schedule 1 for each of the following chemicals the foods and associated MRLs in alphabetical order

Abamectin Sum of avermectin B1a, avermectin B1b and (Z)-8,9 avermectin B1a, and (Z)-8,9 avermectin B1b	
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Grapes	0.02
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”

Acequinocyl Sum of acequinocyl and its metabolite 2-dodecyl-3-hydroxy-1,4-naphthoquinone, expressed as acequinocyl	
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“

Grapes	1.6
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”

Acetamiprid <i>Commodities of plant origin:</i> Acetamiprid <i>Commodities of animal origin:</i> Sum of acetamiprid and N-demethyl acetamiprid ((E)-N ₁ -[(6-chloro-3-pyridyl)methyl]-N ₂ -cyanoacetamidine), expressed as acetamiprid	
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“

Grapes	0.35
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”

Azinphos-methyl Azinphos-methyl	
---	--

“

Strawberry	1
------------	---

”

Azoxystrobin Azoxystrobin

“

Blackberries	5
Boysenberry	5
Peppers	3
Raspberries, red, black	5
Spices	*0.1
Strawberry	10

”

Bifenthrin Bifenthrin

“

Blackberries	1
Blueberries	1.8
Boysenberry	1
Strawberry	1

”

Boscalid <i>Commodities of plant origin: Boscalid</i> <i>Commodities of animal origin: Sum of boscalid, 2-chloro-N-(4'-chloro-5-hydroxybiphenyl-2-yl)nicotinamide and the glucuronide conjugate of 2-chloro-N-(4'-chloro-5-hydroxybiphenyl-2-yl)nicotinamide, expressed as boscalid equivalents</i>
--

“

Blackberries	6
Blueberries	13
Boysenberry	6
Raspberries, red, black	6
Strawberry	10

”

Bupirimate Bupirimate

“

Strawberry	1
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”

Carbendazim Sum of carbendazim and 2-aminobenzimidazole, expressed as carbendazim

“

Chives	*0.1
Peppers	*0.1
Peppers, Chili (dry)	20
Spices	*0.1

”

Chlorpyrifos Chlorpyrifos

“

Blackberries	0.5
Spices	5

”

Clofentezine Clofentezine

“

Grapes	1
Cyfluthrin Cyfluthrin, sum of isomers	
Grapes	1
Cyhalothrin Cyhalothrin, sum of isomers	
Berries and other small fruits	0.2
Cyprodinil Cyprodinil	
Blueberries	3
Boysenberry	10
Dicamba Sum of dicamba, 3,6-dichloro-5-hydroxy-2-methoxybenzoic acid and 3,6-dichloro-2-hydroxybenzoic acid, expressed as dicamba	
Soya bean	10
Difenoconazole Difenoconazole	
Chives	2
Fenbuconazole Fenbuconazole	
Blueberries	0.3
Fenpropathrin Fenpropathrin	
Grapes	5
Fenpyroximate Fenpyroximate	
Strawberry	1
Fenthion Sum of fenthion, its oxygen analogue, and their sulfoxides and sulfones, expressed as fenthion	
Apricot	T0.2
Cherries	T0.4
Melons, except watermelon	T3
Nectarine	T0.25
Peach	T0.2

Plums	T0.25
Peppers, Chili	T7
Peppers, Sweet	T0.5
Watermelon	T3

”

Fipronil

Sum of fipronil, the sulphenyl metabolite (5-amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(trifluoromethyl) sulphenyl]-1H-pyrazole-3-carbonitrile), the sulphonyl metabolite (5-amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(trifluoromethyl)sulphonyl]-1H-pyrazole-3-carbonitrile), and the trifluoromethyl metabolite (5-amino-4-trifluoromethyl-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-1H-pyrazole-3-carbonitrile)

“

Peppers, Chili	*0.005
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”

Flubendiamide

Commodities of plant origin: Flubendiamide
Commodities of animal origin: Sum of flubendiamide and 3-iodo-N-(2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl)phthalimide, expressed as flubendiamide

“

Grapes	1.4
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”

Fludioxonil

Commodities of animal origin: Sum of fludioxonil and oxidisable metabolites, expressed as fludioxonil
Commodities of plant origin: Fludioxonil

“

Boysenberry	5
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”

Hexythiazox

Hexythiazox

“

Berries and other small fruits	1
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”

Imidacloprid

Sum of imidacloprid and metabolites containing the 6-chloropyridinylmethylene moiety, expressed as imidacloprid

“

Berries and other small fruits [except blueberries; cranberry; grapes; strawberry]	5
Strawberry	0.5

”

Kresoxim-methyl

Commodities of plant origin: Kresoxim-methyl
Commodities of animal origin: Sum of a-(p-hydroxy-tolyloxy)-o-tolyl (methoxyimino) acetic acid and (E)-methoxyimino[a-(o-tolyloxy)-o-tolyl]acetic acid, expressed as kresoxim-methyl

“

Grapes	1
--------	---

Metalaxyl Metalaxyl	
Chives	2
Coriander (leaves, stem, roots)	2
Spices	*0.1
Myclobutanil Myclobutanil	
Blackberries	2
Boysenberry	2
Raspberries, red, black	2
Permethrin Permethrin, sum of isomers	
Peppers, Chili (dry)	10
Phosmet Sum of phosmet and its oxygen analogue, expressed as phosmet	
Cranberry	10
Pirimicarb Sum of pirimicarb, demethyl-pirimicarb and the <i>N</i> - formyl-(methylamino) analogue (demethylformamido-pirimicarb), expressed as pirimicarb	
Fruit [except strawberry]	0.5
Peppers	1
Spices	*0.05
Strawberry	3
Procymidone Procymidone	
Strawberry	*0.02
Propiconazole Propiconazole	
Blackberries	1
Boysenberry	1
Raspberries, red, black	1
Spices	*0.1
Pyraclostrobin <i>Commodities of plant origin:</i> Pyraclostrobin <i>Commodities of animal origin:</i> Sum of pyraclostrobin and metabolites hydrolysed to 1-(4-chloro-phenyl)- 1H-pyrazol-3-ol, expressed as pyraclostrobin	
Blackberries	4

Blueberries	4
Boysenberry	4
Raspberries, red, black	4
Strawberry	1

”

Pyriproxyfen Pyriproxyfen

“

Grapes	2.5
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”

Spirodiclofen Spirodiclofen

“

Grapes	2
--------	---

”

Tebuconazole Tebuconazole

“

Blackberries	1
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”

Thiacloprid Thiacloprid

“

Strawberry	1
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”

Thiamethoxam <i>Commodities of plant origin:</i> Thiamethoxam <i>Commodities of animal origin:</i> Sum of thiamethoxam and N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl-N'-nitro-guanidine, expressed as thiamethoxam

“

Berries and other small fruits [except grapes]	0.5
Grapes	0.2

”

[1.4] omitting from Schedule 1 for each of the following chemicals the foods and associated MRLs

Abamectin Sum of avermectin B1a, avermectin B1b and (Z)-8,9 avermectin B1a, and (Z)-8,9 avermectin B1b

“

Chervil	T0.5	
Coriander (leaves, stem, roots)		T0.5
Ground cherries		T0.01
Herbs		T0.5
Lemon balm		T0.5
Melons, except watermelon		T0.02
Mizuna	T0.5	
Passionfruit	T0.1	
Rucola (rocket)		T0.5
Watermelon	T0.02	

”

Closantel Closantel

“

Cattle fat	T3
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Cattle kidney	T3
Cattle liver	T1
Cattle muscle	T1

”

Dicamba	
Sum of dicamba, 3,6-dichloro-5-hydroxy-2-methoxybenzoic acid and 3,6-dichloro-2-hydroxybenzoic acid, expressed as dicamba	

“

Soya bean (immature seeds)	10
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”

Fenthion	
Sum of fenthion, its oxygen analogue, and their sulfoxides and sulfones, expressed as fenthion	

“

Fig	2
Fruiting vegetables, cucurbits	3
Fruiting vegetables, other than cucurbits	5
Guava	2
Stone fruits	5

”

Fluazifop-butyl	
Sum of Fluazifop-butyl, fluazifop and their conjugates, expressed as fluazifop	

“

Coffee beans	T1
Olives	T0.05
Rhubarb	*0.02

”

Hexythiazox	
Hexythiazox	

“

Berries and other small fruits [except grapes]	1
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”

Iprodione	
Iprodione	

“

Adzuki bean (dry)	T0.1
Sunflower seed	T*0.05
Taro	*0.05

”

Kitasamycin	
Inhibitory substance, identified as kitasamycin	

“

Poultry, edible offal of	*0.2
Poultry meat	*0.2

”

Methabenzthiazuron	
Methabenzthiazuron	

“

Cereal grains	*0.05
Grapes	*0.1

”

Methomyl Methomyl

Mango	T*0.05
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Naphthalophos Naphthalophos

Goat, edible offal of	*0.1
Goat meat	*0.1

Pirimicarb Sum of pirimicarb, demethyl-pirimicarb and the <i>N</i> -formyl-(methylamino) analogue (demethylformamido-pirimicarb), expressed as pirimicarb

Fruit	0.5
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Pirimiphos-methyl Pirimiphos-methyl

Kiwifruit	2
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Propazine Propazine

Lupin	*0.1
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Sethoxydim Sum of sethoxydim and metabolites containing the 5-(2-ethylthiopropyl)cyclohexene-3-one and 5-(2-ethylthiopropyl)-5-hydroxycyclohexene-3-one moieties and their sulfoxides and sulfones, expressed as sethoxydim

Bergamot	*0.1
Burnet, salad	*0.1
Chervil	*0.1
Dill, seed	*0.1
Fennel, bulb	0.2
Fennel, seed	*0.1
Herbs [except thyme]	*0.1
Kaffir lime leaves	*0.1
Lemon grass	*0.1
Lemon verbena (fresh weight)	*0.1
Mizuna	*0.1
Rose and dianthus (edible flowers)	*0.1
Strawberry	0.1
Thyme	0.5

Spectinomycin Inhibitory substance, identified as spectinomycin

Goat milk	*2
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Thiamethoxam
Commodities of plant origin: Thiamethoxam
Commodities of animal origin: Sum of thiamethoxam and N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl-N'-nitro-guanidine, expressed as thiamethoxam

Sugar cane	T*0.02
Tree nuts	T0.02

Triclabendazole
 Sum of triclabendazole and metabolites oxidisable to keto-triclabendazole and expressed as keto-triclabendazole equivalents

Cattle milk	T*0.05
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[1.5] omitting from Schedule 1, under the entries for the following chemicals, the maximum residue limit for the food, substituting –

Bifenthrin
 Bifenthrin

Cereal grains	*0.02
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Carbendazim
 Sum of carbendazim and 2-aminobenzimidazole, expressed as carbendazim

Cherries	20
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Chlorpyrifos
 Chlorpyrifos

Strawberry	0.3
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Cyprodinil
 Cyprodinil

Blackberries	10
Raspberries, red, black	10
Strawberry	5

Fenthion
 Sum of fenthion, its oxygen analogue, and their sulfoxides and sulfones, expressed as fenthion

Citrus fruits	T0.7
Grapes	T0.2
Olive oil, crude	T0.5
Olives	T0.2
Persimmon, Japanese	T0.3
Pome fruits	T0.25

Fludioxonil

Commodities of animal origin: Sum of fludioxonil and oxidisable metabolites, expressed as fludioxonil
Commodities of plant origin: Fludioxonil

“

Blackberries	5
Raspberries, red, black	5

”

Attachment B – Draft Explanatory Statement

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

FSANZ prepared Proposal M1009 to amend certain MRLs for agricultural and veterinary chemicals. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft Standard.

2. Purpose

The purpose of the proposed variation to Standard 1.4.2 is to vary MRLs for residues of agricultural or veterinary chemicals in food.

Standard 1.4.2 lists the limits for agricultural and veterinary chemical residues which may occur in foods. If a limit is not listed for a particular agricultural or veterinary chemical/food combination, there must be no detectable residues of that chemical in that food. This general prohibition means that, in the absence of the relevant limit in the Code, food may not be sold where there are detectable residues.

MRL variations may be required to permit the sale of foods containing legitimate residues. These are technical amendments following changes in use patterns of agricultural and veterinary chemicals available to chemical product users. These changes include both the development of new products and crop uses, and the withdrawal of older products following review. In regard to Australia's WTO obligations, limits may be harmonised with international or trading partner standards. Internationally, farmers face different pest and disease pressures, agricultural and veterinary chemical use patterns and the legitimate residues in food associated with these uses may vary accordingly.

A dietary exposure assessment is conducted before MRLs are varied to ensure that proposed limits do not present any public health or safety concerns.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference.

4. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal M1009 includes one round of public consultation following an assessment and preparation of draft variations to Standard 1.4.2 and associated reports. Submissions were called for on XX XX 2013 for a four-week consultation period.

A Regulation Impact Statement (RIS) is not required because the proposed variations to Standard 1.4.2 are minor and do not substantially alter existing arrangements.

Business compliance costs and other impacts on business, individuals, regulatory agencies and the economy are low or nil. The regulatory proposal does not impose impacts on business, individuals, regulatory agencies or the economy that warrant further analysis. The changes to regulation are machinery in nature involving technical variations to the Standard, which will not have appreciable impacts and are consistent with existing policy.

5. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 94 of the FSANZ Act.

6. Variations

Items 1.1 to 1.5 set out proposed amendments to Schedule 1 of Standard 1.4.2.

Item 1.1

This item omits all food and associated MRLs for the chemicals listed.

Item 1.2

This item inserts new entries for the chemicals listed. The entries include the chemical name, residue definition, foods and associated MRLs. This item incorporates the new entries in alphabetical order among the chemicals listed in the Schedule.

Item 1.3

This item inserts the foods and associated MRLs for the chemicals listed. It incorporates the new entries in alphabetical order among the foods listed under each chemical.

Item 1.4

This item omits the foods and associated MRLs for the chemicals listed.

Item 1.5

This item omits the MRL for the foods listed, replacing it with the limit shown for each of the chemicals listed.