



5 May 2022

Standards Management Officer
Food Standards Australia New Zealand
PO Box 5423
Kingston ACT 2604

Dear Sir / Madam

Submission – Proposal M1019—Review of Schedule 22 – Foods and classes of foods (2021)

Thank you for the opportunity to provide a submission on *Review of Schedule 22 – Foods and classes of foods* for Proposal M1019.

This submission was prepared by health professionals from the Department of Agriculture and Fisheries and Food Safety Standards and Regulation Unit. The submission does not represent a Queensland Government position, which will be a matter for the Queensland Government should notification be made by the FSANZ Board to the Food Ministers’ Meeting.

The Queensland Government commends FSANZ and recognises the significance of what is being proposed regarding attempting to achieve improving consistency in the names of the commodities in the Food Standards Code (the Code) and to better align with Codex. However, it is unclear why the proposed Food Standards Code commodities and commodities groups do not have reference to the Codex commodity classification code as occurs with the *Agricultural and Veterinary Chemicals Code (MRL Standard) Instrument 2019* (APVMA MRL). The Codex codes provide great assistance for determining the relevant commodity in a group when applying Maximum Residue Limits (MRLs).

In 2019, the Department of Agriculture and Fisheries proposed some amendments to the APVMA MRL standard to improve the consistency of expression of the MRLs. This project aimed to identify inconsistencies and reformat inconsistently expressed MRLs. Please refer to the attachment provided by the Department of Agriculture and Fisheries which provides the list of ‘rules’ developed by themselves and the Australian Pesticides and Veterinary Medicines Authority. Approximately 1900 MRLs were re-expressed as part of the project. It would be useful to consider if the APVMA MRL expression can be aligned with the Code. One example of this may relate to what is the agreed expression of Australian commodity names. In the APVMA MRL standard, where an Australian commodity name is relevant it is placed in square brackets. For example, it is not clear if the part in brackets in Kumquats (Cumquats) is the Australian commodity names and could or should be in square brackets.

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Another difference in format between the APVMA MRL standard and the Code is the use of square bracket (the Code) or curly brackets (APVMA) for the MRL exceptions. In the project, curly brackets were chosen to further differentiate the exceptions from the square brackets of the [in the fat] and Australian commodity names to try to future proof both the standard and computerised interpretation of residue results against MRLs.

Part of the reason for the project was to allow for future expression of MRLs as an open data source. Consistency in formatting is key to open data sources. Small data formatting errors can cause significant problems for example, on page 47 the text indicates 'Grapefruit; Minneola (Mineola); Pomelo; Shaddock ; Tangelo'. Please note that the entry needs to show the space after shaddock. The advice proffered is to carefully check the formatting of the proposed schedules. It was noted in the proposal for Sulfoxaflor the following inconsistencies: Leafy vegetables [except lettuce, head] and Cereal grains [except rice; rice husked; rice, polished, sorghum]. The Department of Agriculture and Fisheries has some tools that were developed as part of the project that might be of assistance in identifying such issues.

With the word version of the APVMA MRL standard it has been constructed in a way that allows 'skimming' of the Comlaw website to get the data into a database like format. FSANZ could apply similar techniques, as shown in the following table. Specifically, the table must have single entries per cells.

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Class	Group	Subgroup	Commodities
1	Fruit	Citrus Fruit	Lemons and Limes	Citron; Kumquats (Cumquats); Lemons; Limes
			Mandarins	Clementine; Mandarins; Tangors
			Oranges, Sweet, Sour	Bergamot; Orange, sweet; Orange, sour
			Pummelos	Grapefruit; Minneola (Mineola); Pomelo; Shaddock ; Tangelo

Specific questions

- 1) **FSANZ is seeking comments on whether the newly introduced SUBGROUPS category adequately reflects the APVMA crop and Codex food groups. FSANZ would be particularly interested to identify any subgroups or commodities that may be missing or if there is duplication of or ambiguity as to where a commodity may be captured.**

It is noted that it is proposed to split the bulb vegetable group into two subgroups called Bulb Onions and Green Onions. It appears more appropriate to include Shallots, Spring Onions and Leek in the Green Onions subgroup than them remaining in the Bulb Onions subgroup because the green leafy portion of these commodities are the main portions eaten.

- 2) **Currently S22 lists 'whole commodity' for the portion of commodity to be analysed. The variation proposes that for some subgroups within Cereal grains, qualifiers have been provided to align more closely with Codex and. FSANZ is seeking feedback on the proposed portion of the commodity the MRL and ERL applies to.**

No comments

- 3) **FSANZ is seeking feedback on the proposed variation to the portion of the commodity the MRL and ERL applies to for oilseeds. This change will align with Codex and is supported by the APVMA. Previously husks were excluded from the portion. The new portion of the commodity, Oilseeds, is: “unless otherwise specified, seed or kernels, with shell or husk”.**

No comments

- 4) **FSANZ is seeking comments on moving ‘chives’ from ‘Herbs’ to ‘Bulb vegetables’ to align with Codex, notwithstanding the implications to Standard 1.5.3. FSANZ is seeking feedback on any other implications that may be relevant with the proposed classification of ‘chives’ as a ‘Bulb vegetable’.**

No comments

- 5) **With regard to Spices, M1019 proposes to include Angelica root and stem; Basil seed; Cardamom pods, seeds; Citrus peel; Coriander root; Galangal rhizomes; Japanese ginger; Miracle fruit; Pepper pink, green; Pepper chili (dry); Saffron; Star anise; and Wattle seed under spices. FSANZ is seeking comment on the proposed new commodities being captured under ‘Spices’ in the proposed version of Schedule 22.**

No comments

- 6) **FSANZ understands that pokeweed is a declared plant that is toxic to humans and livestock and is considered an environmental weed. FSANZ is seeking comments on whether this commodity should be removed from Schedule 22. FSANZ is seeking comments on whether Marsh marigold should be removed from Leafy vegetables (including brassica leafy vegetables) Schedule 22. FSANZ understands that vetch is primarily used as a fodder crop in Australia and has no MRL listed in Schedule 20, FSANZ is seeking comments on whether this commodity should be removed from Schedule 22.**

It does not appear appropriate to include pokeweed in Schedule 22 because if it is toxic to humans and not used as a food.

Question related to proposed consequential amendments to standards as a result of aligning with the Codex food classification system (section 2.3.8)

- 1) **FSANZ is seeking feedback from stakeholders on whether there are any unintended consequences for this approach.**

The proposed changes to Schedule 22 to include an edible fungi group may have a consequential effect of not allowing the irradiation of edible fungi and mushrooms. As a result of Application A1193 – *Irradiation as a phytosanitary measure for all fresh fruit and vegetables*, Standard 1.5.3 of the Food Standards Code currently permits the irradiation of edible fungi and mushrooms. This is because the current requirements in Schedule 22 of the Food Standards Code list Edible Fungi and Mushrooms under ‘Fruiting vegetables, other than cucurbits’. However, it is unclear if this was the intention of A1193 because the A1193 Call for Submissions Report does not discuss the inclusion of edible fungi and mushrooms. As such, FSANZ may need to also amend consequentially Standard 1.5.3 to allow the irradiation of edible fungi and mushrooms, or clarify the policy intention with A1193 was to not allow the irradiation of fungi.

Should you require further information in relation to this matter, please contact [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Rules for MRL commodity names formats

The following rules were developed to amend the *Agricultural and Veterinary Chemicals Code Instrument No. 4 (MRL Standard) 2012*

Table 1 – MRLs of agricultural and veterinary chemicals and associated substances in food commodities

Table 4 – MRLs for pesticides in animal feed commodities

Table 1 and 4

- Commodities are named according to the Codex classification name (except for capitalisation). Capital first letter only except if a country name. Examples below.
 - Cotton seed
 - Fruiting vegetables, cucurbits
 - Persimmon, American
 - Sugar cane fodder
- Plurals are consistent with Codex. Plurals only occur for commodity groups and small commodities where they are eaten as multiple units like grapes.
 - Pome fruits
 - Stone fruits
 - Macadamia nuts
 - Grapes
- Where there are exceptions in the Codex commodity name they will be in the Codex format examples below: (note Codex can be inconsistent with commas in this situation)
 - Oilseed except peanut
 - Beans, except broad bean and soya bean
- Where there are commas in the Codex name they will be retained but capitalisation does not occur after the comma.
 - Fruiting vegetables, other than cucurbits
 - Lettuce, head
 - Onion, bulb
- Where the APVMA needs to add exceptions to the Codex Commodity name, the exceptions will be written within curly brackets '{except commodity}'. Each separate commodity will have a capital inside the curly brackets and be separated by a semi colon. There will be a space between the end of the Codex commodity name and the curly bracket. Examples below:
 - Stone fruits {except Cherries}
 - Fruiting vegetables, other than cucurbits {except Mushrooms; Sweet corn (corn-on-the-cob)}
 - Leafy vegetables {except Chervil; Mizuna; Rucola [rocket]}
 - Meat (mammalian) {except Sheep meat}
 - Primary feed commodities {except Legume animal feeds}
- Australian commodity name bracket is in [] and not capitalised. The Australian name in the square brackets comes immediately after the Codex commodity name and before other descriptors such as forage. Examples below:
 - Papaya [pawpaw]
 - Peppers, sweet [capsicums]
 - Rape seed [canola]

- Primary feed commodities {except Rape seed [canola] forage; Rape seed [canola] straw and fodder, dry}
- In the fat in [] brackets consistent with Codex. A space will be occur between the Codex commodity name and the square bracket. Examples below:
 - Meat (mammalian) [in the fat]
 - Poultry meat [in the fat]

For table 4 only

- Where the commodity needs to expressed on a fresh weight it will be in in round brackets without capitalisation and a space before the round bracket. Examples below:
 - Barley Forage (fresh weight)
 - Primary feed commodities (fresh weight)
- Where the Codex commodity names have 'dry' in the name" they are expressed as per the Codex commodity name. Examples below:
 - Straw and fodder (dry) of cereal grains
 - Straw, fodder (dry) and hay of cereal grains and other grass-like plants.
- Where the commodity name needs to be expressed as 'dry' and there is no Codex commodity name it will be expressed a comma space dry, Examples below:
 - Sorghum straw and fodder, dry
 - Tomato pomace, dry
- Where there is no Codex commodity name, the commodity will be expressed before the descriptor. Examples below:
 - Sunflower forage
 - Maize fodder
- Where the Codex commodity has "green" in the name it is retained but is not added for commodities that are not Codex descriptions.
 - Soya bean forage (green) becomes Soya bean forage
 - pea vines (green) retained as it is a Codex Commodity name