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Standards Management Officer  
Food Standards Australia New Zealand  
PO Box 5423  
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Dear Sir / Madam

**Submission – Proposal P1027 – Managing Low-level Ag and Vet Chemicals without Maximum Residue Limits**

Thank you for the opportunity to provide a submission on the paper *Call for submission - Proposal P1027*.

This submission provides technical advice and comments related to this issue. It was prepared with the advice of officers from the Department of Agriculture and Fisheries and Department of Health. 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 Australia and New Zealand Ministerial Forum on Food Regulation. It should be noted that Safe Food Production Queensland will be providing a separate submission on this Proposal.

Within the Queensland Government, the Department of Agriculture and Fisheries (DAF), Safe Food Production Queensland (SFPQ) and the Department of Health have roles in the regulation of agricultural and veterinary chemicals and their residues in food. DAF regulates the use of agvet chemicals during primary production as well as regulates and monitors agvet chemical residues. SFPQ regulates the production and processing of food under meat, seafood, egg, horticulture (sprouts only) and milk food safety schemes, and where necessary work with their accreditation holders to ensure their products comply with legislated maximum residue limits (MRLs). The Department of Health is responsible for enforcement and compliance activities in relation to the food sold to consumers, including MRLs. Comments from officers of each agency are presented below.

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## Comments from the Department of Agriculture and Fisheries

The Department of Agriculture and Fisheries notes that 'animal food commodities' are now excluded from this proposal. DAF understands that on completing the pilot approach to a selected set of agvet chemicals, FSANZ reviewed the outcomes, and principles and processes developed in Stage 2, that would guide setting an *All other foods except animal food commodities* MRL for each chemical. These principles ensured that a consistent approach was used and that chemicals of concern would be excluded from consideration. FSANZ states that the magnitude of existing MRL permissions was considered and the proposed *All other foods except animal food commodities* MRLs are low enough to discourage off-label use of the agvet chemicals. FSANZ indicates that the proposed revised principles and processes would provide a consistent approach to review other agvet chemicals listed in Schedule 20, with the aim of establishing *All other foods except animal food commodities* MRLs for additional agvet chemicals over time, on a case-by-case basis.

DAF is generally supportive of FSANZ's approach, and continues to support the development of *All other foods except animal food commodities* MRLs to cater for inadvertent contamination. However those MRLs should be set at levels that do not encourage misuse of agvet chemical products.

Residues arising from the misuse of agvet chemicals are often indistinguishable from those that result from inadvertent contamination. It is important that quality assurance programs that reference the MRLs in the Food Standards Code make objective conclusions about whether a residue is the result of inadvertent contamination or use contrary to an approved instruction, when determining that a residue is compliant with an all other foods MRL.

The primary premise of legislation administered by DAF - Biosecurity Queensland is that registered agvet chemical products must be used in accordance with their approved instructions. The exceedance of an MRL is one indication that there could be use not in accordance with the legislative obligations. Therefore, the inclusion of *All other foods except animal food commodities* MRLs in the Food Standards Code will have limited impact on how Biosecurity Queensland assesses residues as an indicator of compliance with the control of use legislative obligations. Note that Queensland's control of use legislation references the APVMA MRLs which will not include *All other foods except animal food commodities* MRLs.

## Comments from the Department of Health

The Department of Health periodically has to determine whether detections of agvet chemicals in food comply with the Food Standards Code and assess the risk to human health. Cases have occurred where agvet chemicals detected in food did not comply with the Food Standards Code and the food could not legally be sold even though it but did not present a health risk. The proposed approach could help resolve this issue in relation to the 19 proposed chemicals. However, it is important that MRLs should be set at levels that do not encourage misuse of agvet chemical products.

It is agreed that this approach is not appropriate for agvet chemicals that are highly toxic (such as rodenticides) and those which do not have a legitimate use during primary production, and those that may have potential impacts on human medicine (such as antibiotics).

Concern is raised that it may be interpreted that the proposed *All other foods except animal food commodities* category includes manufactured and mixed foods, that is foods containing different ingredients rather than single agricultural commodities. If it were to include foods containing different ingredients, the Food Standards Code may inadvertently capture or permit the contamination of foods with chemicals used in premises to manufacture and process foods, e.g. contamination with pesticides in restaurants. Consideration should be given to clarifying within

Standard 1.4.2 that the *All other foods except animal food commodities* category does not include manufactured and mixed foods and relates to individual agricultural commodities as listed in Schedule 20. It should not be defined by reference to Schedule 22, which lists some manufactured foods such as bread.

It appears from the Call for Submission report that the principles and processes developed will be used by both the APVMA and FSANZ to establish other *All other foods except animal food commodities* MRLs over time. These principles and processes should be documented and endorsed by jurisdictions (e.g. by the Food Regulation Standing Committee) to improve consistency, transparency and confidence with the new approach. Alternatively, the new principles and processes could be formally agreed by both the APVMA and FSANZ and published.

The proposed regulatory option may potentially be viewed by the public as increasing the use of agvet chemicals on food. Therefore consideration may need to be given to managing the public's perception of the matter.

Should you require further information in relation to this matter, please contact Food Safety Standards and Regulation, Health Protection Unit, Department of Health on (07) 3328 9310 or at [foodsafety@health.qld.gov.au](mailto:foodsafety@health.qld.gov.au)

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