Response to Senate Committee Inquiry on the Food Standards Australia New Zealand Amendment Bill 2010 by the Department of Employment, Economic Development & Innovation

Summary

The Department of Employment, Economic Development & Innovation (DEEDI) strongly supports this proposed legislation.

Background re DEEDI

This response from the Queensland Department of Employment, Economic Development and Innovation (DEEDI) concerns responsibilities under the agencies Agricultural Food and Tourism portfolio.

Animal and plant products must pass increasingly intense national and international scrutiny in terms of levels of monitoring, sensitivity and breadth of chemical residue testing regimes. Given the value of agricultural and food exports to the Queensland economy it is essential to continue to demonstrate the clean, safe health status of these products.

In support, Biosecurity Queensland a service unit of DEEDI, works to ensure Queensland's reputation as a supplier of high value, high quality produce and food.

The objective of product integrity related projects is to mitigate the risks and impacts to the economy, the environment, social amenity and human health that are associated with product quality and safety.

The aim is to minimise any risks linked to chemical residues and other contaminants, and the risk of them affecting Queensland's agribusiness sector, and the ability to access markets.

<u>Core activities:</u>

- ✓ Research emerging contaminant and chemical risks to trade and market access
- ✓ Risk assessment of issues involving chemical use
- ✓ Implement risk management strategies to address chemical or contaminant incidents
- ✓ Conduct surveillance and testing to detect potential chemical misuse and to demonstrate Queensland's freedom from unwanted contaminants.
- ✓ Ensure the right training and systems are in place for BQ to be able to respond to chemical related incidents
- ✓ Work with industry to increase awareness of risks to prevent future incidents.
- ✓ Provide input and technical advice to national issues on chemical use and management of contaminants.
- ✓ Develop improved testing technologies for agvet chemicals and contaminants

- ✓ Collaborate with food safety regulators and Australian Quarantine and Inspection Service to share information about chemical use in animal and plant production systems.
- ✓ Ensure industry compliance through, surveillance, trace-back and investigation and if necessary undertake regulatory intervention action.
- ✓ Setting the conditions for the legal use of agricultural and veterinary (agvet) chemicals.

Response Comments

- Agvet chemicals play a key role in protecting and enhancing the productivity of Australian agriculture, forestry and aquaculture. Thus through its effects on availability and conditions for use of agvet chemicals, agvet regulation has important implications for the competitiveness of agriculture and related sectors. The regulatory arrangements also affect the competitiveness of the domestic agvet chemical industry. Agvet chemicals are also important in providing protection for domestic animals and urban infrastructure and in a wide range of household, sporting and other non agricultural activities. Timely access to chemical products to assure animal welfare and ongoing productivity improvement in industries that need these agvet chemicals for profitable production.

- The Productivity Commission Research Study Report on Chemicals and Plastics Regulation, released on 7 August 2008, recommended reforms in a number of areas, including agricultural and veterinary chemicals regulation.

- One such recommendation of the Productivity Commissions Review of Chemicals and Plastics was for the automatic adoption of Maximum Residue Limits (MRLs) set by the APVMA into the Australian and New Zealand Food Standards Code (with limited exceptions) and Biosecurity Queensland considers that this must be implemented without delay.

- The food regulatory and the agricultural and veterinary chemical regulatory system must allow for flexibility to use agricultural chemicals e.g. :
  - to control emergency pests and diseases
  - to enable adoption of new application technology without unwarranted restrictions.
  - To enable minor industries to develop until they reach a size that allows agvet chemical companies to seek to register their products as the potential market can then justify the R&D investment needed, minor use permits are used. An alternative approach would be a default MRL as is the case in New Zealand.

  The APVMA has an excellent record of working with industry and Biosecurity Qld to often provide an emergency permit with days of application.
- Currently there is a minimum of 18 month delay from obtaining an MRL in the Agvet Code for an emergency permit as set by the APVMA using the Australian dietary studies data and getting a Food Code MRL (which uses the same data and processes). Alternatively they must pay for testing and show

a NIL residue level (very difficult with the high tech equipment now used in labs.

- This can mean that while it can be legal to use an agvet chemical under the agvet code, it may not be legal to sell if it is not also in the Food code. Also under many industry or supermarket Quality Assurance schemes there are clauses about not using a product for which there is not an MRL. Producers can not be expected to wait 18 months to sell their produce, until the food regulatory system produces an MRL.
- While Australia has a duplicate MRL system there is actually a third system called CODEX, which is solely for international trade. So livestock producers could be faced with a situation where they can sell animals to an export abattoir but not a domestic abattoir and it is their bad luck if they have no local export abattoir. Note Qld has no export abattoir for calves and only a couple for goats, deer and minor species.
- The case study below illustrates the inefficiencies of the current system and the need for this Bill to be progressed urgently.

Queensland Case Study

Due to the sudden drop in salinity due to floods, an aquaculture operation that had barramundi in sea cages lost tonnes of fish due to a bacterial infection. Working with industry and APVMA, Biosecurity Qld facilitated a prompt emergency permit approval for an antibiotic treatment. Once fish were treated with the medicated fish feed, fish deaths stopped, which was both a benefit from an animal welfare perspective, an environmental and amenity perspective ending the disposal of truck loads of dead smelly fish, and an economic perspective for the business owners and for jobs in a small rural town. However while the emergency permit gave an MRL and there was also an application for a minor use permit already in the system with an MRL recommended, the owner of the fish was not allowed to harvest and sell any fish until such time as there was a food code MRL (a minimum of 18 months). The then Department of Primary Industry and Fisheries arranged for a sampling and testing program to help the producer sell his fish. As there was no Food Code MRL these tests had to show any antibiotic was below the level of analytical detection i.e. zero. Health Authorities were willing to allow the barramundi to be exported as there was a CODEX MRL, but not to be sold in Australia unless no antibiotic residue was detected. With the very high technology of testing now available, it is possible to now detect down to parts per billion or even per trillion for some substances. It was only due to the support given to this aquaculture company by the DPI&F that stopped it going into receivership with the subsequent loss of rural jobs. If a low level default MRL limit was established in the food standards code (for residues where no MRL has been individually established) this would also have been of practical assistance.