

SENATE COMMUNITY AFFAIRS LEGISLATION COMMITTEE

INQUIRY INTO THE *FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2010*

ANSWERS TO QUESTIONS FROM THE COMMITTEE

Q1. Please provide an overview of the role FSANZ currently undertakes in setting Maximum Residue Limits for approved chemicals for the purposes of the food code.

Standard 1.4.2 of the *Australia New Zealand Food Standards Code* (the Code) sets out the permitted Maximum Residue Limits (or MRLs) in food. The Standard says that if a MRL for a chemical is not listed in the Code, there must be no detectable residue of that chemical in food.

FSANZ considers new or revised MRLs for inclusion in the Code in proposals. For example, our most recent proposal for MRLs was M1004 - Maximum Residue Limits (September-December 2008, January-March 2009). All of FSANZ's reports for that proposal are available on our website at: <http://www.foodstandards.gov.au/foodstandards/proposals/proposalM1004maximum4427.cfm>

MRL proposals are dealt with under Subdivision D of Division 2 of Part 3 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act). The main steps in the process are:

- public notification that FSANZ has prepared a proposal
- assessment of the proposal
- preparation of a draft food regulatory measure
- calling for public submissions about the draft food regulatory measure
- approving the draft food regulatory measure
- notifying the Australia and New Zealand Food Regulation Ministerial Council of the approved food regulatory measure.

The steps FSANZ follows are set out in the attached flowchart.

Under section 18(1) of the FSANZ Act, the primary objective of FSANZ when setting standards (including MRL standards) is the protection of public health and safety. In the assessment and approval of MRL proposals, FSANZ ensures that potential chemical residues in food are within levels that are known to be safe for human consumption. FSANZ, in consultation with the Australian Pesticides and Veterinary Medicines Authority (APVMA), reviews the exposure of consumers to chemical residues according to international best practice methods. These safety assessments examine the total amount of a particular chemical which may be present in foods in Australia, measured against established reference health limits, to make sure that the total amount to which a person is exposed is safe.

Q2. What will FSANZ's role be if the proposed legislation is passed?

If the *Food Standards Australia New Zealand Amendment Bill 2010* becomes law, FSANZ will still have an important role in the setting of MRL standards in the Code. FSANZ will give public notification of applications to the APVMA which might result in a variation to a MRL in the Code and will prepare or oversee the dietary exposure assessment for a MRL variation. In addition, FSANZ will be responsible for including MRLs in the Code for imported food, and will retain its ability to amend the MRL standard. Each of these matters is explained below.

Public notification

As soon as practicable after FSANZ receives notification of an application or variation under the *Agricultural and Veterinary Chemicals Code Act 1994* (Agvet Code) by the APVMA, FSANZ is required by the Bill to give public notice in the Food Standards Notification Circular of the following:

- (a) that FSANZ has been notified under s 13A of the Agvet Code of an application or variation
- (b) particulars set out in the notice from APVMA to FSANZ
- (c) any other matters that FSANZ thinks appropriate.

Dietary exposure assessment

For any proposed variation of a MRL in the Code, the Bill provides that FSANZ will prepare a dietary exposure assessment. If FSANZ agrees, the APVMA or another person or body is able to prepare the dietary exposure assessment and provide it to FSANZ for comment. FSANZ's dietary exposure assessment, or its comment on a dietary exposure assessment prepared by or on behalf of the APVMA, is provided to the Ministerial Council.

FSANZ retains power to amend MRLs in the Code

Under the Bill, FSANZ's ability to modify a MRL in the Code is not affected. FSANZ will retain the responsibility for setting MRLs in the Code for imported food. In addition, FSANZ may at any time review the MRLs in the Code, and is required to review the MRL standard if requested to do so by the Ministerial Council.

Q3. What is the average amount of time that elapses between the APVMA requesting that FSANZ include an MRL in the Code and its promulgation in the Code?

Under the current arrangements, the APVMA, after registering agricultural or veterinary chemical products or conducting a review based on scientific evaluations, notifies FSANZ to incorporate the MRL variations in Standard 1.4.2 of the Code. The average time between notification from the APVMA and the gazettal of the MRL is approximately 12 months.

Q4. Are there any new or increased risks, particularly in regard to human health, that may result from the passage of the proposed legislation?

No. The Bill removes duplication of administrative processes, but the scientific assessment required to ensure the safety to human health and the environment remains unchanged. The Code will retain its current structure whereby no chemical residue in food is legal, unless there is a relevant prescribed MRL standard in the Code. MRLs are specific to the chemical product and to the produce on which the product may be used.

The Ministerial Council will still have the power to request a review of any food standard, including MRLs, and FSANZ will still be responsible for preparing or overseeing the dietary modelling used to determine the appropriateness of an MRL.

GENERAL PROCEDURE

