Summary of Stakeholder responses

on

THE DRAFT MINISTERIAL POLICY GUIDELINES
for
The regulation of residues of agricultural and veterinary chemicals in food.
Overview

The purpose of this paper is to provide a summary analysis of the submissions received on the consultation paper on draft policy guidelines for the regulation of residues of agvet chemicals in food.

Each submission was categorised into the following groups:
- Industry associations and companies
- Consumers organisations
- Research institutions
- Government agencies
- Industry and government bodies

Each submission was analysed against the following questions raised in the public consultation paper and any key issues identified were highlighted.

1. Are the draft policy principles listed (on page 10) appropriate and adequate in developing alternative approaches to address the issues associated with the current zero tolerance system?
2. If not, are there other Policy Principles that should be included?
3. Do you have other comments that you think the Ministerial Council should take into account in its deliberations on the Ministerial Policy Guidelines.

Summary of Comments

General comments

Submissions from industry associations, individual companies, government bodies and an industry and government body revealed a general support for the draft policy principles. The majority of submitters also included comments that the Ministerial Council should take into account when deliberating on the Ministerial Policy Guidelines. 7 submitters provided additional Policy Principles that should be included.

Submissions received comprised 11 from industry associations, 6 from individual companies, 2 from research institutions, 6 from government agencies, 1 from industry and government body and 1 from consumer organisation.

Most submitters recognised the need for review of the current zero tolerance approach seeing it as unacceptable and unsustainable. The current zero tolerance approach was seen as;
- creating problems for enforcement by requiring high level monitoring of low-risk foods,
- placing additional burden on the industry to manage incidental presence of residues,
- leading to significant problems in international trade,
- being inconsistent with the approach adopted in New Zealand and
- being inconsistent with good agricultural practices.

Technological improvements in analytical techniques will lower the level of detection thus making the zero tolerance approach unsustainable. Therefore, most submitters support the proposal that FSANZ consider alternative approaches to the current zero tolerance system to the regulation of
residues of agvet chemicals in food. However, one exception was a submitter from a consumer organisation that stated that the current system offers the best protection for consumers and public health. The submitter did however support a conservative default MRL that would apply only where there is a low level of residue and on a once-off occurrence.

Four submitters also noted that MRLs are set based on the ALARA (as low as reasonably achievable) principle and primarily indicate that Good Agricultural Practices have been followed.

Specific Comments

Most submitters supported the intent of the draft Ministerial Policy Guidelines. However, there were concerns regarding misinterpretation of the policy principles as they currently stand. Therefore the policy principles have been further refined to avoid misinterpretation.

- One submitter from a government agency did not support the draft policy principles as they currently stand, stating that they need to be more specific.
- Two submitters from government and industry agencies supported principles 1, 2 and 5, however have concerns regarding principle 4.
- One submitter from a government agency supported the principles, however shared concerns regarding principle 4.

It was expected that principle 4 could be misinterpreted in conjunction with policy principles 3 and 5. The submissions noted that the interpretation of principle 4 and 5 together would be the application of Codex MRLs that are higher than Australian MRLs to locally produced food. This was proposed to be in conflict with principle 3.

One submitter from a consumer organisation did not support the draft policy principles, stating that they do not provide sufficient detail in protecting public health and safety and a review of the entire process was not necessary. However the submitter understood the issues relating to the zero tolerance approach. In that respect they supported a very low default MRL to apply to products where very low levels of chemicals are detected, indicating inadvertent presence or contamination, not ongoing, intentional presence of that particular chemical.

One submitter from a government agency stated that it should be made clear in the preamble that these principles are only guidelines which should be followed where possible, and are not conditions that FSANZ must meet without discretion in proposing any change to food standards particularly if doing so would lead to an unsatisfactory outcome.

Other Policy Principles to be included in the draft policy principles

Submitter A

Policy principles should specify;
- MRLs are both chemical and commodity specific,
- A list of restricted chemicals should be established,
- Zero tolerance applies where there is no MRL,
- Conservative default MRLs apply only when low level of residue and one-off incident or first occurrence,
- Establish MRLs that aren’t approved but detected in foods on an ongoing basis.
Submitter B
Additional principle:
• Not unduly limit the capacity to market products that do not represent an unacceptable health risk to consumers.

Submitter C
Alternative to principle 4:
• Be consistent with the ALARA (as low as reasonably achievable) principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.

Submitter D
Additional principles:
• Promoting greater consistency between Australia and New Zealand and establishing a single standard for maximum residue limits.
• Promoting greater agreement with CODEX, or other internationally recognised standards.

Submitter E
Additional principle:
• Any changes to the regulation of residues should be technically enforceable.
This principle can be followed by taking technical advice from the National Analytical Reference Laboratory of the Australian National Measurement Institute and/or from MSL.

Submitter F
Additional principles:
• MRLs applicable to locally produced food are consistent with Australian Good Agricultural Practice relevant for the production of the food concerned”.
• The level of agvet chemical residue allowed in food is consistent with the ALARA principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.

Submitter G
Alternative to principle 4:
• Be consistent with the ALARA (as low as reasonably achievable) principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.

Submitter H
Additional principle:
• The regulation of residues of agricultural and veterinary chemicals in food should include a default residue level for minor inadvertent agvet residue contamination.

Submitter H also suggested changes to the existing policy Principles:

The regulation of agricultural and veterinary chemical residues in food should:
• ensure that residues do not represent an unacceptable risk to public health;
• be consistent with Codex commodity descriptions and Codex residue definitions;
• not be limited to residues associated with the domestic use of agricultural and veterinary chemical products; (include imported foods)
• ensure that trade requirements apply to all domestic and imported foods;
• include specific limits for residues in the actual food component; and
be consistent with Australia’s obligations to World Trade Organization (WTO) Sanitary and Phytosanitary Agreement (SPS Agreement).

Comments on specific approaches

The establishment of a default MRLs for all chemicals without established MRLs was largely supported. There was general support for harmonisation with Codex MRLs. Differing opinions were submitted regarding the level of the default MRL and whether Codex MRLs should be wholly supported.

The establishment of default MRLs for all chemicals without established MRLs was largely supported as it would allow for inadvertent contamination and would not unfairly discriminate against products that do not have an MRL. Suggestions were made that consideration be given to establishing default MRLs at realistic and achievable levels.

One submitter from an industry association suggested that the adoption of a default MRL of 0.01 mg/kg would be consistent with most countries. Another submitter from a government agency noted that a default MRL concept is limited to the EC, NZ, UK and Japan. Their submission noted that Canada is in the process of revoking its default MRL.

The adoption of Codex residue levels were generally supported with some industry associations suggesting, where possible, aligning Australian MRLs with Codex residue levels. One submitter from an industry association stated that recognition of Codex MRLs would promote fair practices in trade, reduce the possibility of safe foods being rejected at the border and be entirely consistent with the protection of public health and safety.

One submitter from an industry association did not support wholly incorporating Codex MRLs as they should only be accepted following appropriate risk assessment. Another submitter from a government agency noted that Australia’s obligations under the WTO SPS Agreement do not extend to the wholesale adoption of Codex standards and any changes to the current regulatory policy for chemical residues in food must ensure that consumer confidence and the protection of public health is not diminished.

One submitter from a government agency suggested it was necessary to establish a unique set of trade based MRLs that take into account case by case considerations of current domestic MRLs and Codex MRLs. If individual case by case residue levels are not established the submitter suggested that residues of agvet chemicals in imported foods must comply with either the Food Standards Code MRL, the relevant Codex MRL or if neither exist residues must not exceed any established default level.

Other comments

A submitter from an industry company suggested that provisions should be made for the retention of MRLs previously considered safe when those residues are no longer used, and not default to an incidental low level MRL. This de facto application of a ‘not detectable’ level based solely on the basis that an agricultural chemical is not used at a particular period of time in Australia could be considered a technical barrier to trade under the World Trade Organisation (WTO) Agreement.

One submitter from an industry association suggested that a systemic review by APVMA and FSANZ of all chemicals with different MRLs to Codex should be undertaken.
One submitter from an industry company suggested that the Food Standards Code should include a separate New Zealand listing for MRLs until there is a single set of MRLs for Australia and New Zealand.
## List of Respondents to the MRL Public Consultation Paper

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<thead>
<tr>
<th></th>
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<th>Name</th>
<th>Affiliation</th>
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<tbody>
<tr>
<td>1.</td>
<td>Australian Consumers Association</td>
<td>Clare Hughes</td>
<td>Consumer Association</td>
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<td>2.</td>
<td>Food Beverage Importers Association</td>
<td>Tony Beaver</td>
<td>Industry Association</td>
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<td>3.</td>
<td>Australian Food and Grocery Council</td>
<td>Joan Cort</td>
<td>Industry Association</td>
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<td>4.</td>
<td>Seafood Services Australia</td>
<td>Jayne Gallagher</td>
<td>Industry Association</td>
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<td>5.</td>
<td>Victorian Farmers Federation</td>
<td>Geoff Kendell</td>
<td>Industry Association</td>
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<td>6.</td>
<td>Dairy Australia</td>
<td>Helen Dornom</td>
<td>Industry Association</td>
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<td>7.</td>
<td>Australian Chicken Meat Federation</td>
<td>Andreas Dubs</td>
<td>Industry Association</td>
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<td>8.</td>
<td>Food Technology Association, Victoria</td>
<td>Tony Zipper</td>
<td>Industry Association</td>
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<td>9.</td>
<td>Animal Health Alliance (Australia) Ltd.</td>
<td>Dr Peter Holdsworth</td>
<td>Industry Association</td>
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<td>10.</td>
<td>Australian Fruit Juice Association</td>
<td>Rolf Schufft</td>
<td>Industry Association</td>
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<td>11.</td>
<td>Croplife Australia</td>
<td>Dr Adrian Harris</td>
<td>Industry Association</td>
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<td>12.</td>
<td>Horticulture Australia Limited</td>
<td>Brad Wells</td>
<td>Industry Association</td>
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<td>13.</td>
<td>Safe Meat</td>
<td>Ed Klim</td>
<td>Industry and government body</td>
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<td>14.</td>
<td>Focus Consulting (Vic) Pty Ltd.</td>
<td>Dr Peter S Talbot</td>
<td>Industry Company</td>
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<td>15.</td>
<td>Nestle Australia Ltd</td>
<td>Robyn Banks</td>
<td>Industry Company</td>
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<td>16.</td>
<td>Christie Tea Pty Ltd</td>
<td>Sue Wood</td>
<td>Industry Company</td>
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<td>17.</td>
<td>Sanitarium</td>
<td>Sharon Saide</td>
<td>Industry Company</td>
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<td>18.</td>
<td>Cadbury Schweppes</td>
<td>Neil W. Smith</td>
<td>Industry Company</td>
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<td>19.</td>
<td>Unilever Australia</td>
<td>Julie Newlands</td>
<td>Industry Company</td>
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<td>20.</td>
<td>Bottrill Research Pty Ltd.</td>
<td>Dr Dean Bottrill</td>
<td>Research Institution</td>
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<td>21.</td>
<td>Measurement Standards Laboratory of New Zealand</td>
<td>Dr Chris Sutton</td>
<td>Research Institution</td>
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<td>22.</td>
<td>Department of Health and Human Services, Tasmania</td>
<td>Felicity Poulter</td>
<td>Government</td>
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<td>23.</td>
<td>NSW Food Authority</td>
<td>Chris Chan</td>
<td>Government</td>
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<td>24.</td>
<td>NSW Department of Primary Industries</td>
<td>Roger B Toffolon</td>
<td>Government</td>
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<td>25.</td>
<td>Department of Health, South Australia</td>
<td>Phil Eckert</td>
<td>Government</td>
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<td>26.</td>
<td>Queensland Whole of Government</td>
<td>Ian Wells</td>
<td>Government</td>
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<td>27.</td>
<td>Department of Primary Industries, Victoria</td>
<td>James Hider &amp; Carol Bate</td>
<td>Government</td>
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### Analysis of Submissions

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<th>Question 1</th>
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<tbody>
<tr>
<td>1.</td>
<td>Australian Consumers Association</td>
<td>• Policy principles should specify;</td>
<td>• A very low default MRL should be established to ensure it only applies to products where very low levels of chemicals are detected, indicating inadvertent presence or contamination, not ongoing, intentional presence of that particular chemical.</td>
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<tr>
<td></td>
<td>• Do not provide sufficient detail to protect public health and safety.</td>
<td>• MRLs are both chemical and commodity specific,</td>
<td>• A conservative default MRL such as that established in Japan should be established.</td>
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<td>A review of the entire process is not necessary.</td>
<td>• A list of restricted chemicals should be established,</td>
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<td>• Zero tolerance applies where there is no MRL,</td>
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<td>• Conservative default MRLs apply only when low level of residue and one-off incident or first occurrence,</td>
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<td>• Establish MRLs that aren’t approved but detected in foods on an ongoing basis.</td>
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<tr>
<td>2.</td>
<td>Food Beverage Importers Association</td>
<td>• Support Draft Policy Principles.</td>
<td>• Support Codex MRLs and default tolerance level.</td>
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<td>3.</td>
<td>Australian Food and Grocery Council</td>
<td>• Support Draft Policy Principles.</td>
<td>• DPP 1: consideration needs to be given to both the strength of evidence that levels present are a public health risk, rather than a technical breach of the standard.</td>
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<td></td>
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<td>• DPP 3: considerations be given to determine if there is a need to remove an MRL from the FSC when the APVMA has withdrawn permission to use that chemical in Aus, yet compounds are still used in other countries. An alternative approach is to retain MRLs consistent with good agricultural practices and ensuring public health and safety not just referring to a minimum level of detection.</td>
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<td>• DPP 4 and 5: adopt Codex residue levels and a low-level residue default.</td>
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<td>5</td>
<td>Victorian Farmers Federation</td>
<td>• Support Draft Policy Principles.</td>
<td>• Support default or base MRL.</td>
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<td>6</td>
<td>Dairy Australia</td>
<td>• Support Draft Policy Principles.</td>
<td>• Default MRLs for all chemicals without MRLs. • Codex MRLs should reflect Australian MRL labelling requirements. • A systemic review by APVMA and FSANZ of all chemicals with different MRLs to Codex should be undertaken.</td>
</tr>
<tr>
<td>7</td>
<td>Australian Chicken Meat Federation</td>
<td>• Support Draft Policy Principles.</td>
<td>• Consider a sixth principle along the lines of: “not unduly limit the capacity to market products that do not represent an unacceptable health risk to consumers.”</td>
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<tr>
<td>8</td>
<td>Food technology Association, Victoria</td>
<td>• Support Draft Policy Principles.</td>
<td>• Align MRLs with Codex. • Australia and New Zealand apply one standard. • Support default MRLs.</td>
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<td>9</td>
<td>Animal Health Alliance (Australia) Ltd.</td>
<td>• Support Draft Policy Principles.</td>
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<td>10</td>
<td>Australian Fruit Juice Association</td>
<td>• Support Draft Policy Principles.</td>
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<td>11</td>
<td>Croplife Australia</td>
<td>• Support Draft Policy Principles.</td>
<td>• Support Australia recognising Codex MRLs for imports. • Where no MRL is available the adoption of a default MRL of 0.01 mg/kg would be consistent with most countries.</td>
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<td>12</td>
<td>Horticulture Australia Limited</td>
<td>• Broad agreement with the draft principles. Made specific comments.</td>
<td>• DPP1: addition of the word proportional prior to efficient. • DPP 2: agree with the thrust of this principle. Should include an acknowledgment that the determination of risk must be science-based and the process involved transparent. • DPP 3: Strongly supports the inclusion of an economic viewpoint in the development of regulations of residues to ensure they are both effective and efficient while not imposing</td>
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|            |            | unnecessary costs.  
|            |            | • DPP 4: Support principle and establishment of Codex standards, however not wholly incorporating Codex MRLs.  
|            |            | • DPP 5: The adoption of CXLs as import tolerances subject to risk assessments would satisfy this criterion.  
|            |            | • MRL setting for minor-use should be addressed in the regulatory approach to manage agrochemical residues in food. A tiered system of increasingly precise steps should be used for estimating MRLs for minor crops where the appropriate and simplest or least resource-intensive extrapolation method is selected first.  
|            |            | • Support default residue MRLs. |
|            |            | **13. Safe Meat**  
|            | • Supports endorsement of Draft Specific Policy Principles 1, 2 and 5.  
|            | • Does not consider principle 4 to be an appropriate policy principle under which Maximum MRLs for agvet chemical residues in food should be determined.  
|            | • Recommends that principle 4 not be applied generally to any consideration of changes to the existing regulatory approach for agvet chemical residues in food.  
|            | • Suggests an alternative to principle 4: Be consistent with the ALARA (as low as reasonably achievable) principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.  
|            | • Any future changes to policy or practice for the management of residues of agvet chemicals in food should not compromise the primary role of MRLs – as indicators of compliance with GAP in agvet chemical use.  
|            | • Any default residue level should not encourage illegal agvet chemicals use or compromise enforcement of control of use legislation. |
| **14. Focus Consulting (Vic) Pty Ltd.** | • Supports addressing the deficiencies in food safety industries.  
<p>| | | • Australia should embrace industry best practice with MRL should be set at Codex Alimentarius level (preferable 0.00/nil detectable) with few and reducing default MRL. |</p>
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| 15. | Nestle Australia Ltd | • Support Draft Policy Principles. | • Policy number 4 should include a mention regarding exported food.  
• Increasing harmonisation of Codex standards should be part of the policy review.  
• Support an incidental low-level residue for residues not listed within the Codex system or in the Food Standards Code.  
• Provision should be made for the retention of MRLs previously considered as safe when those residues are no longer used and not default to an incidental low level MRL. |
| 16. | Christie Tea Pty Ltd | • Support Draft Policy Principles. | • Want the same practical and globally accepted MRL.  
• MRLs should be both chemically and commodity specific.  
• Strongly support the views of other forums (Australian Food and Grocery Council). |
• Suggest additional guiding principles:  
• Promoting greater consistency between Australia and New Zealand and establishing a single standard for maximum residue limits.  
• Promoting greater agreement with CODEX, or other internationally recognised standards. | • Support establishing default level for those agvet chemical residues where there are no, or known risks for overexposure or where there are minimal health or safety risks associated with exposure, and establishing a restricted chemicals list to which default level does not apply.  
• Suggest that the Code should include a separate New Zealand listing for MRLs until that time where there is a single set of MRLs for Australia and New Zealand. |
<p>| 19. | Unilever Australia | • Support Draft Policy Principles. | • This is an area that presents a major risk to food manufacturers as it is not possible to be compliant with the current Standard 1.4.2 MRL for imported foods. |</p>
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<th>21.</th>
<th>Measurement Standards Laboratory of New Zealand</th>
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<tr>
<td>•</td>
<td>The draft policy principles are appropriate but may not be sufficient.</td>
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<td>•</td>
<td>Additional principle: any changes to the regulation of residues should be technically enforceable.</td>
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<tr>
<td>•</td>
<td>This principle can be followed by taking technical advice from the National Analytical Reference Laboratory of the Australian National Measurement Institute and/or from MSL.</td>
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<th>22.</th>
<th>Department of Health and Human Services, Tasmania</th>
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<td>•</td>
<td>No additional comments as they are represented on the working group.</td>
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<th>23.</th>
<th>NSW Food Authority</th>
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<td>•</td>
<td>Supports in principle the Draft Specific Policy Principles.</td>
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<td>•</td>
<td>Suggests additional principles:</td>
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<td>•</td>
<td>MRLs applicable to locally produced food are consistent with Australian Good Agricultural Practice relevant for the production of the food concerned”.</td>
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<td>•</td>
<td>The level of agvet chemical residue allowed in food is consistent with the ALARA principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.</td>
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<td>•</td>
<td>Principle 4 expresses a desirable objective without presumption of its practical achievability.</td>
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<td>•</td>
<td>Shares concerns of NSW DPI that in the context of principle 5, principle 4 can only be achieved by applying Codex MRLs to domestically produced food in those cases where the Codex MRL is higher than the Australian MRL or where no Australian MRL is set.</td>
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<td>•</td>
<td>It should be made clear in the preamble that these principles are guidelines only which should be followed where possible, and not conditions that FSANZ must meet without discretion in proposing any change to food standards, particularly when doing so would bring about an unsatisfactory outcome.</td>
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<td>•</td>
<td>Careful discretion has to be exercised in dealing with MRL issues in food legislation to ensure maintenance of the integrity of the agricultural objective on the one hand and sensible food legislation on the other.</td>
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<td>•</td>
<td>Support a more cautious approach in the setting of any default MRL to ensure that Australian registration and control of use arrangements for agvet chemicals are not compromised.</td>
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| 24. NSW Department of Primary Industries | • Supports principles 1, 2, and 5. | • Does not support principle 4 as it may be misinterpreted in conjunction with other policy principles.  
• Suggests an alternative to principle 4: Be consistent with the ALARA (as low as reasonably achievable) principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade. | • Supports principle 3 with word “minimum” deleted.  
• Recommends that principle 4 not be applied generally to any future consideration of changes to the existing regulatory approach for the regulation of residues of agvet chemicals in food.  
• Consistency of MRL requirements for domestic and imported food could be applied specifically in respect of any default residue level that may be established to address the presence of very low level residues for which no relevant MRLs are established.  
• Any future changes to policy or practice for the management of residues of agvet chemicals in food do not compromise the primary role of MRLs – as indicators of compliance with GAP in agvet chemical use.  
• Suggests that, consistent with principle 3, caution must be exercised to ensure that any default residue level does not encourage illegal agvet chemicals use or compromise enforcement of control of use legislation. |
| 25. Department of Health, South Australia | • The draft specific policy principles are appropriate and adequate for guiding any changes to the existing regulatory approach to chemical residues in food. | • The document provides no data or examples in support of claims regarding zero tolerance approach placing burden on industry and regulators.  
• Consensus in support of a default MRL at this time is limited to the EC, UK and Japan, while it is also noted that Canada is in the process of revoking its default MRL.  
• Australia’s obligations under the WTO SPS Agreement do not extend to the wholesale adoption of codex standards and any changes to current regulatory policy for chemical residues in food must ensure that consumer confidence and protection of public health is not diminished. |
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<td><strong>Queensland Whole of Government</strong></td>
<td>• The draft policy principles need to be more specific.</td>
<td>• The following additional principle is suggested: The regulation of residues of agricultural and veterinary chemicals in food should include a default residue level for minor inadvertent agvet residue contamination.</td>
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<td>• DPP 1: Should relate to the development of food regulatory measures and amendments to the ANZFSC, it is not considered appropriate for the policy guideline to refer to ‘response’ measures.</td>
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<td>• DPP 2: It is not appropriate to refer to ‘capacity’ issues of governments.</td>
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<td>• DPP 3: This principle may be inadequate if: it is insufficiently flexible to allow regulatory agencies to manage the disposition of food containing residues from inadvertent contamination or legitimate chemical use on imported product; and is inconsistent with the more flexible risk based approach for other constituents or hazards in food.</td>
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<td>• DPP 4: Necessary to establish a unique set of trade-based MRLs that take into account case by case consideration of current domestic MRLs and Codex MRLs. The higher level of APVMA MRL and Codex MRL should be established for trade purposes.</td>
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<td>• If individual case by case residue levels are not established residues of agvet chemicals in imported foods must comply with either:</td>
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<td>• the relevant Food Standards Code MRL, or</td>
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<td>• the relevant Codex MRL, or</td>
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<td>• if neither (a) or (b) exist then residues must not exceed any established default level.</td>
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<td>• DPP 5: Support, provided they do not represent an unacceptable risk to public health and safety developed through an open and transparent standards development process. Should make specific mention of the need for a default MRL for minor inadvertent residue contamination in combination with a prohibited chemical list that would require absolute zero residues.</td>
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<td>Department of Primary Industries, Victoria</td>
<td>Victoria supports the intent of the five draft policy principles.</td>
<td>It is essential that the concept of Good Agricultural Practice (GAP) is recognised as underpinning the establishment of MRLs otherwise Principles 3, 4 and 5 cannot be fulfilled.</td>
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<td>Recognition of GAP under Principle 4 will facilitate achieving consistency of requirements for both domestic and imported foods and will also provide the ability to meet WTO obligations.</td>
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<td>Exceeding the MRL is an indicator that GAP has not been followed; it is not necessarily an indicator that the food is unsafe or poses an unacceptable risk to public health. It is a trigger for relevant authorities to address the non-compliance by the user of the chemical under agricultural and veterinary chemical control of use legislation.</td>
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<td>Codex MRLs are established as a result of a rigorous, transparent dietary assessment process that is consistent with those conducted in Australia for establishing a domestic MRL.</td>
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<td>Codex MRLs are not established unless the residues resulting from the GAP on which the MRLs are based, are safe for consumers worldwide, including Australian consumers.</td>
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<td>In the past, Australia has also relied on Codex MRLs in trade disputes over levels of chemical residues in Australian produce that meet Codex requirements and where no domestic MRL has existed in the destination country.</td>
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<td>DPI supports the concept of a default MRL that ensures human health and safety and also support the underlying principle of GAP.</td>
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### Summary of Stakeholder Responses:

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| **1. Australian Consumers Association**   | - The current system offers the best protection for consumers and public health.  
- Should establish MRLs for chemicals that do not yet appear in the Food Standards Code but are continually detected in food products intended for sale in Australia.  
- A very low default MRL should be established to ensure it only applies to products where very low levels of chemicals are detected, indicating inadvertent presence or contamination, not ongoing, intentional presence of that particular chemical.  
- Codex should not be used as a default MRL, but rather a conservative default MRL such as that established in Japan.  
- Higher default MRLs should not encourage producers to knowingly use unapproved chemicals on an ongoing basis.  
- Policy Principles: review of the entire process is not necessary, need to be more specific.  
- Stated the policy principles should specify:  
  - MRLs are both chemical and commodity specific,  
  - A list of restricted chemicals should be established,  
  - Zero tolerance applies where there is no MRL,  
  - Conservative default MRLs apply only when low level of residue and one-off incident or first occurrence,  
  - Establish MRLs that aren’t approved but detected in foods on an ongoing basis. |
| **2. Food Beverage Importers Association** | - Considered the draft policy principles appropriate.  
- Zero tolerance has led to significant problems in many imported commodities where imports have been refused that do not pose a public health risk.  
- FBIA support the introduction of a default tolerance level, as MRLs are not direct public health and safety limits.  
- Recognition of Codex MRLs would promote fair practices in trade, reduce the possibility of safe foods being rejected at the border and be entirely consistent with the protection of public health and safety.  
- Want Codex MRLs to be incorporated into the draft principles. |
| **3. Australian Food and Grocery Council** | - Zero tolerance creates problems for enforcement by requiring high level monitoring of low-risk foods, is inconsistent with good agricultural practices, creates problems in international trade; and is inconsistent with the New Zealand approach.  
- DPP 1: consideration needs to be given to both the strength of evidence that levels present are a public health risk, rather than a technical breach of the standard.  
- DPP 3: considerations be given to determine if there is a need to remove an MRL from the Food Standards Code when the APVMA has withdrawn permission to use that chemical in Australia, yet compounds are still used in other countries. An alternative approach is to retain MRLs consistent with good agricultural practices and ensuring public health and safety not just referring to a minimum level of detection.  
- DPP 4 and 5: adopt Codex residue levels and a low-level residue default. Different approach by New Zealand. The adoption of the Codex residue levels into the standard and the adoption of a low-level residue default will assist with the promotion of consistency between domestic and international food standards, provide for a more international competitive food industry and protects public health and safety. |
<p>| <strong>4. Seafood Services Australia</strong>          | - Paper consistent with their approach. |</p>
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| 5 | Victorian Farmers Federation                         | • The VFF has worked with its members to ensure they take advantage of the chemical use training.  
• Strongly support the current system which sees control of chemical use vested with the State Governments. The VFF strongly lobby against any actions proposed which would reduce the effectiveness of the State based Control of Use regulations.  
• Very supportive of the need for review because “no MRL” is seen as a zero limit there is a perception that any residue detected is unacceptable.  
• MRLs must be set at realistic and achievable levels which reflect the need to encourage best practice whilst addressing health and environmental safety concerns.  
• Having zero limit is unsustainable in this modern age, and therefore supports the suggestion to investigate what default level would be appropriate. |
| 6 | Dairy Australia                                      | • Dairy Australia supports the five draft policy principles as outlined.  
• Principle 4 promotes consistency of MRL requirements for both domestic and imported foods. This is becoming increasingly important as it provides for a level playing field.  
• If Australia has higher or lower MRLs than Codex, for no apparent reason, these should be questioned as the labels and product information used to determine MRLs may be out of date and no longer valid.  
• A systemic review by APVMA and FSANZ of all chemicals with different MRLs to Codex should be undertaken.  
• Suggest consideration be given to default levels.  
• Default limits should be set for all chemicals without established MRLs. This allows for inadvertent contamination and does not unfairly discriminate against product that does not have an MRL.  
• Australia should provide more resources to focus on getting Codex MRLs to reflect Australian MRL labelling requirements. |
| 7 | Australian Chicken Meat Federation                   | • ACMF supports the five principles currently proposed.  
• Suggest that consideration be given to a sixth principle along the lines of: “not unduly limit the capacity to market products that do not represent an unacceptable health risk to consumers.” |
| 8 | Food technology Association, Victoria               | • Agreed that Policy Guidelines are appropriate.  
• Australia should, where possible, consider and align MRLs, etc with Codex and hence comply with its WTO membership responsibilities.  
• Suggest that any final Standard ensure that the ability of industry to respond to changes in MRLs is carefully considered.  
• Strongly emphasized that any Policy change be such that Australia and New Zealand will both comply with one and same Standard, which is believed to be a fundamental principle of TTMRA.  
• The “no detectable residue” as currently used for chemicals for which the present Standard applies should no longer be permitted and a default limit set. |
| 9 | Animal Health Alliance (Australia) Ltd.              | • Agrees that the draft policy principles in principle are adequate.  
• Have no other Policy Principles to be included.  
• Have no further comments to be included. |
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| 10. | Australian Fruit Juice Association | - The draft policy principles are appropriate.  
- Have no other Policy Principles to be included.  
- Have no further comments to be included. |
| 11. | Croplife Australia | - Supports the draft policy principles.  
- Support Australia recognising Codex MRLs for imports.  
- Where no MRL is available the adoption of a default MRL of 0.01 mg/kg would be consistent with most countries. |
| 12. | Horticulture Australia Limited | - Broad agreement with the draft principles. Made specific comments outlined below.  
- DPP1: addition of the word *proportional* prior to *efficient* as HAL believes that the level of response be comparable to the risk posed. Concerned that MRLs are increasingly being seen as health limits and not established on the basis of Good Agricultural Practice.  
- DPP2: agree with the thrust of this principle. Should include an acknowledgment that the determination of risk must be science-based and the process involved transparent.  
- DPP 3: Strongly supports the inclusion of an economic viewpoint in the development of regulations of residues to ensure they are both effective and efficient while not imposing unnecessary costs.  
- DPP 4: Support principle and establishment of Codex standards.  
- Do not support wholly incorporating Codex MRLs in the Food Standards Code.  
- CXLs should only be accepted as import tolerances following appropriate risk assessments.  
- DPP 5: The adoption of CXLs as import tolerances subject to risk assessments would satisfy this criterion.  
- The non-acceptance of a CXLs as an import tolerance would only occur should a science-based risk assessment find the level of the CXL unacceptable.  
- MRL setting for minor-use should be addressed in the regulatory approach to manage agrochemical residues in food. A tiered system of increasingly precise steps should be used for estimating MRLS for minor crops where the appropriate and simplest or least resource-intensive extrapolation method is selected first.  
- Support default residue MRLs. |
| 13. | Safe Meat | - Supports endorsement of Draft Specific Policy Principles 1, 2 and 5.  
- Does not consider principle 4 to be an appropriate policy principle under which Maximum MRLs for agvet chemical residues in food should be determined.  
- Principle 4 may be misinterpreted in conjunction with other policy principles.  
- For example, one way to interpret principle 4 & 5 together would be application of Codex MRLs that are higher than Australian MRLs to locally produced food. This would be conflicting with principle 3 which places emphasis on the control of use legislations.  
- Recommends that principle 4 not be applied generally to any consideration of changes to the existing regulatory approach for agvet chemical residues in food.  
- Suggests an alternative to principle 4:  
  - Be consistent with the ALARA (as low as reasonably achievable) principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.  
- Suggests that any future changes to policy or practice for the management of residues of agvet chemicals in food do not |
| 14. | Focus Consulting (Vic) Pty Ltd. | - Australia should embrace industry best practice with MRL set at Codex Alimentarius level (preferable 0.00/nil detectable) with few and reducing default MRL.  
- Supports the strategy usually used by clients exporting food stuffs; that is to manage differing MRLs by ensuring their product meets the lowest export MRLs across the board.  
- Australia should address the serious deficiencies in food safety practice.  
- Both exported and imported foodstuffs should carry auditable and credible MRL certification. |
| 15. | Nestle Australia Ltd | - Agrees with the guiding principles proposed.  
- Agree with the specific policy principles proposed.  
- Policy number 4 should include a mention regarding exported food (exported food is mentioned under trade issues in the stakeholder discussion for the food industry and growers).  
- Increasing harmonisation of Codex standards should be part of the policy review.  
- Also would support an incidental low-level residue for residues not listed within the Codex system or in the Food Standards Code.  
- Provision should be made for the retention of MRLs previously considered as safe when those residues are no longer used and not default to an incidental low level MRL.  
- The de facto application of a ‘not detectable’ level based solely on the basis that an agricultural chemical is not used at that particular period of time in Australia could be considered a technical barrier to trade under the WTO agreement. |
| 16. | Christie Tea Pty Ltd | - Support global harmonisation, as markets are international.  
- The strong desire to have the same practical and globally accepted MRL. This would certainly underpin the FSANZ Act of 1991 that “promotes consistency between domestic and International Food Standards”.  
- MRLs should be both chemically and commodity specific.  
- Strongly support the views of other forums (Australian Food and Grocery Council). |
| 17. | Sanitarium | - Supports the draft policy principles and finds them appropriate and adequate in developing alternative approaches to address the issues associated with the current zero tolerance system. |
| 18. | Cadbury Schweppes | - Supports the review of the residues of agricultural and veterinary chemicals in food and in principle supports the Draft Specific Policy principles.  
- Suggest additional guiding principles:  
  - Promoting greater consistency between Australia and New Zealand and establishing a single standard for maximum residue limits.  
  - Promoting greater agreement with CODEX, or other internationally recognised standards.  
- Support establishing default level for those agvet chemical residues where there are no, or known risks for overexposure or where there are minimal health or safety risks associated with exposure, and establishing a restricted chemicals list to which default level does not apply.  
- Suggest that the Code should include a separate New Zealand listing for MRLs until that time where there is a single set of MRLs for Australia and New Zealand. |
| 19.  | Unilever Australia | • The draft policy principles are appropriate.  
• Have no other Policy Principles to be included.  
• This is an area that presents a major risk to food manufacturers as it is not possible to be compliant with the current Standard 1.4.2 MRL for imported foods. |
| 20.  | Bottrill Research Pty Ltd. | • The draft policy principles are appropriate.  
• Have no other Policy Principles to be included.  
• Have no further comments to be included. |
| 21.  | Measurement Standards Laboratory of New Zealand | • The draft policy principles are appropriate but may not be sufficient.  
• May be desirable to add an additional principle: any changes to the regulation of residues should be technically enforceable.  
• This principle can be followed by taking technical advice from the National Analytical Reference Laboratory of the Australian National Measurement Institute and/or from MSL. |
| 22.  | Department of Health and Human Services, Tasmania | • No additional comments as they are represented on the working group. |
| 23.  | NSW Food Authority | • Supports in principle the Draft Specific Policy Principles.  
• Suggests additional principles:  
  - MRLs applicable to locally produced food are consistent with Australian Good Agricultural Practice relevant for the production of the food concerned”.  
  - The level of agvet chemical residue allowed in food is consistent with the ALARA principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.  
• States that principle 4 expresses a desirable objective without presumption of its practical achievability.  
• Shares concerns of NSW DPI that in the context of principle 5, principle 4 can only be achieved by applying Codex MRLs to domestically produced food in those cases where the Codex MRL is higher than the Australian MRL or where no Australian MRL is set.  
• It should be made clear in the preamble that these principles are guidelines only which should be followed where possible, and not conditions that FSANZ must meet without discretion in proposing any change to food standards, particularly when doing so would bring about an unsatisfactory outcome.  
• Careful discretion has to be exercised in dealing with MRL issues in food legislation to ensure maintenance of the integrity of the agricultural objective on the one hand and sensible food legislation on the other.  
• Support a more cautious approach in the setting of any default MRL to ensure that Australian registration and control of agvet chemicals are not compromised. |
| 24.  | NSW Department of Primary Industries | • Supports principles 1, 2, and 5.  
• Supports principle 3 with word “minimum” deleted.  
• Does not support principle 4 as it may be misinterpreted in conjunction with other policy principles.  
• For example, one way to interpret principle 4 & 5 together would be application of Codex MRLs that are higher than Australian MRLs to locally produced food. This would be conflicting with principle 3 which places emphasis on the control of use legislations. |
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| 25. Department of Health, South Australia | - Suggests an alternative to principle 4:  
  - Be consistent with the ALARA (as low as reasonably achievable) principle while recognising justifiable differences between MRLs applying to food produced in Australia and those applying to food moving in international trade.  
  - Recommends that principle 4 not be applied generally to any future consideration of changes to the existing regulatory approach for the regulation of residues of agvet chemicals in food. Notes that consistency of MRL requirements for domestic and imported food could be applied specifically in respect of any default residue level that may be established to address the presence of very low level residues for which no relevant MRLs are established.  
  - Suggests that any future changes to policy or practice for the management of residues of agvet chemicals in food do not compromise the primary role of MRLs – as indicators of compliance with GAP in agvet chemical use.  
  - Suggests that, consistent with principle 3, caution must be exercised to ensure that any default residue level does not encourage illegal agvet chemicals use or compromise enforcement of control of use legislation. 

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| 26. Queensland Whole of Government Submission | - The draft specific policy principles are appropriate and adequate for guiding any changes to the existing regulatory approach to chemical residues in food.  
  - The document provides no data or examples in support of claims regarding zero tolerance approach placing burden on industry and regulators.  
  - Consensus in support of a default MRL at this time is limited to the EC, UK and Japan, while it is also noted that Canada is in the process of revoking its default MRL.  
  - Australia’s obligations under the WTO SPS Agreement do not extend to the wholesale adoption of codex standards and any changes to current regulatory policy for chemical residues in food must ensure that consumer confidence and protection of public health is not diminished. 

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| 25. Department of Health, South Australia | - The draft policy principles need to be more specific.  
  - The regulation of agricultural and veterinary chemical residues in food should:  
    - ensure that residues do not represent an unacceptable risk to public health;  
    - be consistent with Codex commodity descriptions and Codex residue definitions;  
    - not be limited to residues associated with the domestic use of agricultural and veterinary chemical products; (include imported foods)  
    - ensure that trade requirements apply to all domestic and imported foods;  
    - include specific limits for residues in the actual food component; and  
    - be consistent with Australia’s obligations to World Trade Organization (WTO) Sanitary and Phytosanitary Agreement (SPS Agreement).  
  - DPP 1: Should relate to the development of food regulatory measures and amendments to the ANZFSC, it is not considered appropriate for the policy guideline to refer to ‘response’ measures.  
  - DPP 2: it is not appropriate to refer to ‘capacity’ issues of governments.  
  - DPP 3: this principle may be inadequate if: it is insufficiently flexible to allow regulatory agencies to manage the disposition of food containing residues from inadvertent contamination or legitimate chemical use on imported product; and is inconsistent with the more flexible risk based approach use for other constituents or hazards in food.  
  - DPP 4: necessary to establish a unique set of trade based MRLs that take into account case by case consideration of current domestic MRLs and Codex MRLs. The higher level of APVMA MRL and Codex MRL should be established |
| Department of Primary Industries, Victoria | for trade purposes.  
- If individual case by case residue levels are not established residues of agvet chemicals in imported foods must comply with either:  
  o the relevant Food Standards Code MRL, or  
  o the relevant Codex MRL, or  
  o if neither (a) or (b) exist then residues must not exceed any established default level.  
- DPP 5: Support, provided they do not represent an unacceptable risk to public health and safety developed through an open and transparent standards development process.  
- Should make specific mention of the need for a default MRL for minor inadvertent residue contamination in combination with a prohibited chemical list that would require absolute zero residues.  
- The following additional principle is suggested: The regulation of residues of agricultural and veterinary chemicals in food should include a default residue level for minor inadvertent agvet residue contamination.  
- Victoria supports the **intent** of the five draft policy principles i.e. protect public health and safety, be enforceable, be consistent with regulation of agricultural and veterinary chemicals, be consistent for domestic and imported food and meet international trade obligations.  
- It is essential that the concept of Good Agricultural Practice (GAP) is recognised as underpinning the establishment of MRLs otherwise Principles 3, 4 and 5 cannot be fulfilled.  
- Recognition of GAP under Principle 4 will facilitate achieving consistency of requirements for both domestic and imported foods and will also provide the ability to meet WTO obligations.  
- Exceeding the MRL is an indicator that GAP has not been followed; it is not necessarily an indicator that the food is unsafe or poses an unacceptable risk to public health. It is a trigger for relevant authorities to address the non-compliance by the user of the chemical under agricultural and veterinary chemical control of use legislation.  
- Codex MRLs are established as a result of a rigorous, transparent dietary assessment process that is consistent with those conducted in Australia for establishing a domestic MRL.  
- Codex MRLs are not established unless the residues resulting from the GAP on which the MRLs are based, are safe for consumers world-wide, including Australian consumers.  
- In the past, Australia has also relied on Codex MRLs in trade disputes over levels of chemical residues in Australian produce that meet Codex requirements and where no domestic MRL has existed in the destination country.  
- DPI supports the concept of a default MRL that ensures human health and safety and also support the underlying principle of GAP. |