26 September 2012
[22-12]

Call for submissions – Application A1069

Irradiation of Tomatoes & Capsicums

FSANZ has assessed an Application made by the Queensland Department of Employment, Economic Development and Innovation to provide permission to irradiate tomato (*Lycopersicon esculentum*) and capsicum (*Capsicum annuum*) as a quarantine measure and has prepared a draft food regulatory measure. Pursuant to section 31 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), FSANZ now calls for submissions to assist its consideration of the draft food regulatory measure.

For information about making a submission, visit the FSANZ website at information for submitters.

All submissions on applications and proposals will be published on our website. We will not publish material that is provided in-confidence, but will record that such information is held. In-confidence submissions may be subject to release under the provisions of the *Freedom of Information Act 1991*. Submissions will be published as soon as possible after the end of the public comment period. Where large numbers of documents are involved, FSANZ will make these available on CD, rather than on the website.

Under section 114 of the FSANZ Act, some information provided to FSANZ cannot be disclosed. More information about the disclosure of confidential commercial information is available on the FSANZ website at information for submitters.

Submissions should be made in writing; be marked clearly with the word 'Submission' and quote the correct project number and name. While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website via the link on documents for public comment. You can also email your submission directly to submissions@foodstandards.gov.au.

There is no need to send a hard copy of your submission if you have submitted it by email or via the FSANZ website. FSANZ endeavours to formally acknowledge receipt of submissions within 3 business days.

DEADLINE FOR SUBMISSIONS: 6pm (Canberra time) 7 November 2012

Submissions received after this date will not be considered unless an extension had been given before the closing date. Extensions will only be granted due to extraordinary circumstances during the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

Questions about making submissions or the application process can be sent to standards.management@foodstandards.gov.au.

Hard copy submissions may be sent to one of the following addresses:

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
AUSTRALIA
Tel +61 2 6271 2222

Food Standards Australia New Zealand
PO Box 10559
The Terrace WELLINGTON 6143
NEW ZEALAND
Tel +64 4 978 5630

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Supporting documents

The following documents which informed the assessment of this Application are available on the FSANZ website at http://www.foodstandards.gov.au/foodstandards/applications/applicationa1069irra5511.cfm.

SD1 Supplementary information on food irradiation
SD2 Risk and Technical Assessment Report

1. Executive summary

Food Standards Australia New Zealand (FSANZ) received an Application from the Queensland Department of Employment, Economic Development and Innovation (DEEDI) in association with the New Zealand Fresh Produce Importers Association (NZFPIA) to permit the irradiation of tomatoes and capsicums as a phytosanitary measure. In the past, phytosanitary measures for tomatoes and capsicums have primarily involved the use of the chemical dimethoate. However, since the use of dimethoate for this purpose has now been restricted, other options such as irradiation need to be considered.

FSANZ has reviewed the rationale for the Application and current scientific evidence on both the safety of irradiated tomatoes and capsicums and the impact of irradiation on their nutritional composition after irradiation.

The safety assessment concluded that irradiation of tomatoes and capsicums, as proposed, is unlikely to generate significant levels of radiolytic compounds. Furan was not detected following irradiation of tomatoes and capsicums at 5 kGy while 2-alkylcyclobutanones (2-ACBs) are not expected to be of concern because of the low lipid content of tomatoes and capsicums. Available data shows that irradiation at doses of up to 1 kGy does not affect carbohydrate, fat, protein and mineral content. Data submitted by the Applicant showed no discernible effect on levels of the measured vitamins at doses up to 1 kGy.

Estimated mean dietary intakes of the irradiation-sensitive vitamins A and C remain above Estimated Average Requirements following irradiation at does up to 1 kGy, even for the worst case scenario. Assessment of the combined cumulative nutritional impacts of both the currently permitted irradiated foods and irradiated fresh tomatoes and capsicums on population intakes of vitamin A and C led to an estimated decrease of less than 2% for this scenario.

Relevant quarantine agencies in Australia and New Zealand also provided advice on whether irradiation is a valid treatment for quarantine purposes for the disinfestation of tomatoes and capsicums.

Based on data provided in the Application and information from other sources, consumption of irradiated tomatoes and capsicums is considered safe for Australian and New Zealand consumers.

Permitting the irradiation of tomatoes and capsicums will allow increased domestic and international trade in tomatoes and capsicums as there are rigorous requirements in place for an appropriate and efficacious treatment for fruit fly for quarantine purposes.

FSANZ has prepared a draft variation to the Code to permit the irradiation of tomatoes and capsicums by adding tomatoes and capsicums to the Table to clause 4 in Standard 1.5.3 with a minimum dose of 150 Gray (Gy) and a maximum dose of 1 kGy.

2. Introduction

2.1 The Applicant

The Application was made by DEEDI in association with the NZFPIA. DEEDI brings together specialist knowledge, networks and services to work with businesses and industry sectors to support economic development for the benefit of all Queenslanders. NZFPIA represents wholesalers, traders and retailers who import fresh produce, including fruit and vegetables, into New Zealand. NZFPIA's members rely heavily on Australian produce, in particular imports from Queensland, to meet the needs of New Zealand consumers.

2.2 The Application

The Application was made by DEEDI on 15 March 2012 to amend Standard 1.5.3 – Irradiation of food to permit the irradiation of tomatoes and capsicums as a phytosanitary measure[1].

2.3 The current Standard

Standard 1.5.3 – Irradiation of Food prohibits the sale of irradiated foods unless the food is in the Standard. A pre-market assessment is required before irradiated tomatoes and capsicums can be sold in Australia or New Zealand.

The former Australia New Zealand Food Standards Council (composed of Health Ministers from the Commonwealth, States and Territories and New Zealand)[2] approved two Applications to irradiate plant based foods: herbs, spices and herbal infusions (A413) and a range of tropical fruits (mango, breadfruit, carambola, custard apple, litchi, longan, mangosteen, papaya and rambutan) (A443).

Application A1038 – Irradiation of Persimmons was approved by the FSANZ Board on 22 June 2011 and was not subject to a review request by the COAG Legislative and Governance Forum on Food Regulation (The Forum). However, this decision is currently the subject of a Federal Court action and gazettal has been delayed until the result of the court action is known.

For further background information on the Standard, approvals to irradiate food in other countries, irradiation facilities and dosimetry, methods of verification for irradiated foods and consumers and irradiation refer to **Supporting Document 1.**

2.4 Reasons for accepting Application

The Application was accepted for assessment because:

- it complied with the procedural requirements under subsection 22(2)
- it related to a matter that warranted the variation of a food regulatory measure.

[1] A phytosanitary measure is any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests.
[2] Now known as the COAG Legislative and Governance Forum on Food Regulation (The Forum)

2.5 Procedure for assessment

The Application is being assessed under the General Procedure.

3. Summary of the assessment

3.1 Risk assessment

Full details of the risk assessment prepared in relation to this Application are provided in **Supporting Document 2.**

FSANZ has previously assessed the technological need, safety and nutrient profile of various irradiated tropical fruits and, more recently, persimmons. These assessments were conducted in 2002[3] and 2011[4], respectively. FSANZ concluded that there was an established need to irradiate tropical fruits and persimmons and that there were no public health and safety issues associated with their consumption when irradiated up to a maximum dose of 1 kGy.

The purpose of this risk assessment was to determine the technological need to irradiate tomatoes and capsicums and whether tomatoes and capsicums irradiated up to a maximum dose of 1 kGy are as safe and nutritious as non-irradiated tomatoes and capsicums. The risk assessment takes account of the previous considerations and includes an assessment of data on the safety of irradiated foods that has become available since the assessments conducted in 2002 and 2011.

The nutritional impact of irradiating tomatoes and capsicums has been considered by determining their nutrient profile and the resultant changes in intake of radiation sensitive vitamins in Australian and New Zealand following irradiation.

3.1.1 Technological need and efficacy of the irradiation process

Disinfestation of tomatoes and capsicums by irradiation is a valid treatment for quarantine purposes and meets the requirements of a technological need (pest disinfestation) under the Standard. Insect pests of quarantine significance are a major barrier in gaining access to some markets. Irradiation is considered an effective treatment of tomatoes and capsicums. The International Plant Protection Convention (IPPC), Codex Alimentarius, quarantine agencies in Australia, New Zealand and the USA endorse irradiation as a legitimate phytosanitary treatment.

Both Biosecurity Australia (now DAFF Biosecurity) and the NZ Ministry for Primary Industries (NZMPI) provided letters to FSANZ recommending irradiation as an effective quarantine treatment for fruit fly and other pests that are of quarantine concern to Australia and New Zealand.

However, both DAFF Biosecurity and the NZMPI will still need to independently perform an import risk assessment (for quarantine purposes) on irradiation of tomatoes and capsicums, specifically for food imported into Australia or New Zealand. These assessments are separate from the food standards approval process.

[3] http://www.foodstandards.gov.au/_srcfiles/A443%20FAR%20-%20Irradiation%20Tropical%20Fruit.pdf
[4] http://www.foodstandards.gov.au/foodstandards/applications/applicationa1038irra4655.cfm

3.1.2 Safety and nutritional content of irradiated foods

FSANZ has concluded that available studies indicate that irradiating tomatoes and capsicums does not pose a significant human health risk for Australian or New Zealand consumers due to the following reasons:

- No toxicological hazards have been identified with the use of food irradiation up to a maximum of 1 kGy. There are negligible risks associated with the formation of radiolytic compounds[5] in tomatoes and capsicums. The low lipid content of capsicums and tomatoes (0.2 g/100 g or less) means there is a low potential to generate 2-alkylcyclobutanones (2-ACBs) and furan[6] formation in irradiated tomatoes and capsicums are negligible.

- Irradiation at doses up to 1 kGy appears to have no discernible effect on the levels of irradiation sensitive vitamins or provitamins (ie. vitamin C and β-carotene) or the nutrient composition of tomatoes and capsicums.

- Any potential effects of irradiation on vitamin levels are smaller than effects associated with other handling or processing steps, such as cooking, drying, freezing, storage time and ripeness.

- Of those vitamins possibly affected by irradiation, vitamin C and vitamin A (from pro-vitamin A carotenoids such as β-carotene) are the only ones present in tomatoes, capsicums and tropical fruits at nutritionally relevant levels. However, estimated mean dietary intakes of the irradiation-sensitive vitamins A and C following irradiation remain above Estimated Average Requirements even for the worst case scenario. Assessment of the combined cumulative nutritional impacts of both the currently permitted irradiated foods and irradiated fresh tomatoes and capsicums on population intakes of vitamin A and C led to an estimated decrease of less than 2% for all scenarios.

3.1.3 Other relevant safety matters

FSANZ has also taken account of safety concerns arising from high-dose irradiation of dried pet food and the development of a chronic neurological syndrome in cats. While the precise mechanism of this neurological syndrome remains to be defined, it has been hypothesised to be due to the loss of certain vitamins and/or the generation of peroxides (Caulfield et al 2009). FSANZ, along with veterinary experts in government and the private sector, considers that these neurological effects were cat-specific. FSANZ has concluded that the observations in cats are not relevant to humans.

FSANZ notes that the European Food Safety Authority (EFSA) also assessed the cat studies and concluded it was safe for humans to consume irradiated food (EFSA, 2011).

FSANZ will continue to monitor any developments in this area and consider any related issues for irradiation of food for human consumption.

3.2 Risk management

When assessing this Application and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters in section 29 of the FSANZ Act:

[5] Particular chemical compounds (molecules) that are found following irradiation of food (e.g. 2-alkylcyclobutanones).
[6] Furans are chemicals that can be formed at low concentrations in some thermally-processed and irradiated foods, and are derived predominantly from sugars (e.g. glucose, fructose and sucrose) and ascorbic acid.

- whether costs that would arise from a food regulatory measure developed or varied as a result of the application outweigh the direct and indirect benefits to the community, Government or industry that would arise from the development or variation of the food regulatory measure
- whether other measures (whether available to FSANZ or not) would be more cost-effective than a food regulatory measure developed or varied as a result of the Application
- any relevant New Zealand standards. Standard 1.5.3 applies to New Zealand. There are no New Zealand standards.
- any other relevant matters.

On the basis of the risk assessment and consideration of the matters above, FSANZ recommends that irradiation of tomatoes and capsicums be considered for inclusion in the Standard with the following requirements:

- irradiation of tomatoes and capsicums only for the purposes of pest disinfestation for a phytosanitary objective
- adherence to a minimum dose of 150 Gy and a maximum of 1 kGy
- additionally, the current mandatory labelling of irradiated foods and record keeping requirements will apply to irradiated tomatoes and capsicums.

Other matters, such as general exposure to radiation, damage to the environment and occupational health issues for radiation workers are outside FSANZ's mandate and are covered by other agencies' legislation such as controls imposed by the assessment of radiation licence applications (Refer to **Supporting Document 1).**

Two regulatory options were considered:

(1) prepare a draft variation to Standard 1.5.3 to permit the use of irradiation on tomatoes and capsicums.

(2) reject the Application

3.2.1 Cost/benefit analysis

The Office of Best Practice Regulation (OBPR), in a letter to FSANZ dated 15 May 2012 (reference 13845), provided a standing exemption from the need to assess if a Regulation Impact Statement (RIS) was needed for applications seeking permission to irradiate foods. The proposed variation to the Code is considered minor and machinery in nature.

Therefore, a consideration of the costs and benefits of the regulatory options is not intended to be an exhaustive, quantitative economic analysis of the options and, in fact, most of the impacts that are considered cannot be assigned a dollar value.

Rather, the assessment seeks to highlight the qualitative impacts relevant to each option. These impacts are deliberately limited to those involving broad areas such as trade, consumer information and compliance.

3.2.1.1 Option 1 – Prepare a draft variation to Standard 1.5.3

Consumers

The following were identified as potential benefits for consumers:

- possibly greater year-round availability of tomatoes and capsicums in some markets/regions in Australia and New Zealand
- possibly better quality fruit depending on the dose of irradiation, as other treatments (such as heat and cold) can affect fruit quality
- fruit may be able to be transported for longer periods while maintaining desirable sensory qualities for consumers
- provides choice to consumers wanting to avoid exposure to other treatments such as chemicals
- approval of irradiated tomatoes and capsicums may increase competition in the marketplace, improve selection and seasonal availability and increase price competition.

The following was identified as potential cost for consumers:

- a possible transient increase in price of irradiated tomatoes and capsicums because of the cost of establishing new equipment to effectively irradiate tomatoes and capsicums.

Industry

DEEDI considers trade in tomatoes and capsicums to be at risk of market disruption should phytosanitary uses of insecticide treatments be withdrawn or restricted. The combined value of tomato and capsicum production in 2006–07 was estimated at approximately A$420 million of which Queensland produced approximately A$282 million. Approximately 70% of Queensland production was sent to markets in Australia with restrictions against the introduction of fruit fly. In addition, tomatoes and capsicums (value approximately A$11 million) were exported in 2006–07. Approximately 90% of these exports went to New Zealand where demand for Australian produce is strong in the winter and spring months.

The following were identified as potential benefits for industry:

- availability of an alternative internationally-endorsed phytosanitary measure when the current chemical-based treatments are restricted
- increased shelf life and quality of fruit, depending on the dose
- assistance and maintenance of the economic viability of an important segment of the horticulture sector
- increased trade opportunities and increased markets available to growers due to an alternative treatment being available to meet quarantine requirements - permission to irradiate could facilitate market access to New Zealand
- introduction of a cost-effective technology in relation to other alternative treatments (hot water, vapour heat treatment, cold or heat treatment) without some of the inherent quality issues that alternative treatments may cause.

The following were identified as voluntary costs for industry:

- initial set-up costs in establishing an irradiation facility including building and capital may be significant
- costs to industry of treatment, transport and labelling irradiated foods
- potential cost in ascertaining consumer acceptance of irradiated tomatoes and capsicums.

However, businesses wishing to use irradiation will decide to do so based on commercial gains they hope to create e.g. by reducing their cost or extending market access.

Government

The following were identified as benefits for Government:

- additional pest disinfestation treatment when some methods are not accepted or are being phased out e.g. some chemical treatments which may facilitate trade.
- possible enhanced economic development in rural and regional Australia.

The following were identified as costs for Government:

- the cost involved in enforcing record keeping requirements in Standard 1.5.3 which are also required and enforced by radiation licensing authorities.

3.2.1.2 Option 2 – Reject the Application

Consumers

There could be a benefit to consumers who prefer not to consume irradiated foods, due to a belief that such foods are potentially unsafe and/or nutritionally inadequate or that there is no technological justification to irradiate foods. However, irradiated food is required to be labelled, so consumers wishing to avoid it will be able to do so.

A potential cost to consumers was identified as the possible limitation of the supply of tomatoes and capsicums due to the phase out of chemicals that normally reduce fruit fly disinfestation. If there was not an efficacious alternative treatment, such as irradiation, there is a strong possibility that the tomato and capsicum supplies will decrease and prices may increase. It is also possible that vitamin intakes will reduce unless tomatoes and capsicums can be replaced with cheaper produce items of comparable nutrient content.

Industry

No benefits to industry were identified.

The following were identified as costs for industry:

- loss of trade opportunities and access to markets where current disinfestation methods are not accepted
- costs in research and development incurred in an attempt to identify alternative treatments as existing chemical or other treatments are phased out.

Government

There are no benefits to Governments in maintaining a prohibition. No costs were identified, although lack of approval may be regarded as unnecessarily trade restrictive.

3.2.1.3 Comparison of Options

Option 1 allows the use of irradiation, which has been determined to be safe for pest disinfestation. It is supported by the scientific risk assessment and achieves the objectives of providing assurance about the safety of consuming irradiated tomatoes and capsicums, and providing labelling information to consumers that gives them informed choice. It may allow growers to access new markets.

Option 2 may impose costs on consumers by reducing availability of tomatoes and capsicums if permissions for current chemical treatments are removed.

It may deny Australian growers access to new markets and may hinder regional development.

Option 1 was preferred because FSANZ has determined that irradiating tomatoes and capsicums is safe (as supported by the scientific risk assessment); and will provide access to those products by controlling infestation. Option 1 also allows growers to access new markets and retain existing ones. It meets Australia's requirements under the World Trade Organization (WTO) by virtue of consistency with other international regulations on irradiated foods.

There are no other measures which could achieve the same result other than an amendment to Standard 1.5.3.

3.2.2 Addressing FSANZ's objectives for standards-setting

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

3.2.2.1 Protection of public health and safety

FSANZ concludes that approval of irradiation of tomatoes and capsicums at a minimum dose of 150 Gy and a maximum of 1 kGy does not pose a significant human health risk for Australian or New Zealand consumers.

3.2.2.2 The provision of adequate information relating to food to enable consumers to make informed choices

The mandatory requirements under Standard 1.5.3 to label irradiated foods will provide adequate information for consumers to make informed purchase decisions. Based on the risk assessment findings, no additional mandatory labelling requirements are proposed.

3.2.2.3 The prevention of misleading or deceptive conduct

No issues identified.

3.2.2.4 Subsection 18(2) considerations

FSANZ has also had regard to the matters listed in subsection 18(2):

- *the need for standards to be based on risk analysis using the best available scientific evidence*

FSANZ has previously assessed and characterised the risk from consumption of irradiated foods. Collectively, these risk assessments have considered all available information (national and international), including animal toxicity and nutrition data, relevant to the safety of irradiated foods.

FSANZ evaluated the scientific literature published since previous assessments and concluded that there were no new publications indicating a potential for safety concerns in any population group consuming irradiated foods.

- *the promotion of consistency between domestic and international food standards*

Approval to irradiate tomatoes and capsicums will promote consistency with other countries that approve the irradiation of fruits and vegetables for a phytosanitary purpose.

It also aligns with the Codex General Standard for Irradiated Foods which sets a maximum absorbed dose of 10 kGy. No specific foods are mentioned, although the standard states that:

> *The irradiation of food is justified only where it fulfils a technological need or where it serves a food hygiene purpose and should not be used as a substitute for good manufacturing practices.*

- the desirability of an efficient and internationally competitive food industry

Approval of irradiation of tomatoes and capsicums may increase the international competiveness of Australian and New Zealand growers gaining access to overseas markets for their produce, and it is also supportive of trans-Tasman trade.

- *the promotion of fair trading in food*

Approval of food irradiation for a phytosanitary need will leave producers free to make commercial decisions to irradiate tomatoes and capsicums, particularly in the absence of an effective alternative treatment. This should promote fair trade in food.

- *any written policy guidelines formulated by the Ministerial Council.*

No Policy Guideline is applicable.

3.3. Risk communication

FSANZ developed and applied a basic communication strategy to this Application. All calls for submissions are notified via the FSANZ Notification Circular, media release and through FSANZ's social media tools and the *Food Standards News*.

Subscribers and interested parties are also notified about the availability of reports for public comment.

The process by which FSANZ considers standard development matters is open, accountable, consultative and transparent. Public submissions are called to obtain the views of interested parties on issues raised by the application and the impacts of regulatory options.

The draft variation will be considered for approval by the FSANZ Board taking into account public comments received from this call for submissions. If the draft variation to the Code is approved by the FSANZ Board, that decision will be notified to the Forum. If the decision is not subject to a request for a review, the Applicant and stakeholders, including the public, will be notified of the gazettal of the variation to the Code in the national press and on the FSANZ website.

The Applicant and individuals and organisations that make submissions on this Application, will be notified at each stage of the assessment.

3.3.1 World Trade Organization (WTO)

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

There are relevant international standards, and amending the Code to include permissions to irradiate tomatoes and capsicums would have a trade enabling effect as it would permit irradiated tomatoes and capsicums to be sold in Australia and New Zealand and also allow imports into Australia and New Zealand and sold, where currently they would be prohibited. Therefore, a notification to the WTO under Australia's and New Zealand's obligations under the WTO Technical Barriers to Trade Agreement was not considered necessary.

4. Draft variation

The draft variation to Standard 1.5.3 is at Attachment A.

A draft Explanatory Statement is at Attachment B.

4.1. Implementation

The variation will take effect on gazettal.

5. References

Caulfield CD et al (2009) The experimental induction of leukoencephalomyelopathy in cats. Vet. Pathol. 46: 1258-1269.

European Food Safety Authority (2011) Scientific opinion on the chemical safety of irradiation of food. EFSA Journal 2011;9(4). http://www.efsa.europa.eu/en/efsajournal/pub/1930.htm

Attachments

A. Draft variation to the *Australia New Zealand Food Standards Code*
B. Draft Explanatory Statement

Attachment A – Draft variation to the *Australia New Zealand Food Standards Code*

FOOD STANDARDS
Australia New Zealand
Te Mana Kounga Kai – Ahitereiria me Aotearoa

Food Standards (Application A1069 – Irradiation of Tomatoes and Capsicums) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated XXXX

Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

1 Name

This instrument is the *Food Standards (Application A1069 – Irradiation of Tomatoes and Capsicums) Variation.*

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies the Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

These variations commence **on the date of gazettal**.

SCHEDULE

[1] Standard 1.5.3 is varied by omitting from the Table to clause 4 “Carambola” and substituting

“Carambola
Capsicum”

[2] Standard 1.5.3 is varied by omitting from the Table to clause 4 “Rambutan” and substituting

“Rambutan
Tomato”

Attachment B – Draft Explanatory Statement

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

FSANZ accepted Application A1069 which seeks to permit the irradiation of tomatoes and capsicums as a phytosanitary measure[7]. The Authority considered the Application in accordance with Division 1 of Part 3 and has prepared a draft variation to Standard 1.5.3.

2. Purpose and operation

Tomatoes and capsicums are currently not permitted to be irradiated in Standard 1.5.3. Therefore, FSANZ is proposing to vary Standard 1.5.3 by including tomatoes and capsicums in the Table to clause 4 of Standard 1.5.3.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference.

4. Consultation

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1069 will include one round of public consultation following an assessment and the preparation of a draft variation. A Call for Submissions (which includes the draft variation) will be released for a six-week consultation period.

A Regulation Impact Statement (RIS) was not required because the proposed variation to Standard 1.5.3 is likely to have a minor impact on business and individuals and is deemed to be a de-regulation.

5. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 97 of the FSANZ Act.

6. Variations

The variation permits the irradiation of tomatoes and capsicums by adding tomatoes and capsicums to the Table to clause 4 in Standard 1.5.3 with a minimum dose of 150 Gy and a maximum dose of 1 kGy.

[7] A phytosanitary measure is any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests.