

15 March 2000
11/00

STATEMENT OF REASONS

APPLICATION A369, A370 and A374

MAXIMUM RESIDUE LIMITS

The Australia New Zealand Food Authority received three applications (on 10 December 1998, 5 February 1999 and 24 March 1999) to amend the Australian *Food Standards Code* on the above matter.

In accordance with the transitional arrangements for food standards between Australia and New Zealand, individual country MRLs for agricultural and veterinary chemicals continue to apply for these standards and these applications propose changes for MRLs for food sold in Australia, whether imported or domestically produced.

Food sold in Australia which is either domestically produced or imported (other than from New Zealand) must comply with the Australian MRLs (ie in the *Food Standards Code*). Food imported from New Zealand must comply with either the New Zealand MRLs (ie in the *New Zealand Food Regulations 1984*) or the Australian MRLs.

Food sold in New Zealand which is either domestically produced or imported (other than from Australia) must comply with the MRL provisions in the *New Zealand Food Regulations 1984*. Food imported from Australia must comply with either the New Zealand MRLs or the Australian MRLs.

ANZFA has completed a full assessment of the application, and prepared draft variations to the Australian *Food Standards Code*.

ANZFA has decided, pursuant to section 36 of the *Australia New Zealand Food Authority Act 1991* not to conduct an inquiry and not to invite public submissions for the purposes of an inquiry. The Authority is satisfied that the applications raise issues of minor significance and complexity only, and that to omit to invite public submissions prior to making a recommendation to the Australian New Zealand Food Standards Council (the Council) will not adversely affect the interests of any person or body.

Section 63 of the Act provides that, subject to the *Administrative Appeals Tribunal Act 1975*, an application for a review of the Authority's decision not to conduct an inquiry

and not to invite public submissions for the purposes of an inquiry may be made to the Administrative Appeals Tribunal by a person whose interests are affected by the decision. Further information about statutory rights to external review may be obtained from the Administrative Appeals Tribunal in all capital cities or from the Authority.

The Authority has recommended to the Australia New Zealand Food Standards Council that it adopt the draft variations to the *Food Standards Code*, as amended, for the following reasons:

- these MRLs have been recommended by the NRA after evaluation of both toxicological and residue data;
- the chemicals have been registered by the NRA and have specific uses in the States and Territories of Australia;
- these MRLs are set at levels consistent with good agricultural practice and do not raise concerns for public health and safety; and
- dietary intake calculations indicate there are no public health and safety problems with approving the proposed MRLs.

The commencement date of the draft variation is to be from the date of gazettal.

REGULATORY IMPACT

ANZFA has undertaken a regulatory impact assessment process which also fulfils the requirement in New Zealand for an assessment of compliance costs. That process concluded that the amendment to the Code is necessary, cost effective and of benefit to both producers and consumers.

WORLD TRADE ORGANIZATION (WTO) NOTIFICATION

Australia and New Zealand are members of the WTO and are bound as parties to WTO agreements. In Australia, an agreement developed by the Council of Australian Governments (COAG) requires States and Territories to be bound as parties to those WTO agreements to which the Commonwealth is a signatory. Under the agreement between the Governments of Australia and New Zealand on Uniform Food Standards, ANZFA is required to ensure that food standards are consistent with the obligations of both countries as members of the WTO.

In certain circumstances Australia and New Zealand have an obligation to notify the WTO of changes to food standards to enable other member countries of the WTO to make comment. Notification is required in the case of any new or changed standards which may have a significant trade effect and which depart from the relevant international standard (or where no international standard exists).

This matter was notified to the WTO because it may have significant effect on the trade of other members.

DRAFT VARIATION TO THE AUSTRALIAN FOOD STANDARDS CODE

To commence: On gazettal

Standard A14 is varied by -

Explanatory Note: These are new MRLs for agricultural or veterinary chemicals not previously listed in Standard A14.

[1] inserting in columns 1 and 2 respectively of Schedule 1 each chemical (shown in bold type) and its associated food and maximum residue limit for that food, listed below -

| Chemical | |
|---|------|
| Food | MRL |
| 3-(2-chloro-thiazol-5-ylmethyl)-5-methyl-[1,3,5]oxadiazinan-4-ylidene-N-nitroamine | |
| Cotton seed | 0.05 |
| Cotton seed oil | 0.05 |
| Maize | 0.05 |
| Sorghum | 0.05 |
| Sweetcorn | 0.05 |

Explanatory Note: These are new MRLs (extensions of use) for existing chemicals

[2] inserting in columns 1 and 2 respectively of Schedule 1, in relation to each chemical shown in bold type below, the food and the maximum residue limit for that food listed below -

| Chemical | |
|---|------|
| Food | MRL |
| Chlorfenapyr | |
| Brassica (cole or cabbage) vegetables, head cabbages, flowerhead brassicas | 0.5 |
| Peach | 1 |
| Pear | 0.5 |
| Chlorpyrifos-methyl | |
| Cotton seed oil | 0.01 |
| Chlorothalonil | |
| Leek | 10 |
| Vegetables [except celery; fruiting vegetables; curburbits; leeks; onion, bulb; potato; tomato, chard, silver beet] | 7 |
| Cypermethrin | |
| Asparagus | 0.5 |
| Diflubenzuron | |
| Cattle milk | 0.05 |

| | |
|--|------|
| 2,4-D | |
| Pear | 0.05 |
| Ethofumesate | |
| Garlic | 0.1 |
| Fenoxycarb | |
| Macadamia nuts | 0.05 |
| Fipronil | |
| Pecan | 0.01 |
| Fluazifop-butyl | |
| Leek | 0.2 |
| Garlic | 0.05 |
| Rhubarb | 0.05 |
| Glyphosate | |
| Cereal grains (except wheat and barley) | 0.1 |
| Barley | 20 |
| Wheat | 5 |
| Wheat bran, unprocessed | 20 |
| Haloxyfop | |
| Garlic | 0.05 |
| Onion | 0.05 |
| Imidacloprid | |
| Sweet potato | 0.05 |
| Ioxynil | |
| Leek | 0.02 |
| Maldison | |
| Blackcurrants | 2 |
| Methabenzthiazuron | |
| Leek | 0.05 |
| Oxytetracycline | |
| Kidney of cattle, goats, pigs and sheep | 0.6 |
| Liver of cattle, goats, pigs and sheep | 0.3 |
| Sethoxydim | |
| Garlic | 0.3 |
| Spinosad | |
| Milks | 0.02 |
| Meats (mammalian)[in the fat] | 0.2 |

| | |
|--------------------------|------|
| Edible offal (mammalian) | 0.05 |
| Poultry meat | 0.01 |
| Poultry, edible offal of | 0.01 |
| Eggs | 0.01 |

Tebufenozide

| | |
|----------------|------|
| Blueberries | 2 |
| Macadamia nuts | 0.05 |

Explanatory Note: Permission for a residue of the specified chemical in these foods is being repealed.

[3] omitting from columns 1 and 2 respectively of Schedule 1, in relation to each chemical shown in bold type below, the food and the maximum residue limit for that food listed below -

Chemical

| | |
|------|-----|
| Food | MRL |
|------|-----|

Ethyl formate

| | |
|---------------|---|
| Cereal grains | 1 |
| Pulses | 1 |

Chlorothalonil

| | |
|---|---|
| Vegetables [except celery; fruiting vegetables; curburbits; leeks; onion, bulb; potato; tomato] | 7 |
|---|---|

Glyphosate

| | |
|---------------|-----|
| Cereal grains | 0.1 |
|---------------|-----|

Oxytetracycline

| | |
|--------------------------|------|
| Edible offal (mammalian) | 0.25 |
| Eggs | 0.3 |

Explanatory Note: These MRLs are being updated.

[4] omitting from column 2 of Schedule 1 the maximum residue limit in relation to each chemical shown in bold type and each food shown below, and substituting the maximum residue limit shown below -

Chemical

| | |
|------|-----|
| Food | MRL |
|------|-----|

Chlorpyrifos

| | |
|--------|-----|
| Banana | 0.5 |
|--------|-----|

Chlorpyrifos-methyl

| | |
|-------------|------|
| Cotton seed | 0.01 |
|-------------|------|

Diflubenzuron

| | |
|-------------------------|------|
| Cattle, edible offal of | 0.02 |
| Cattle meat | 0.02 |

| | |
|----------------------------|-------|
| Dithiocarbamates | |
| Garlic | 4 |
| Cotton seed | 10 |
| Glyphosate | |
| Edible offal (mammalian) | 2 |
| Lasalocid | |
| Edible offal (mammalian) | 0.7 |
| Oxytetracycline | |
| Meat (mammalian) | 0.1 |
| Poultry, edible offal of | 0.6 |
| Poultry meat | 0.1 |
| Pyriithiobac sodium | |
| Edible offal (mammalian) | 0.02 |
| Eggs | 0.02 |
| Meat (mammalian) | 0.02 |
| Milks | 0.02 |
| Poultry, edible offal | 0.02 |
| Poultry meat | 0.02 |
| Sulphosulfuron | |
| Edible offal (mammalian) | 0.005 |
| Eggs | 0.005 |
| Meat (mammalian) | 0.005 |
| Milks | 0.005 |
| Poultry edible offal | 0.005 |
| Poultry meat | 0.005 |
| Wheat | 0.005 |

[5] *Omitting from Schedule 1 Imazameth wherever occurring and substituting Imazapic.*

FOOD STANDARDS SETTING IN AUSTRALIA AND NEW ZEALAND

The Governments of Australia and New Zealand entered an Agreement in December 1995 establishing a system for the development of joint food standards. The Australia New Zealand Food Authority is now developing a joint *Australia New Zealand Food Standards Code*, which will provide compositional and labelling standards for food in both Australia and New Zealand.

Until the joint *Australia New Zealand Food Standards Code* is finalised the following arrangements for the two countries apply:

- **Food imported into New Zealand other than from Australia** must comply with either the Australian *Food Standards Code*, as gazetted in New Zealand, or the New Zealand *Food Regulations 1984*, but not a combination of both. However, in all cases maximum residue limits for agricultural and veterinary chemicals must comply solely with those limits specified in the New Zealand *Food Regulations 1984*.

- **Food imported into Australia other than from New Zealand** must comply solely with the Australian *Food Standards Code*.
- **Food imported into New Zealand from Australia** must comply with either the Australian *Food Standards Code* or the New Zealand *Food Regulations 1984*, but not a combination of both.
- **Food imported into Australia from New Zealand** must comply with the Australian *Food Standards Code*. However, under the provisions of the Trans-Tasman Mutual Recognition Arrangement, food may be imported into Australia from New Zealand if it complies with the New Zealand *Food Regulations 1984* or *Dietary Supplements Regulations 1985*.
- **Food manufactured in Australia and sold in Australia** must comply solely with the Australian *Food Standards Code*, except for exemptions granted in Standard T1.

In addition to the above, all food sold in New Zealand must comply with the New Zealand *Fair Trading Act 1986* and all food sold in Australia must comply with the Australian *Trade Practices Act 1974*, and the respective Australian State and Territory *Fair Trading Acts*.

Any person or organisation may apply to ANZFA to have the *Food Standards Code* amended. In addition, ANZFA may develop proposals to amend the Australian *Food Standards Code* or to develop joint Australia New Zealand food standards. ANZFA can provide advice on the requirements for applications to amend the *Food Standards Code*.

Any person or organisation may apply to the Authority to have the *Australian Food Standards Code* amended. In addition, the Authority may develop proposals to amend the *Australian Food Standards Code*. The Authority can provide advice on the requirements for applications to amend the *Australian Food Standards Code*.

FURTHER INFORMATION

Submissions: No submissions on this matter are sought as the Authority has completed its assessment and the matter is now with the Australia New Zealand Food Standards Council for consideration.

Further information on this and other matters should be addressed to the Standards Liaison Officer at the Australia New Zealand Food Authority at one of the following addresses:

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Requests for copies of other information papers should be addressed to the Authority's Information Officer at the above address, or Email info@anzfa.gov.au