

24 May 2000  
12/00

## STATEMENT OF REASONS

### APPLICATION A412

#### ETHYLENE OXIDE IN HERBS AND SPICES

The Australia New Zealand Food Authority has before it application **A412** (received on 27 April 2000), from the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) to amend the Australian *Food Standards Code* to establish a maximum residue limit (MRL) of 20 mg/kg for ethylene oxide (EtO) in herbs and spices.

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

ANZFA has decided, pursuant to section 37 of the *Australia New Zealand Food Authority Act 1991*, to progress this application as a matter of urgency in order to avoid compromising the objective set out in subsection 10(1)(a) of the Act, namely the protection of public health and safety.

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

- The MRL for EtO has been recommended by the NRA after the granting of an Emergency Use Permit for fumigant use of EtO on herbs and spices on 20 April 2000.
- The use of EtO of herbs and spices is required to reduce microbial contamination. The alternative decontamination method, namely irradiation, is not yet available for herbs and spices.
- The MRL of 20 mg/kg is set at a level consistent with good agricultural practice.
- On the basis of the report entitled *Cancer Risk Assessment of Ethylene Oxide Residues in New Zealand Spices* prepared by the New Zealand Institute of Environmental and Scientific Research (ESR), there is negligible cancer risk to consumers from EtO residues in spices.
- The MRL will expire on 30 September 2001, which is the date of expiration of the Emergency Use Permit.
- The MRL for EtO is predicated on a timely industry application to vary Standard A17 – Irradiated Food – to permit irradiation of herbs and spices.

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

## NEW ZEALAND ARRANGEMENTS

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 this application proposes 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.

## DRAFT VARIATION TO THE AUSTRALIAN *FOOD STANDARDS CODE*

Explanatory Note: This is a new MRL for an agricultural chemical not previously listed in Standard A14.

**To commence:** On gazettal

*Standard A14* is varied by inserting in column 1 of Schedule 1 the chemical (shown in bold type) and inserting in column 1 and 2 respectively of Schedule 1 the food and maximum residue limit for that food, listed below-

<b>Chemical</b>	
Food	MRL
<b>Ethylene oxide</b>	
Herbs	20
Spices	20
The MRLs for ethylene oxide cease to have effect on 30 September 2001	

## 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 the Authority 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:** Submissions on this matter are not being sought as the Authority has completed its assessment of this matter and a recommendation is with the Australia New Zealand Food Standards Council for consideration as a matter of urgency. Should the Council agree to the recommendation the Authority will then conduct an inquiry into this matter, which may or may not include a request for public submissions.

**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:

PO Box 7186  
Canberra Mail Centre ACT 2610  
AUSTRALIA  
Tel (02) 6271 2258  
email: slo@anzfa.gov.au

PO Box 10559  
The Terrace WELLINGTON 6036  
NEW ZEALAND  
Tel (04) 4739942  
email: anzfa.nz@anzfa.gov.au

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

