

**21 June 2018**

**[50-18]**

Approval Report – Proposal M1015

Maximum Residue Limits (2017)

Food Standards Australia New Zealand (FSANZ) has assessed a proposal prepared by FSANZ to consider varying certain maximum residue limits (MRLs) in the *Australia New Zealand Food Standards Code* (the Code) and has prepared a draft food regulatory measure.

On 12 January 2018, FSANZ sought submissions on a draft variation and published an associated report. FSANZ received seven submissions and one late comment.

FSANZ approved the draft variation on 7 June 2018 The Australia and New Zealand Ministerial Forum on Food Regulation was notified of FSANZ’s decision on 18 June 2018.

This Report is provided pursuant to paragraph 63(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

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**Supporting document**

The following document which informed the assessment of this Proposal is available on the FSANZ website: <http://www.foodstandards.gov.au/code/proposals/Pages/M1015Maximum-Residue-Limits-(2017).aspx>

Supporting document 1 (at Approval) Proposed MRL changes and associated dietary exposure assessments

# Executive summary

This document details FSANZ’s assessment of a Proposal to vary maximum residue limits (MRLs) for some agricultural and veterinary (agvet) chemicals in Schedule 20 of the Australia New Zealand Food Standards Code (the Code).

MRLs are the highest amount of an agvet chemical residue that is legally allowed in foods sold in Australia. They are determined through good agricultural practice based on the amount of a chemical that is needed to control pests and/or diseases.

The Proposal considers deletions to, and reductions and increases in the levels of MRLs, as a result of: 1) gazettal by the Australian Pesticides and Veterinary Medicines Authority (APVMA); and 2) requests by other parties to align the Code with international standards.

The Proposal also included additional assessments to establish the suitability for establishing MRLs for the category: *All other foods except animal food commodities* MRLs.

*All other foods except animal food commodities* MRLs are intended to address the presence of low level inadvertent agvet chemical residues in food commodities, and apply only to Australia

FSANZ has assessed the dietary exposure of the Australian population that may arise from the proposed MRLs in the food supply which indicates that the proposed limits present negligible health and safety risks to consumers.

# 1 Introduction

## 1.1 The Proposal

The Proposal has been prepared to consider varying certain agvet chemical MRLs in Schedule 20 of the Code. It includes considerations of MRL variations proposed by the APVMA, as well as MRL harmonisation requests from other interested parties including food importers.

This Proposal is a routine process that proposes the sale of imported foodwith MRLs that may arise through the legitimate use of agvet chemicals for food production based on good agricultural practice (GAP). It also proposes that some agvet chemical MRLs be removed, reduced or increased in level as a result of amendments to the APVMA MRL Standard[[1]](#footnote-2).

## 1.2 The current Standard

Schedule 20 of the Code lists the MRLs for agvet chemicals which may occur in foods following their legitimate use in food production. MRLs prescribed in the Code constitute legal limits and apply to all foods sold in Australia, including imported foods. Some MRLs only apply to a specific food commodity or a food group while some additonally apply to all foods other than animal food products.

Food products containing residues with no listed MRLs or that exceed relevant MRLs in Schedule 20 of the Code cannot be legally sold in Australia. This ensures that residues of agvet chemicals in food are kept as low as possible, are consistent with their approved use, and are at levels assessed to be safe for human consumption.

## 1.3 Reasons for preparing Proposal

The Proposal was prepared to vary MRLs for certain agvet chemicals in Schedule 20 to align with Codex standards and those of trading partners for food commodities to be imported into Australia. It also aligns MRLs in Schedule 20 with the APVMA MRL Standard for residues of agvet chemicals that have been proposed to be deleted, or have increases or reductions in levels.

The MRL variations included in this Proposal were requested by 14 domestic and international food import companies, agricultural chemical manufacturers and the APVMA and comprise 128 chemicals and 360 chemical-food commodity combinations.

Countries which establish MRLs routinely use good agricultural practice (GAP) and good veterinary practice (GVP) to ensure the safety and quality of the food and other agricultural products. However, as pests, diseases and environmental factors differ around the world, the use of agvet chemicals may vary between countries and so may the use patterns. This means that the level of agvet chemical residues in imported foods may legitimately differ to those found in domestically produced foods.

The adoption of the proposed MRLs will permit the sale of foods containing legitimate residues, protect public health and safety, and minimise residues in foods consistent with the effective control of pests and diseases. They may also minimise trade disruption and extend consumer choice for a range of food commodities.

The MRLs proposed relate to requests from stakeholders to harmonise with those of Codex, a trading partner or as a result of variations, deletions or increases established by the APVMA and are listed in Supporting Document 1 (SD1)**.** SD1 also includes information on the current status of the proposed MRLs in the Code, comparisons with Codex MRLs and the dietary exposure estimates undertaken for Australian consumers. In addition, SD1 includes an appendix that lists the *All other foods except animal food commodities* MRL category for some of the requested chemicals. The appendix summarises the assessment process for establishing *All other foods except animal food commodities* MRLs, and also lists the chemicals in this Proposal for which *All other foods except animal food commodities* MRLs have been established.

The approved draft variation has not changed from the proposed variation that was the subject of the call for submissions. However, because the APVMA recently included a MRL at T3 mg/kg for Dicamba in cotton seed in Schedule 20 through aligning its MRL standard with the Code, an MRL harmonisation request for Dicamba in cotton seed at 3 mg/kg has been accepted and is now included in the draft Amendment at AttachmentA.

### 1.3.1 Codex Alimentarius Commission Standards

FSANZ may consider varying MRLs for residues of agvet chemicals in food commodities, where interested parties or stakeholders have identified differences between Schedule 20 of the Code and relevant international standards.

Considering these matters includes recognition of international standards and food trade issues, but the assessment for a variation to Schedule 20 gives primary regard to the protection of public health and safety.

SD1 lists MRLs proposed for inclusion in Schedule 20 of the Code based on the harmonisation requests from requestors and the APVMA, together with the corresponding Codex MRLs or those established in the country in which the food commodity is produced.

## 1.4 Procedure for assessment

The Proposal was assessed under the General Procedure for assessment of Proposals[[2]](#footnote-3).

## 1.5 Decision

The draft variation as proposed following assessment was approved with no changes. The variation takes effect on gazettal. The approved draft variation, after consideration of submissions, is at Attachment A.

The related explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

# 2 Summary of the findings

## 2.1 Summary of issues raised in submissions

Consultation is a key part of FSANZ’s standards development process. FSANZ acknowledges the time and effort taken by individuals and organisations to make submissions.

FSANZ sought public comments to help finalise the assessment of the proposed MRL changes. Comments were invited on any impacts (costs/benefits) of the proposed variations, in particular, likely impacts on importation of food if specific variations are advanced and any public health and safety concerns associated with the proposed changes.

FSANZ received seven submissions and one late comment. The submissions were from five domestic stakeholders (two state food regulatory departments, a peak food industry association, a food company and an individual). There were also submissions from a United States company and the United States Government as a WTO member.

A summary of the issues raised in the submissions and FSANZ’s response to them is given in Table 1 below.

Table 1: Summary of issues and FSANZ responses

| **Issue** | **Raised by** | **FSANZ response** |
| --- | --- | --- |
| Support the proposed MRL changes through Proposal M1015 based on the risk assessments undertaken. | Victorian Departments of Health and Human Services, and Economic Development, Jobs, Transport and Resources | Noted. |
| Support continual review and update of Schedule 20 of the Code to reflect current use of agvet chemicals in Australia but recognising different uses in other markets and ensuring consumer safety. | Australian Food & Grocery Council (AFGC)  Unilever Australasia | Noted. |
| FSANZ to consider harmonising MRL for Difenoconazole on blueberries with US or Codex MRL of 4 ppm (mg/kg) to allow the use of *Inspire Super* (Difenoconazole + Cyprodinil) on berries given Australia has already harmonised Cyprodinil MRL with that of the US. | Bryant Christie INC.  (On behalf of the North American Blueberry Council - NABC) | Noted.  The published call for submissions on Proposal M1015 is for comments on the draft MRL changes in Proposal M1015, specifically those listed in Attachment A of the report which is the proposed ‘Draft variation to Schedule 20 of the Australia Code’.  The intent of the call for submission is not to receive new MRL harmonisation requests.  The annual call for new MRL harmonisation requests is published and notified separately to all interested stakeholders and this request can be submitted through that avenue. |
| FSANZ to consider including ‘tea, green, black’ as a commodity for the nine chemicals specified in the submission and align their MRLs with respective EU MRLs.  FSANZ to consider aligning the proposed *All other food except animal food commodities (****AoF****)* MRLs for the 11 chemicals specified with EU MRLs for these chemicals in tea as a food commodity. | Australian Food & Grocery Council (AFGC)  Unilever Australasia  Unilever Australasia | Noted.  FSANZ has a process for new MRL harmonisation requests for the purpose of food importation into Australia where there are no MRLs in Schedule 20 of the Code. If residues of the nine chemicals listed in the submission are present in tea that is to be exported to Australia then requests can be submitted using the MRL harmonisation process.  *The Guide for submitting MRL harmonisation requests* and associated template are available on the FSANZ website and provide information on the process.  The *AoF* MRL category is to eliminate application of the ‘zero tolerance’ approach to food commodities containing legitimate low level inadvertent residues of approved agvet chemicals that result from farming activities such as spray drift, crop rotation or equipment use.  It is not a default MRL for the chemical to cover situations where the chemical is not approved for use on the specific food commodity.  Stakeholders can submit an MRL harmonisation request to FSANZ for food export purposes where there is no MRL in Schedule 20 for the chemical and food commodity combination, but an MRL has been set by the exporting country or Codex for the registered use of the chemical on the food commodity. |
| FSANZ excluded establishment of an *AoF* MRL for Thiophanate-methyl based on its registered use only in non-food crops in Australia. It did not consider its use in tropical and sub-tropical fruit and products in other countries and the impact on imported foods. FSANZ should reconsider the need for establishing such an MRL. | Australian Food & Grocery Council (AFGC) | Noted.  MRLs in Schedule 20 of the Code are legal limits set for agvet chemical residues legitimately present in food for sale in Australia. *AoF* MRLs are set only for inadvertent contamination of foods with approved chemicals following their legitimate use on other foods, and are determined based on the principles and approach set out in [Proposal P1027](http://www.foodstandards.gov.au/code/proposals/Pages/P1027.aspx).  Thiophanate-methyl is not registered for use in the production of food commodities in Australia, therefore an *AoF* MRL is not required.  However, if the specified food commodities are for export to Australia, AFGC can use FSANZ’s annual MRL harmonisation process to request that MRLs for Thiophanate-methyl in tropical and sub-tropical fruits be harmonised with those established by Codex or the country/region in which the food commodities are produced. |
| FSANZ needs to develop a better approach in managing low levels of agvet chemicals as the current approach by establishing *AoF* MRLs provides no certainty, minimal benefit or even disadvantage to Australian industry. AFGC previously advocated the establishment of a default MRL similar to the arrangements in other countries. | Australian Food & Grocery Council (AFGC) | Noted  FSANZ’s approach to establish *AoF* MRLs for managing low level inadvertent residues was set following protracted consultations with stakeholders and are for the purposes specified in FSANZ’s response to the previous two issues above.  This MRL category applies only to chemicals that have been assessed as suitable, and the levels proposed considered as safe and pose negligible health risks to Australian consumers based on case-by-case dietary exposure estimates.  As stated in the documents for Proposal P1027, the jurisdictions through the Australia New Zealand Food Regulation Ministerial Council did not support the use of a general default MRL for all chemicals and food commodity combinations with no specified MRLs. This is therefore a policy issue not under FSANZ’s mandate. |
| There is a typographical error in Attachment A of the Call for Submissions report. Methomyl is listed as *Methomy*. | Health Protection Branch, Queensland Department of Health | Noted.  The spelling error is corrected and the chemical is correctly named in the document. |
| Very concerned by any increases of maximum residues limits. | Carolyn Groves | Noted.  FSANZ continuously reviews and updates MRLs in Schedule 20 of the Code to reflect the current use of agvet chemicals in Australia. It also recognises differences in the use of the chemicals in other countries due to variations in pests, diseases and environmental conditions.  These activities are based on internationally recognised and robust scientific risk assessment methodologies. Changes are only recommended where the risk assessment, including the dietary exposure estimates, show that they would not present health and safety concerns to Australian consumers.  FSANZ regularly monitors exposures of Australian consumers to agvet chemicals through the Australian Total Diet Study. The surveys have consistently shown that levels of agvet chemical residues in foods are low and do not pose health risks to consumers. |
| FSANZ should consider downstream consequences and cumulative effect of high residues in long term, not just the short term benefits to profit-driven producers, chemical companies and cash-strapped government regulators. | Carolyn Groves | Noted.  FSANZ’s risk assessments for this Proposal and others are based on internationally recognised scientific methodologies and include both short term and long term dietary exposures of Australian consumers to the agvet chemical residues.  Included in this Proposal are only those requests with short term and long term dietary exposures that do not exceed the relevant health based guidance values (HBGVs) and pose minimal health and safety concerns to consumers.  FSANZ does not charge fees for its MRL harmonisation activities. It however has the authority to cover costs as set out in the FSANZ Act (1991) where the development or variation to a food standard would confer ‘an exclusive capturable commercial benefit’ to the applicant.  FSANZ’s MRL harmonisation proposals are not for revenue raising but ensure that Australian consumers have access to a variety of safe imported foods. Please refer to section 2.1.5 of the [FSANZ Application Handbook](http://www.foodstandards.gov.au/code/changes/Documents/Application%20Handbook%20as%20at%201%20March%202016.pdf) for information on when fees can be charged. |
| Concerned that chemicals such as glyphosate are used increasingly and for “off-label” use, Genetically Modified crops are not measured at all, and supermarket or in fact growers’ produce is not tested very frequently. | Carolyn Groves | Noted.  FSANZ and the APVMA continuously review and update MRLs in Schedule 20 of the Code based on current available scientific information and the registered and approved use of the agvet chemicals in Australia.  The APVMA as the national authority for the approval and registration of agvet chemicals takes the monitoring of ‘off-label’ use of agvet chemicals seriously. FSANZ also takes possible ‘off-label’ use into consideration when setting *AoF* MRLs.  The States and territories are responsible for monitoring compliance to Schedule 20 ensuring that any ‘off-label’ use of registered chemicals is appropriately addressed.  FSANZ regularly monitors Australian consumers’ dietary exposures to agvet chemical residues and other food contaminants through the Australian Total Diet Study. This survey has consistently demonstrated that agvet chemical residues in foods are at low levels and pose minimal health risk to Australian consumers. |
| The proposed MRLs could have a negative effect on US exports, in particular, the MRLs of Difenoconazole in blueberry, Etoxazole in strawberry, and Fenpyrazamine in ginseng, grape, lettuce and strawberry.  Will Australia consider harmonizing these MRLs as mentioned with US MRLs to avoid disruption to trade? | United States of America (USA) through WTO | Noted.  Australia’s MRL harmonisation process is dynamic and ensures safe food for Australian consumers while promoting international food trade.  The proposed MRL changes whether deletions, inclusions, increases or reductions are all based on internationally recognised and robust scientific risk assessment methodologies.  Australia has the annual MRL harmonisation process as a primary mechanism to consider requests for amendments to Schedule 20 of the Code for food export/import purposes.  Interested stakeholders can request FSANZ to consider aligning MRLs for certain chemical and food commodity combinations with existing US MRLs if the foods requested are produced in the US and are to be exported to Australia. |
| Australia to provide the scientific justification for the proposed MRLs. | United States of America (USA) through WTO | Noted.  The scientific justification for the proposed MRL changes in Proposal M1015 are summarised in Section 2.2 - Risk assessment of the Approval Report. The details relating to each agvet chemical are provided in Supporting Document 1 of the report. |

## 2.2 Risk assessment

The risk assessment process for the proposed MRL variations involved estimating the Australian population’s dietary exposure to residues of the agvet chemicals requested in the 2017 MRL Harmonisation Proposal, M1015.

The harmonisation requests are to align MRLs in Schedule 20 of the Code with those established for the chemicals and food commodity combinations by Codex or the regulatory authorities in the countries or region in which the foods are produced. These MRLs all reflect legitimate use of the chemicals in producing the food commodities. The requests also include those from the APVMA to align the Code with the revised APVMA MRL Standard, following its chemical review process that has resulted in the deletion of, or increases or reductions in the levels of MRLs for some agvet chemicals and food commodity combinations.

Generally, at low levels, residues of agvet chemicals should not pose a health and safety risk to consumers where the chemicals have been used according to label instructions. However, to confirm a low risk, an assessment of the estimated short term and/or chronic dietary exposure to the chemical residue is undertaken to confirm that the estimated exposures are unlikely to exceed the relevant health-based guidance value (HBGV) for the agvet chemicals.

The relevant HBGVs for the chemicals requested are the Acceptable Daily Intake (ADI – chronic or long-term exposure) or an Acute Reference Dose (ARfD – short-term exposure) that have been established by the APVMA or the Joint Food and Agriculture Organization / World Health Organization Meeting on Pesticide Residues (JMPR).

The methods used to estimate the Australian population’s dietary exposure to the residues are based on internationally recognised best practice and are consistent with the APVMA’s risk assessment framework for approving and registering agricultural chemical products in Australia. The same process is used by both the APVMA and FSANZ for establishing and reviewing MRLs in Schedule 20.

The dietary exposure estimates for all the agvet chemicals proposed for inclusion in M1015 indicate that the residues do not present health and safety risks to Australian consumers. The proposed MRL changes, origin of requests, comparisons with Codex and the dietary exposure estimates for the Australian population are set out in SD1.

## 2.3 Risk management

FSANZ is committed to maintaining MRL values that reflect levels of agvet chemical residues that may occur legitimately in food commodities following their prescribed use in food production. The safety of the residues in the context of the Australian diet is a key consideration in ensuring that the foods can be legally sold.

FSANZ will only approve variations to MRLs in the Code where the risk assessment concludes that the estimated dietary exposures are below the relevant HBGVs. FSANZ may consider harmonising MRLs in the Code with those established by a trading partner in circumstances where the risk assessment shows no health and safety risks from the residues to Australian consumers. In these circumstances, the residues are:

* likely to occur in food available for sale in Australia
* associated with the permitted use of an agvet chemical in the country where the food is produced.

Based on the dietary exposure estimates undertaken for each of the chemicals, the proposed MRLs do not pose health and safety risks to Australian consumers. Therefore, approval of a draft variation to include those MRLs in Schedule 20 of the Code is an appropriate risk management response.

## 2.4 Risk communication

### 2.4.1 Consultation

Consultation is a key part of FSANZ’s standards development process.

FSANZ notified the community to the proposed changes on its website and the call for submissions was notified via the FSANZ Notification Circular, media release and through FSANZ’s social media channels and Food Standards News subscription. Subscribers and interested parties were also notified about the availability of reports for public comment.

FSANZ sought public comment on the proposed changes to Schedule 20 which are at Attachment A and welcomed all comments. FSANZ was particularly interested in comments on any impacts (costs/benefits) of the proposed draft variation, in particular, likely impacts on importation of food if specific variations are advanced, and any public health and safety considerations associated with the proposed changes.

Seven submissions were received from domestic and overseas stakeholders in addition to one late comment. Details of the issues raised in the submissions and FSANZ’s responses to them is at Table 1 of this Draft Approval Report.

FSANZ acknowledges all the submissions made by individuals and organisations on this Proposal. All comments are valued and contribute to the rigour of the assessment process.

### 2.4.2 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 measures may have a significant effect on trade.

FSANZ made a notification to the WTO for this Proposal in accordance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures to Trade. One submission from the United States of America was received.

## 2.5 FSANZ Act assessment requirements

### 2.5.1 Section 59

#### 2.5.1.1 Consideration of costs and benefits

A Regulation Impact Statement (RIS) was not required for the Proposal because the proposed variations to the Code are machinery in nature and their use would be voluntary. The Office of Best Practice Regulation had previously stated (ID 12065) that no further analysis in the form of a RIS is required for MRL variations.

Overall, the direct and indirect benefits from the proposed MRL variations outweigh the costs to the community, Government or industry that would arise from the status quo. However, a limited impact analysis on different types of stakeholders is provided below.

The proposed MRL variations benefit growers and producers, state and territory agencies and the Australian Government in that they serve to further harmonise agricultural and food standards. Achieving consistency between agricultural and food legislation assists in the efficient enforcement of regulations and minimises compliance costs to primary producers.

Food importers may benefit from the additional or increased MRLs following approval of the proposed draft variation. Consumers may benefit in that the proposed variations extend the options to source a variety of safe foods. Conversely, importers and consequently consumers may be disadvantaged where proposed additional or increased MRLs are not progressed as this may unnecessarily limit the variety of sources for certain foods.

Approval of any MRL deletions or reductions requested by the APVMA has the potential to restrict food importation and could result in higher prices and fewer products available to consumers. However, there is scope under current processes to retain specific MRLs for imported foods if stakeholders made harmonisation requests with the same or higher MRLs to align with a legitimate Codex or trading partner MRL, and the residues do not present a health risk to Australian consumers.

#### 2.5.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure developed or varied as a result of the Proposal.

#### 2.5.1.3 Any relevant New Zealand standards

The *Agreement between the Governments of Australia and New Zealand concerning a Joint Food Standards System* (the Treaty) excludes MRLs for agvet chemicals in food from the system that sets joint food standards. Australia and New Zealand, therefore independently and separately develop MRLs for agvet chemical residues in food commodities. However, under the Trans-Tasman Mutual Recognition Arrangement (TTMRA), Australia and New Zealand accept food commodities that are legal for sale in each country, regardless of the sale-related regulatory requirements in the individual countries.

Under the New Zealand MRL Standard, agvet chemical residues in food must comply with the specific MRLs listed in the Standard. The New Zealand MRL Standard also includes a provision for a general *default MRL* of 0.1 mg/kg for agvet chemical/ food commodity combinations not specifically listed.

MRLs in the Code may differ from those in the New Zealand MRL Standard for a number of legitimate reasons including differences in the use patterns of the chemicals due to varying pest and disease pressures and climatic conditions.

#### 2.5.1.4 Any other relevant matters

Other relevant matters are considered below.

### 2.5.2. Subsection 18(1)

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

#### 2.5.2.1 Protection of public health and safety

FSANZ undertook dietary exposure estimates to assess the suitability of MRLs requested by all interested parties and also reviewed the DEAs submitted by the APVMA for its requests by using the best available scientific data and internationally recognised risk assessment methodologies. FSANZ concluded from the DEAs that the proposed MRLs pose negligible public health and safety risks to Australian consumers.

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

The Proposal does not raise issues relating to this objective.

#### 2.5.2.3 The prevention of misleading or deceptive conduct

The Proposal does not raise issues relating to this objective.

**2.5.3 Subsection 18(2) considerations**

FSANZ has also had regard to:

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

The proposed variations are based on risk analysis that used the best available scientific evidence and internationally recognised risk assessment methodologies. FSANZ conducted risk assessments which concluded that the estimated dietary exposures for each proposed agvet chemical are below the relevant HBGVs. This means the proposed MRLs pose negligible public health and safety risks to consumers.

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

The proposed changes would remove inconsistencies between agricultural and food standards and further align the Code with Codex and trading partner standards.

* **the desirability of an efficient and internationally competitive food industry**

The proposed changes will minimise potential costs to primary producers, rural and regional communities and importers in terms of permitting the sale of food containing legitimate levels of residues.

* **the promotion of fair trading in food**

See section 2.5.1.1.

* **any written policy guidelines formulated by the Forum on Food Regulation**

FSANZ has had regard to the Forum policy guideline on the regulation of residues of agvet chemicals in food, in particular the specific policy principles to be consistent with the effective regulation of the registration, permission and the use of agvet chemicals; promote a consistent approach to MRLs for both domestic and imported foods, where appropriate; and be consistent with Australia’s obligations under the WTO Sanitary and Phytosanitary Agreement.

**Attachments**

A. Approved draft variation to the *Australia New Zealand Food Standards Code*

B. Explanatory Statement

## Attachment A – Approved draft variation to the *Australia New Zealand Food Standards Code*



**Food Standards (Proposal M1015 – Maximum Residue Limits (2017)) 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*. This variation commences on the date specified in clause 3 of this variation.

Dated [To be completed by Standards Management Officer]

Dr Scott Crerar, General Manager – Science and Risk Assessment Branch

Delegate of the Board of Food Standards Australia New Zealand

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal M1015 – Maximum Residue Limits (2017)) Variation*.

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

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

3 Commencement

The variation commences on the date of gazettal.

**Schedule**

**[1]** The table to section S20—3 in **Schedule 20** is varied by

[1.1] omitting all entries for the following chemicals

|  |
| --- |
| Agvet chemical: Chlorfluazuron |
| Permitted residue: Chlorfluazuron |

[1.2] inserting in alphabetical order

|  |  |
| --- | --- |
| Agvet chemical: Acetochlor | |
| Permitted residue: Sum of compounds hydrolysable with base to 2-ethyl-6-methylaniline (EMA) and 2-(1-  hydroxyethyl)-6-methylaniline (HEMA), expressed in terms of Acetochlor | |
| Peanut | 0.2 |

|  |  |  |
| --- | --- | --- |
| Agvet chemical: Isofetamid | | |
| Permitted residue: Isofetamid | | |
| Almonds | 0.01 |
| Grapes | 3 |

|  |  |
| --- | --- |
| Agvet chemical: Teflubenzuron | |
| Permitted residue: Teflubenzuron | |
| Coffee beans | 0.3 |

[1.3] omitting from each of the following chemicals, the foods and associated MRLs

|  |  |  |
| --- | --- | --- |
| Agvet chemical: Aldicarb | | |
| Permitted residue: Sum of aldicarb, its sulfoxide and its sulfone, expressed as Aldicarb | | |
| Citrus fruits | 0.05 | |
| Cotton seed | \*0.05 |
| Edible offal (mammalian) | \*0.01 |
| Meat (mammalian) | \*0.01 |
| Milks | \*0.01 |
| Sugar cane | \*0.02 |

|  |  |
| --- | --- |
| Agvet chemical: Amitraz | |
| *Permitted residue: Sum of amitraz and* N*-(2,4-dimethylphenyl)-n′-methylformamidine, expressed as* N*-(2,4-dimethylphenyl)-N′-methylformamidine* | |
| Apple | 0.5 |
| Stone fruits [except cherries] | 0.5 |

|  |  |
| --- | --- |
| Agvet chemical: Amitrole | |
| Permitted residue: Amitrole | |
| Blueberries | T\*0.01 |

|  |  |
| --- | --- |
| Agvet chemical: Bitertanol | |
| Permitted residue: Bitertanol | |
| Strawberry | \*0.05 |

|  |  |
| --- | --- |
| Agvet chemical: Carbofuran | |
| Permitted residue: Sum of carbofuran and 3-hydroxycarbofuran, expressed as carbofuran | |
| Garlic | T0.1 |

|  |  |
| --- | --- |
| Agvet chemical: Chlorpyrifos-methyl | |
| Permitted residue: Chlorpyrifos-methyl | |
| Rice | 0.1 |

|  |  |
| --- | --- |
| Agvet chemical: Dicamba | |
| Permitted residue: Dicamba | |
| Cereal grains | \*0.05 |

|  |  |
| --- | --- |
| Agvet chemical: Difenoconazole | |
| Permitted residue: Difenoconazole | |
| Cherries | 2.5 |

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| Agvet chemical: Diflubenzuron | |
| Permitted residue: Diflubenzuron | |
| Cereal grains | T2 |
| Wheat bran, unprocessed | T5 |

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| Agvet chemical: Diflufenican | |
| Permitted residue: Diflufenican | |
| Meat (mammalian) | 0.01 |

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| Agvet chemical: Dithiocarbamates | |
| *Permitted residue: Total dithiocarbamates, determined as carbon disulphide evolved during acid digestion and expressed as milligrams of carbon disulphide per kilogram of food* | |
| Coconut | 5 |
| Coffee beans | 5 |
| Hops | T10 |
| Macadamia nuts | \*0.2 |
| Pomegranate | 3 |
| Swede | T1 |
| Turnip, garden | T1 |
| Wasabi | T2 |

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| Agvet chemical: Endothal | |
| Permitted residue: Endothal | |
| All other foods except animal food commodities | 0.01 |
| Cotton Seed | 0.1 |
| Potato | 0.1 |

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| Agvet chemical: Fenarimol | |
| Permitted residue: Fenarimol | |
| All other foods except animal food commodities | 0.05 |
| Berries and other small fruits [except grapes] | T0.1 |
| Fruiting vegetables, cucurbits | 0.2 |
| Grapes | 0.1 |
| Pome fruits | 0.2 |

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| Agvet chemical: Fenbuconazole | |
| Permitted residue: Fenbuconazole | |
| Stone fruits [except nectarine] | 1 |

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| Agvet chemical: Fenbutatin oxide | |
| *Permitted residue: Bis[tris(2-methyl-2-phenylpropyl)tin]-oxide* | |
| Fig | T10 |

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| Agvet chemical: Fenitrothion | |
| Permitted residue: Fenitrothion | |
| Fruit [except as otherwise listed under this chemical] | 0.1 |
| Vegetables [except as otherwise listed under this chemical] | 0.1 |

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| Agvet chemical: Fipronil | |
| *Permitted residue: Sum of fipronil, the sulphenyl metabolite (5-amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(trifluoromethyl) sulphenyl]-1*H*-pyrazole-3-carbonitrile), the sulphonyl metabolite (5-amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(trifluoromethyl)sulphonyl]-1*H*-pyrazole-3-carbonitrile), and the trifluoromethyl metabolite (5-amino-4-trifluoromethyl-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-1*H-*pyrazole-3-carbonitrile)* | |
| Bergamot | T0.1 |
| Burnet, salad | T0.1 |
| Chervil | T0.1 |
| Coriander (leaves, roots, stems) | T0.1 |
| Coriander, seed | T0.1 |
| Dill, seed | T0.1 |
| Fennel, seed | T0.1 |
| Herbs | T0.1 |
| Kaffir lime leaves | T0.1 |
| Lemon grass | T0.1 |
| Lemon verbena (fresh weight) | T0.1 |
| Mizuna | T0.1 |
| Peanut | T\*0.01 |
| Peanut oil, crude | T\*0.01 |
| Pecan | T\*0.01 |
| Peppers, sweet | T0.1 |
| Pome fruits | T\*0.01 |
| Rucola (rocket) | T0.1 |

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| Agvet chemical: Florfenicol | |
| *Permitted residue: Sum of florfenicol and its metabolites florfenicol alcohol, florfenicol oxamic acid, monochloroflorfenicol and florfenicol amine expressed as florfenicol amine* | |
| Fish | T0.5 |

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| Agvet chemical: Iprodione | |
| Permitted residue: Iprodione | |
| Cabbages, head | T\*0.05 |
| Cauliflower | T\*0.05 |

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| Agvet chemical: Levamisole | |
| Permitted residue: Levamisole | |
| Goat milk | 0.1 |

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| Agvet chemical: Maldison | |
| Permitted residue: Maldison | |
| Chard (silver beet) | 0.5 |
| Oilseed [except peanut] | T10 |
| Peanut | 8 |
| Root and tuber vegetables | 0.5 |
| Turnip, garden | 0.5 |
| Vegetables [except beans (dry); cauliflower; chard; cucumber; fruiting vegetables, other than cucurbits; garden pea; kale; kohlrabi; lentil (dry); onion, Welsh; root and tuber vegetables; shallot; spring onion; turnip, garden] | 2 |

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| Agvet chemical: Metalaxyl | |
| Permitted residue: Metalaxyl | |
| Coriander (leaves, roots, stems) | 2 |
| Durian | T0.5 |
| Herbs [except chives; thyme] | T0.3 |
| Kaffir lime leaves | T0.3 |
| Lemon grass | T0.3 |
| Lemon verbena (dry leaves) | T0.3 |
| Rose and dianthus (edible flowers) | T0.3 |
| Thyme | T0.5 |
| Turmeric, root | T0.1 |

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| Agvet chemical: Methidathion | |
| Permitted residue: Methidathion | |
| Brassica (cole or cabbage) vegetables, head cabbages, flowerhead brassicas | 0.1 |
| Date | T\*0.01 |
| Date, dried or dried and candied | T\*0.01 |
| Fruiting vegetables, other than cucurbits | 0.1 |
| Lettuce, head | 1 |
| Lettuce, leaf | 1 |
| Longan | 0.1 |
| Olive oil, crude | T2 |
| Olives | T1 |
| Pulses | 0.1 |
| Root and tuber vegetables | \*0.01 |
| Strawberry | \*0.01 |
| Vegetables [except garlic; lettuce, head; lettuce, leaf; onion, bulb; root and tuber vegetables] | 0.1 |

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| Agvet chemical: Methomyl | |
| Permitted residue: Methomyl | |
| Blackberries | 2 |
| Coffee beans | T1 |
| Fig | T0.7 |
| Fruiting vegetables, other than cucurbits [except peppers] | 1 |
| Guava | 3 |
| Herbs | T10 |
| Leafy vegetables [except chard; lettuce, head; lettuce, leaf] | 1 |
| Nectarine | 1 |
| Peach | 1 |
| Plantago ovata seed | 0.05 |
| Tree tomato (tamarillo) | T1 |

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| Agvet chemical: Naled | |
| *Permitted residue: Sum of naled and dichlorvos, expressed as naled* | |
| Cotton seed | T\*0.02 |
| Edible offal (mammalian) | T\*0.05 |
| Meat (mammalian) | T\*0.05 |
| Milks | T\*0.05 |

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| Agvet chemical: Oxadixyl | |
| Permitted residue: Oxadixyl | |
| Lettuce, head | 1 |
| Lettuce, leaf | 1 |

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| Agvet chemical: Pebulate | |
| Permitted residue: Pebulate | |
| Fruiting vegetables, other than cucurbits | \*0.1 |

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| Agvet chemical: Permethrin | |
| Permitted residue: Permethrin, sum of isomers | |
| Cotton seed | 0.2 |
| Fruiting vegetables, cucurbits | 0.2 |
| Galangal, rhizomes | T5 |
| Kiwifruit | 2 |
| Lupin (dry) | 0.1 |
| Mung bean (dry) | 0.1 |
| Soya bean (dry) | 0.1 |
| Sunflower seed | 0.2 |
| Turmeric, root | T5 |

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| Agvet chemical: Phorate | |
| *Permitted residue: Sum of phorate, its oxygen analogue, and their sulfoxides and sulfones, expressed as phorate* | |
| Vegetables | 0.5 |

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| Agvet chemical: Phosphorous acid | |
| Permitted residue: Phosphorous acid | |
| Berries and other small fruits [except riberries; strawberry] | T50 |

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| Agvet chemical: Pirimicarb | |
| *Permitted residue: Sum of pirimicarb, demethyl-pirimicarb and the* N*-formyl-(methylamino) analogue (demethylformamido-pirimicarb), expressed as pirimicarb* | |
| Coriander (leaves, roots, stems) | T20 |
| Herbs | T20 |
| Hops, dry | 0.5 |
| Lemon balm | T20 |

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| Agvet chemical: Propachlor | |
| *Permitted residue: Sum of propachlor and metabolites hydrolysable to* N*-isopropylaniline, expressed as propachlor* | |
| Garlic | 2.5 |

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| Agvet chemical: Prothiofos | |
| Permitted residue: Prothiofos | |
| Grapes | 2 |
| Pome fruits | 0.05 |

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| Agvet chemical: Pyriproxyfen | |
| Permitted residue: Pyriproxyfen | |
| Coffee beans | 0.1 |
| Passionfruit | 0.1 |

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| Agvet chemical: Pyroxasulfone | | |
| *Permitted residue—commodities of plant origin: Sum of pyroxasulfone and (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1*H*-pyrazol-4-yl)methanesulfonic acid, expressed as pyroxasulfone* | | |
| *Permitted residue—commodities of animal origin: 5-Difluoromethoxy-1-methyl-3-trifluoromethyl-1*H*-pyrazole-4-carboxylic acid, expressed as pyroxasulfone* | | |
| Cereal grains | \*0.01 | |

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| Agvet chemical: Spinosad | |
| *Permitted residue: Sum of spinosyn A and spinosyn D* | |
| Herbs | 5 |
| Safflower seed | T\*0.01 |

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| Agvet chemical: Thiodicarb | |
| *Permitted residue: Sum of thiodicarb and methomyl, expressed as thiodicarb* | |
| Peppers, sweet | T5 |
| Sorghum | T0.5 |

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| --- | --- |
| Agvet chemical: Trichlorfon | |
| Permitted residue: Trichlorfon | |
| Tree nuts | 0.1 |

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| --- | --- |
| Agvet chemical: Tridemorph | |
| Permitted residue: Tridemorph | |
| Banana | T\*0.05 |
| Barley | 0.1 |
| Fruiting vegetables, cucurbits | 0.1 |

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| --- | --- |
| Agvet chemical: Tylosin | |
| Permitted residue: Tylosin A | |
| Fish muscle | T\*0.002 |

[1.4] inserting for each of the following chemicals, the foods and associated MRLs in alphabetical order

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| --- | --- |
| Agvet chemical: 2,4-DB | |
| Permitted residue: 2,4-DB | |
| Peanut | 0.2 |

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| --- | --- | --- |
| Agvet chemical: Acetamiprid | | |
| *Permitted residue—commodities of plant origin: Acetamiprid* | | |
| *Permitted residue—commodities of animal origin: Sum of acetamiprid and N-demethyl acetamiprid ((E)-N1-[(6-chloro-3-pyridyl)methyl]-N2-cyanoacetamidine), expressed as acetamiprid* | | |
| Almonds | 0.1 | |
| Currants, black, red, white | 2 | |

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| Agvet chemical: Aldicarb | |
| *Permitted residue: Sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb* | |
| Peanut | 0.05 |

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| --- | --- | --- |
| Agvet chemical: Ametoctradin | | |
| *Permitted residue—commodities of plant origin: Ametoctradin* | | |
| *Permitted residue—commodities of animal origin: Sum of ametoctradin and 6-(7-amino-5-ethyl [1,2,4] triazolo [1,5-a]pyrimidin-6-yl) hexanoic acid* | | |
| Leek | 5 | |

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| --- | --- |
| Agvet chemical: Azoxystrobin | |
| Permitted residue: Azoxystrobin | |
| Rhubarb | 0.6 |

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| Agvet chemical: Benzovindiflupyr | |
| Permitted residue: Benzovindiflupyr | |
| Peanut | 0.01 |

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| Agvet chemical: Buprofezin | |
| Permitted residue: Buprofezin | |
| Almonds | 0.05 |

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| Agvet chemical: Carbendazim | |
| *Permitted residue: Sum of carbendazim and 2-aminobenzimidazole, expressed as carbendazim* | |
| Currants, black, red, white | 0.1 |
| Raspberries, red, black | 0.1 |
| Rhubarb | 0.1 |

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| Agvet chemical: Chlorpyrifos | |
| Permitted residue: Chlorpyrifos | |
| Raspberries, red, black | 0.01 |

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| --- | --- |
| Agvet chemical: Clofentezine | |
| Permitted residue: Clofentezine | |
| All other foods except animal food commodities | 0.02 |
| Strawberry | 2 |

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| --- | --- |
| Agvet chemical: Clothianidin | |
| Permitted residue: Clothianidin | |
| Almonds | 0.01 |

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| --- | --- |
| Agvet chemical: Cyhalothrin | |
| *Permitted residue: Cyhalothrin, sum of isomers* | |
| Almonds | 0.05 |
| Asparagus | 0.02 |
| Peanut | 0.05 |

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| --- | --- |
| Agvet chemical: Dicamba | |
| Permitted residue: Dicamba | |
| Cereal grains [except maize] | \*0.05 |
| Maize | 0.1 |

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| --- | --- |
| Agvet chemical: Difenoconazole | |
| Permitted residue: Difenoconazole | |
| All other foods except animal food commodities | 0.02 |
| Almonds | 0.03 |
| Stone fruits | 2.5 |

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| --- | --- |
| Agvet chemical: Diflubenzuron | |
| Permitted residue: Diflubenzuron | |
| Almonds | 0.2 |
| Peanut | 0.1 |

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| --- | --- |
| Agvet chemical: Diflufenican | |
| Permitted residue: Diflufenican | |
| All other foods except animal food commodities | 0.01 |
| Meat (mammalian) (in the fat) | 0.05 |

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| Agvet chemical: Dimethenamid-P | |
| *Permitted residue: Sum of dimethenamid-P and its (R)-isomer* | |
| Peanut | 0.01 |

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| Agvet chemical: Dithiocarbamates | |
| Permitted residue: Total dithiocarbamates, determined as carbon disulphide evolved during acid digestion and expressed as milligrams of carbon disulphide per kilogram of food | |
| Peppers, chili (dry) | 20 |

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| Agvet chemical: Dodine | |
| Permitted residue: Dodine | |
| Almonds | 0.3 |
| Peanut | 0.013 |

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| --- | --- |
| Agvet chemical: Emamectin | |
| *Permitted residue: Sum of emamectin B1a and emamectin B1b* | |
| All other foods except animal food commodities | 0.005 |
| Almonds | 0.02 |

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| Agvet chemical: Etoxazole | |
| Permitted residue: Etoxazole | |
| Strawberry | 0.2 |

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| --- | --- |
| Agvet chemical: Fenbuconazole | |
| Permitted residue: Fenbuconazole | |
| All other foods except animal food commodities | 0.02 |
| Almonds | 0.05 |

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| Agvet chemical: Fenpropathrin | |
| Permitted residue: Fenpropathrin | |
| Peanut | 0.01 |

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| --- | --- |
| Agvet chemical: Fenpyrazamine | |
| Permitted residue: Fenpyrazamine | |
| All other foods except animal food commodities | 0.02 |
| Raspberries, red, black | 5 |

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| Agvet chemical: Fenpyroximate | |
| Permitted residue: Fenpyroximate | |
| Almonds | 0.1 |

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| --- | --- |
| Agvet chemical: Fluazinam | |
| Permitted residue: Fluazinam | |
| Peanut | 0.02 |

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| --- | --- |
| Agvet chemical: Flumioxazin | |
| Permitted residue: Flumioxazin | |
| Cranberry | 0.07 |

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| --- | --- | --- |
| Agvet chemical: Fluopyram | | |
| *Permitted residue—commodities of plant origin: Fluopyram* | | |
| *Permitted residue—commodities of animal origin: Sum of fluopyram and 2-(trifluoromethyl)-benzamide, expressed as fluopyram* | | |
| Raspberries, red, black | 3 | |

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| --- | --- |
| Agvet chemical: Fluxapyroxad | |
| Permitted residue: Fluxapyroxad | |
| Banana | 3 |
| Coffee beans | 0.2 |
| Papaya (pawpaw) | 0.5 |

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| Agvet chemical: Fosetyl-aluminium | |
| Permitted residue: Fosetyl-aluminium | |
| Raspberries, red, black | 100 |

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| --- | --- |
| Agvet chemical: Ipconazole | |
| Permitted residue: Ipconazole | |
| Peanut | 0.01 |

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| Agvet chemical: Maldison | |
| Permitted residue: Maldison | |
| Brassica (cole or cabbage) vegetables, head cabbages, flowerhead brassicas [except cauliflower; kohlrabi] | 2 |
| Brassica leafy vegetables [except kale] | 2 |
| Carrot | 0.5 |
| Celery | 2 |
| Fruiting vegetables, cucurbits [except cucumber] | 2 |
| Leek | 2 |
| Legume vegetable [except garden pea] | 2 |
| Lettuce, head | 2 |
| Lettuce, leaf | 2 |
| Linseed | 10 |
| Onion, bulb | 2 |
| Pulses [except beans (dry); lentils (dry)] | 2 |
| Rape seed | 10 |
| Safflower seed | 10 |
| Sunflower seed | 10 |

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| --- | --- |
| Agvet chemical: MCPA | |
| Permitted residue: MCPA | |
| Cherry | 0.05 |

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| --- | --- |
| Agvet chemical: Mepanipyrim | |
| Permitted residue: Mepanipyrim | |
| Raspberries, red, black | 4 |

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| --- | --- |
| Agvet chemical: Mesotrione | |
| Permitted residue: Mesotrione | |
| Almonds | 0.01 |

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| --- | --- |
| Agvet chemical: Metalaxyl | |
| Permitted residue: Metalaxyl | |
| Almonds | 0.5 |
| Peanut | 0.2 |

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| Agvet chemical: Metconazole | |
| Permitted residue: Metconazole | |
| Almonds | 0.04 |

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| Agvet chemical: Methidathion | |
| Permitted residue: Methidathion | |
| All other foods except animal food commodities | 0.02 |
| Eggplant | 0.1 |
| Peppers | T0.1 |
| Persimmon, American | 0.5 |
| Potato | \*0.01 |

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| Agvet chemical: Methomyl | |
| Permitted residue: Methomyl | |
| Fruiting vegetables, other than cucurbits [except peppers; sweet corn (corn-on-the-cob)] | 1 |
| Parsley | T10 |
| Stone fruits [except cherries] | 1 |

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| Agvet chemical: Metrafenone | |
| Permitted residue: Metrafenone | |
| All other foods except animal food commodities | 0.05 |
| Oats | 0.6 |

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| Agvet chemical: Oxadixyl | |
| Permitted residue: Oxadixyl | |
| All other foods except animal food commodities | 0.1 |
| Leafy vegetables | T5 |

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| Agvet chemical: Oxathiapiprolin | |
| Permitted residue: Oxathiapiprolin | |
| Citrus fruits | 0.06 |
| Citrus oil | 2 |

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| Agvet chemical: Pebulate | |
| Permitted residue: Pebulate | |
| Tomato | \*0.1 |

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| --- | --- |
| Agvet chemical: Penconazole | |
| Permitted residue: Penconazole | |
| All other foods except animal food commodities | 0.02 |
| Raspberries, red, black | 0.1 |

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| Agvet chemical: Permethrin | |
| *Permitted residue: Permethrin, sum of isomers* | |
| All other foods except animal food commodities | 0.05 |
| Almonds | 0.05 |

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| Agvet chemical: Phorate | |
| *Permitted residue: Sum of phorate, its oxygen analogue, and their sulfoxides and sulfones, expressed as phorate* | |
| Brassica (cole or cabbage) vegetables, flowerhead brassicas [except Brussels sprouts; broccoli; cauliflower; head cabbages] | T\*0.01 |
| Broccoli | 0.5 |
| Cabbages, head | 0.5 |
| Carrot | 0.5 |
| Cauliflower | 0.5 |
| Celery | T\*0.01 |
| Coriander (leaves, roots, stems) | T\*0.01 |
| Eggplant | 0.5 |
| Leafy vegetables | T\*0.01 |
| Onion, bulb | 0.5 |
| Onion, Welsh | 0.5 |
| Parsley | T\*0.01 |
| Peppers | 0.5 |
| Potato | 0.5 |
| Shallot | 0.5 |
| Spring onion | 0.5 |
| Sweet potato | 0.5 |
| Tomato | 0.5 |

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| Agvet chemical: Phosmet | |
| *Permitted residue: Sum of phosmet and its oxygen analogue, expressed as phosmet* | |
| Currants, black, red, white | 2 |

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| Agvet chemical: Phosphorous acid | |
| Permitted residue: Phosphorous acid | |
| Grapes | 200 |

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| Agvet chemical: Piperonyl butoxide | |
| Permitted residue: Piperonyl butoxide | |
| All other foods except animal food commodities | 0.5 |
| Herbs | 8 |

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| Agvet chemical: Profenofos | |
| Permitted residue: Profenofos | |
| All other foods except animal food commodities | 0.02 |
| Peppers, chili | 3 |
| Peppers, chili (dry) | 20 |

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| Agvet chemical: Propamocarb | |
| Permitted residue: Propamocarb (base) | |
| All other foods except animal food commodities | 0.1 |

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| Agvet chemical: Prothioconazole | | |
| *Permitted residue—commodities of plant origin: Sum of prothioconazole and prothioconazole desthio (2-(1-chlorocyclopropyl)-1-(2-chlorophenyl)-3-(1*H*-1,2,4-triazol-1-yl)-propan-2-ol), expressed as prothioconazole* | | |
| *Permitted residue—commodities of animal origin: Sum of prothioconazole, prothioconazole desthio (2-(1-chlorocyclopropyl)-1-(2-chlorophenyl)-3-(1*H-*1,2,4-triazol-1-yl)-propan-2-ol), prothioconazole-3-hydroxy-desthio (2-(1-chlorocyclopropyl)-1-(2-chloro-3-hydroxyphenyl)-3-(1*H*-1,2,4-triazol-1-yl)-propan-2-ol) and prothioconazole-4-hydroxy-desthio (2-(1-chlorocyclopropyl)-1-(2-chloro-4-hydroxyphenyl)-3-(1*H*-1,2,4-triazol-1-yl)-propan-2-ol), expressed as prothioconazole* | | |
| Soya bean (dry) | 0.2 | |

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| Agvet chemical: Prothiofos | |
| Permitted residue: Prothiofos | |
| Pear | 0.05 |
| Table grapes | 2 |

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| Agvet chemical: Pyraflufen-ethyl | |
| *Permitted residue: Sum of pyraflufen-ethyl and its acid metabolite (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid)* | |
| Almonds | 0.01 |

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| Agvet chemical: Pyriproxyfen | |
| Permitted residue: Pyriproxyfen | |
| Almonds | 0.02 |

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| --- | --- | --- |
| Agvet chemical: Pyroxasulfone | | |
| *Permitted residue—commodities of plant origin: Sum of pyroxasulfone and (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1*H*-pyrazol-4-yl)methanesulfonic acid, expressed as pyroxasulfone* | | |
| *Permitted residue—commodities of animal origin: 5-Difluoromethoxy-1-methyl-3-trifluoromethyl-1*H*-pyrazole-4-carboxylic acid, expressed as pyroxasulfone* | | |
| Cereal grains [except maize; popcorn] | \*0.01 | |
| Maize | 0.02 | |
| Popcorn | 0.015 | |
| Soya bean (dry) | 0.06 | |
| Soya bean oil | 0.06 | |
| Sunflower oil | 0.3 | |
| Sunflower seed | 0.3 | |
| Sweet corn (corn-on-the-cob and kernels) | 0.015 | |

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| Agvet chemical: Quinoxyfen | |
| Permitted residue: Quinoxyfen | |
| All other foods except animal food commodities | 0.02 |

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| Agvet chemical: Spinetoram | |
| *Permitted residue: Sum of Ethyl-spinosyn-J and Ethyl-spinosyn-L* | |
| Peanut | 0.04 |

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| Agvet chemical: Spirodiclofen | |
| Permitted residue: Spirodiclofen | |
| Almonds | 0.1 |
| Currants, black, red, white | 1 |

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| Agvet chemical: Spiromesifen | |
| *Permitted residue: Sum of spiromesifen and 4-hydroxy-3-(2,4,6-trimethylphenyl)-1-oxaspiro[4.4]non-3-en-2-one, expressed as spiromesifen* | |
| Strawberry | 1 |

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| Agvet chemical: Spirotetramat | |
| *Permitted residue: Sum of spirotetramat, and cis-3-(2,5-dimethylphenyl)-4-hydroxy-8-methoxy-1-azaspiro[4.5]dec-3-en-2-one, expressed as spirotetramat* | |
| Tree nuts [except almonds] | 0.5 |

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| Agvet chemical: Tetraconazole | |
| Permitted residue: Tetraconazole | |
| All other foods except animal food commodities | 0.02 |
| Peanut | 0.03 |
| Strawberry | 0.2 |

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| Agvet chemical: Thiophanate-methyl | |
| *Permitted residue: Sum of thiophanate-methyl and 2-aminobenzimidazole,expressed as thiophanate-methyl* | |
| Almonds | 0.1 |
| Currants, black, red, white | \*0.1 |
| Raspberries, red, black | \*0.1 |
| Rhubarb | \*0.1 |
| Strawberry | \*0.1 |

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| Agvet chemical: Trichlorfon | |
| Permitted residue: Trichlorfon | |
| Macadamia nuts | 0.1 |

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| Agvet chemical: Trifloxystrobin | |
| *Permitted residue: Sum of trifloxystrobin and its acid metabolite ((E,E)-methoxyimino-[2-[1-(3-trifluoromethylphenyl)-ethylideneaminooxymethyl] phenyl] acetic acid), expressed as trifloxystrobin equivalents* | |
| Raspberries, red, black | 3 |

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| Agvet chemical: Trifluralin | |
| Permitted residue: Trifluralin | |
| All other foods except animal food commodities | 0.01 |
| Almonds | 0.05 |

[1.5] omitting for each of the following chemicals, the maximum residue limit for the food and substituting

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| Agvet chemical: Ametoctradin | | |
| *Permitted residue—commodities of plant origin: Ametoctradin* | | |
| *Permitted residue—commodities of animal origin: Sum of ametoctradin and 6-(7-amino-5-ethyl [1,2,4] triazolo [1,5-a] pyrimidin-6-yl) hexanoic acid* | | |
| Hops, dry | 100 | |

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| Agvet chemical: Cyprodinil | |
| Permitted residue: Cyprodinil | |
| Almonds | 0.02 |

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| Agvet chemical: Dicamba | |
| Permitted residue: Dicamba | |
| Cotton seed | 3 |

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| Agvet chemical: Fenitrothion | |
| Permitted residue: Fenitrothion | |
| Apple | 1 |
| Cherries | 1 |
| Grapes | 1 |

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| Agvet chemical: Imazamox | |
| Permitted residue: Imazamox | |
| Soya bean (dry) | 0.3 |

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| Agvet chemical: Ivermectin | |
| *Permitted residue: H2B1a* | |
| Cattle kidney | 0.06 |
| Cattle liver | 0.5 |
| Cattle meat (in the fat) | 0.2 |

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| Agvet chemical: Methidathion | |
| Permitted residue: Methidathion | |
| Coffee beans | \*0.01 |

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| Agvet chemical: Metrafenone | |
| Permitted residue: Metrafenone | |
| Grapes | 7 |
| Tomato | 0.9 |

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| Agvet chemical: Mevinphos | |
| Permitted residue: Mevinphos | |
| Brassica (cole or cabbage) vegetables, head cabbages, flowerhead brassicas | 0.05 |

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| Agvet chemical: Propachlor | |
| *Permitted residue: Sum of propachlor and metabolites hydrolysable to* N*-isopropylaniline, expressed as propachlor* | |
| Onion, bulb | 0.7 |

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| Agvet chemical: Propamocarb | |
| Permitted residue: Propamocarb (base) | |
| Potato | 0.3 |

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| Agvet chemical: Pyriofenone | |
| Permitted residue: Pyriofenone | |
| Grapes | 1.5 |

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| Agvet chemical: Quinoxyfen | |
| Permitted residue: Quinoxyfen | |
| Strawberry | 0.3 |

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| Agvet chemical: Spirotetramat | |
| *Permitted residue: Sum of spirotetramat, and cis-3-(2,5-dimethylphenyl)-4-hydroxy-8-methoxy-1-azaspiro[4.5]dec-3-en-2-one, expressed as spirotetramat* | |
| Blueberries | 3 |
| Pineapple | 0.3 |

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| Agvet chemical: Dithiocarbamates | |
| Permitted residue: Total dithiocarbamates, determined as carbon disulphide evolved during acid digestion and expressed as milligrams of carbon disulphide per kilogram of food | |
| Strawberry | 10 |

## Attachment B – 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 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the variation of food regulatory measures.

The Authority prepared Proposal M1015 to consider varying certain maximum residue limits (MRLs) in the Code. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft variation.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunsetting under the *Legislation Act 2003*.

**2. Purpose**

The purpose of this proposed variation to the table to section S20—3 in Schedule 20 is to vary MRLs for residues of agricultural or veterinary chemicals in food. The table to section S20—3 lists the MRLs for agricultural and veterinary chemical residues which may occur in foods. If an MRL is not listed for a particular agricultural or veterinary chemical/food combination, there must be no detectable residues of that chemical in that food. This general prohibition means that, in the absence of the relevant MRL in the Code, food may not be sold where there are detectable residues.

MRL variations may be required to permit the sale of foods containing legitimate residues. These are technical amendments following changes in use patterns of agricultural and veterinary chemicals available to chemical product users. These changes include both the development of new products and crop uses, and the withdrawal of older products following review. In regard to Australia’s WTO obligations, MRLs may be harmonised with international or trading partner standards. Internationally, farmers face different pest and disease pressures, agricultural and veterinary chemical use patterns and the legitimate residues in food associated with these uses may vary accordingly.

A dietary exposure assessment was conducted to ensure that proposed limits do not present any public health or safety concerns.

**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 2 of Part 3 of the FSANZ Act, the Authority’s consideration of Proposal M1015 included one round of public consultation following an assessment and the preparation of a draft variation and associated report.

Submissions were called for on 12 January 2018 for a six-week domestic consultation period and sixty days period through the WTO Notification process.

A Regulation Impact Statement was not required because the proposed variations are likely to have a minor impact on businesses and individuals.

**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 94 of the FSANZ Act.

**6. Variation**

Item [1.1] omits the chemical Chlorfluazuron with the commodities and associated MRLs. This chemical is deleted as the result of chemical review undertaken by the APVMA.

Item [1.2] inserts chemicals not currently listed.

Item [1.3] omits the foods and associated MRLs for the chemicals listed.

Item [1.4] inserts the foods and associated MRLs for the chemicals listed.

Item [1.5] omits the foods and associated MRLs for the chemicals listed, replacing them with new limits.

1. The Agricultural and Veterinary Chemicals Code Instrument 4 (MRL Standard) lists MRLs for agvet chemicals in agricultural produce particularly produce entering the food chain. This can be accessed via [the APVMA website](http://apvma.gov.au/node/10806). [↑](#footnote-ref-2)
2. This procedure is the default process for variations to a food regulatory measure and generally involves one round of public consultation only. [↑](#footnote-ref-3)