



Enquiries to: Food Safety Standards and
Regulation,
Health Protection Unit
Department of Health
Telephone: (07) 3328 9310
Facsimile: (07) 3328 9354
Email: foodsafety@health.qld.gov.au
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Standards Management Officer
Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610

Dear Sir / Madam

Submission – Proposal P1022 – Primary Production & Processing Requirements for Raw Milk Products

Thank you for the opportunity to provide a submission on the second call for submissions regarding Proposal P1022 Primary Production & Processing Requirements for Raw Milk Products.

This submission provides technical advice and comments related to this issue. It was prepared with the advice of officers from Safe Food Production Queensland (SFPQ) and the Queensland Department of Agriculture, Fisheries and Forestry (DAFF). The submission does not represent a Queensland Government position, which will be a matter for the Queensland Government when notification is made by the FSANZ Board to the Legislative and Governance Forum on Food Regulation.

In Queensland primary production and processing of milk and milk products is regulated by SFPQ. The role of DAFF includes disease prevention and control in dairy animals; industry development, research and extension activities related to the dairy industry; and food technology and innovation. The Queensland Department of Health's role includes compliance activities related to compositional and labelling requirements, misleading conduct and the safety and suitability of milk products intended for sale.

Comments from Safe Food Production Queensland

Safe Food Production Queensland (SFPQ) supports the concept of amending the *Australia New Zealand Food Standards Code* ('the Code') to permit the processing and supply of raw milk products as proposed. However, SFPQ has concerns regarding drafting of the proposed amendments to the Code, which if left unrectified will result in the Standard being unimplementable. Based on these concerns, which are summarised below, SFPQ recommends that both the existing provisions of Standard 4.2.4 and the proposed amendments be further reviewed.

Office
Health Protection Unit
Queensland Health
Level 1, 15 Butterfield Street
Herston QLD 4006

Postal
PO Box 2368
Fortitude Valley BC QLD
4006

Phone
(07) 3328 9310

Fax
(07) 3328 9354

Objective

When the proposed amendments are read in isolation, the objective of the proposed amendments is not clear. It is therefore recommended that the Purpose and Commentary section of Standard 4.2.4 be amended to summarise the purpose of proposed Division 5, as articulated in the Draft Explanatory Statement.

Scope of Proposed Amendments

It is recommended that the proposed provisions be reviewed to ensure that they do not fall outside the scope of the Code, both in regard to their applicability as a food safety requirement and the prescriptiveness of the requirements.

The key concern is that the current drafting talks about both the 'what' and the 'how'. As an outcomes-based Standard, the Standard should only be referring to 'what' is to be achieved, not 'how' it is to be achieved, which should be covered by guidance material if deemed necessary. Examples include:

- clause 20 'Animal health requirements', which includes provisions relating to the management of herd health, which should be covered in guidance material; and
- the reference to how monitoring is to occur in Clause 34(2), which is a matter that should be left to each relevant authority to determine.

Definitions

It is recommended that FSANZ review the proposed amendments to ensure that terms such as 'fermented feeds', 'equipment used to milk animals' and 'suitability' are clearly defined for clarification and consistency purposes. There are also inconsistencies between the existing Standard 4.2.4 and the proposed new Division that should be addressed prior to finalisation. For example:

- the existing Standard refers to a 'healthy animal' (not defined) whilst the proposed amendments refer to a 'diseased animal' (which is defined so as only to relate to signs of infection and therefore would not cover subclinical infections), and
- the existing Standard includes a provision regarding the traceability of animals to be milked whilst a separate animal identification and tracing provision is proposed for raw milk products.

Documented alternatives

The inclusion of documented alternatives is supported by SFPQ provided the alternative is approved by the relevant authority, as such this should be reflected in the definition. The inclusion of other 'alternative provisions' regarding time/temperature should be removed as they can be addressed on a case-by-case basis by a documented alternative approved by the relevant authority and referred to in guidance material. This approach would also address the confusion and unenforceability of the clauses relating to milk which does not meet the primary time/temperature requirements [e.g. clauses 25(4); 29(2)(a); and 33(2)(a)].

Existing provisions of Standard 4.2.4

As in recent years a suite of new primary production and processing standards have been included in Chapter 4 of the Code, it is strongly recommended that the existing provisions of Standard 4.2.4 be reviewed to ensure that the Standard aligns with the more recently developed Standards in this Chapter. This would ensure that there are no inconsistencies between the existing and proposed provisions (as noted earlier) and that the concepts developed in later Standards are reflected throughout Standard 4.2.4 (e.g. food safety management statements rather than food safety programs).

Comment from the Health Protection Unit, Department of Health, Queensland

The second Call for Submissions report states the view that existing generic labelling requirements are appropriate for raw milk products. Furthermore it is stated that the requirements in the Code requiring the name of a food and the name of an ingredient must indicate their true nature are sufficient. This view is not shared and from an enforcement perspective it would be difficult to require a term such as 'unpasteurised' or 'raw' be included in the name of the food or ingredient. There are many examples of products in the market place that do not include any information in the names or descriptions of the products related to processes the food has undergone. For example, packaged water and juices. As such, more explicit requirements may be necessary.

The second Call for Submission report also states in the Table 1 that the proposed definition of raw milk product 'limits the scope of products to cheese or a cultured or fermented dairy product which has been made using raw milk'. Concern is raised that there will be other types of dairy products that may legally be able to be made under the proposed variations to the Code, considering the proposed definition of 'raw milk product' and the proposed requirement under Standard 4.2.4 clause 34(4). For example, potentially products such as butter and cream could comply with the standard, particularly if frozen.

It is also unclear why a limit for E.coli (particularly STEC) should not be included based on the arguments in Section 1 of Supporting Document 2.

Should you require further information in relation to this matter, please contact Food Safety Standards and Regulation, Health Protection Unit, Department of Health on (07) 3328 9310 or at foodsafety@health.qld.gov.au

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