13 October 2011

Project Officer Proposal P1007
Food Standards Australia New Zealand
PO Box 10559
The Terrace
WELLINGTON 6036

FS350-118-1007

Dear Sir/Madam

Proposal P1007 – Primary Production & Processing Requirements for Raw Milk Products – 2nd Assessment Report

Thank you for the opportunity to comment on this proposal. The Ministry of Agriculture and Forestry (MAF) has the following comments to make.

P1007 in relation to the Food Treaty

As noted in our submission at 1st Assessment, MAF considers that the matters dealt with in Standard 4.2.4 Primary Production and Processing Standard for Dairy Products are outside the scope of the *Agreement Between the Government of Australia and the Government of New Zealand Concerning a Joint Food Standards System (the Food Treaty)*. New Zealand's existing legislation already manages these matters, by way of its regulatory framework for unpasteurised milk products, which came into effect on 1 October 2009. This framework is made up of the Animal Products (Raw Milk Products Specifications) Notice 2009 (the Notice) which sets out on-farm and processing requirements to be met by those producers of unpasteurised milk products, and two new Food Standards.

Proposal P1007 also considers other requirements for milk and dairy products, namely microbiological limits (Standard 1.6.1) and labelling matters (covered in Standard 1.2.3 and Clause 4 of Standard 1.2.4.). These matters are within the scope of the Food Treaty, and therefore microbiological limits and labelling requirements for all foods (including dairy products) sold in New Zealand are covered in the Australia New Zealand Food Standards Code (the Code).

MAF agrees that the upcoming review of Standard 1.6.1 is the most appropriate mechanism for considering the microbiological criteria. It is inappropriate to progress changes pertaining to raw milk products until a direction and overarching principles for the review of Standard 1.6.1 have been agreed. We will therefore not comment on this aspect at the present time.

We agree that labelling considerations can be deferred until FSANZ consider the category 2 products in a separate proposal. MAF considers that the current requirements in the Code, and the voluntary advisory statement for raw milk products contained within our Code of Practice for raw milk products, are sufficient risk management tools at the present time. This document can be found at:

http://www.foodsafety.govt.nz/elibrary/industry/raw-milk-products-cop/code-of-practice-additional-measures-for-raw-milk-products.pdf

Risk Management Decision

In spite of an initial intention that development of new Australian and New Zealand standards pertaining to raw milk products would be progressed in tandem, MAF appreciates the need for FSANZ to respond to concerns raised by a number of jurisdictions leading to reconsideration of the scope of P1007, and we note that the changes will mean the trans-Tasman requirements are out of step.

The publication of the FSANZ 1st and 2nd assessment reports on P1007 has generated a great deal of interest in raw milk products from manufacturers and consumers.

While MAF notes that the process for development of a standard for 'Category 2' raw milk products has been delayed, we appreciate the need for additional research and are pleased that a joint project between FSANZ and MAF is underway to address this.

Category 1 cheeses are currently permitted in the Code but jurisdictions have noted increased interest from food businesses wishing to manufacture cheeses that are not pasteurised, but undergo other pathogen reduction treatments. In such cases, the challenge for all jurisdictions would be to judge equivalence of such treatments.

MAF is undertaking a range of research activities that will contribute to our capacity to determine the likely effects of cheese-making processes on pathogen numbers, and supports the formation of an ISC working group to develop guidance to aid jurisdictions in determining equivalence of pathogen inactivation treatments. MAF would welcome the opportunity to participate in this working group so that experience, technical work and prior learnings can be shared with all jurisdictions.

Table to Clause 1 of Standard 4.2.4A

The Purpose and Commentary statement for Standard 4.2.4A may need amending, to reflect any changes that are approved, to this standard.

Editorial Discrepancies in Second Assessment Report

MAF has identified the following editorial discrepancies which we understand will be corrected by FSANZ in the Approval Report:

- Page 7 third paragraph - refers to Attachment 4. However there is no Attachment 4. Should this read SD1?
- Page 9 second paragraph, states 'This information is summarised in the Technical Assessment (SD1)". SD1 is not a Technical Assessment. Should this read Technical Assessment (1st Assessment Report Attachment 1)?
- Footnote 6 on page 12 – "As described in section 2.1 of the Technical Assessment (Attachment 1)". Should this read "As described in Section 2, part 2.2 of the Technical Assessment (1st Assessment Report Attachment 1)"?