

16 May 2014
[08–14]

Call for submissions – Application A1088

Sodium Hydrosulphite as a Food Additive

FSANZ has assessed an Application made by Seafood New Zealand Limited to include sodium hydrosulphite (sodium dithionite) as a food additive (antioxidant, bleaching agent) to be used in canned abalone and has prepared a draft food regulatory measure. Pursuant to section 31 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), FSANZ now calls for submissions to assist consideration of the draft food regulatory measure.

For information about making a submission, visit the FSANZ website at [information for submitters](#).

All submissions on applications and proposals will be published on our website. We will not publish material that is provided in-confidence, but will record that such information is held. In-confidence submissions may be subject to release under the provisions of the *Freedom of Information Act 1991*. Submissions will be published as soon as possible after the end of the public comment period. Where large numbers of documents are involved, FSANZ will make these available on CD, rather than on the website.

Under section 114 of the FSANZ Act, some information provided to FSANZ cannot be disclosed. More information about the disclosure of confidential commercial information is available on the FSANZ website at [information for submitters](#).

Submissions should be made in writing; be marked clearly with the word 'Submission' and quote the correct project number and name. While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website via the link on [documents for public comment](#). You can also email your submission directly to submissions@foodstandards.gov.au.

There is no need to send a hard copy of your submission if you have submitted it by email or via the FSANZ website. FSANZ endeavours to formally acknowledge receipt of submissions within 3 business days.

DEADLINE FOR SUBMISSIONS: 6pm (Canberra time) 27 June 2014

Submissions received after this date will not be considered unless an extension had been given before the closing date. Extensions will only be granted due to extraordinary circumstances during the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

Questions about making submissions or the application process can be sent to standards.management@foodstandards.gov.au.

Hard copy submissions may be sent to one of the following addresses:

Food Standards Australia New Zealand
PO Box 7186
CANBERRA BC ACT 2610
AUSTRALIA
Tel +61 2 6271 2222

Food Standards Australia New Zealand
PO Box 10559
The Terrace WELLINGTON 6143
NEW ZEALAND
Tel +64 4 978 5630

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Supporting documents

The following documents which informed the assessment of this Application are available on the FSANZ website at

<http://www.foodstandards.gov.au/code/applications/Pages/A1088.aspx>

SD1 Risk and Technical Assessment Report

Executive summary

Seafood New Zealand Limited, which acts on behalf of the New Zealand seafood industry, submitted an Application seeking sodium hydrosulphite (also called sodium dithionite) to be a permitted bleaching agent/antioxidant food additive to treat canned New Zealand abalone (paua). There are currently a number of sulphites permitted by the *Australia New Zealand Food Standards Code* (the Code) as food additives to treat canned abalone. The Application contends that these are unsuitable to bleach the black colour of the native New Zealand abalone to a commercially acceptable golden blonde to nutmeg colour, especially for export markets where the majority of New Zealand canned abalone is sold.

Food additives are regulated by Standard 1.3.1 – Food Additives. Food additives cannot be added to food unless they are permitted in the Standard. Schedule 1 of Standard 1.3.1 contains food additive permissions for food categories. Food category 9.4 (fully preserved fish including canned fish products) contains a subcategory called ‘canned abalone (paua)’ which has permission for sulphur dioxide and a number of sulphites, but not sodium hydrosulphite. The permissions for sulphites to treat canned abalone have a maximum permitted level (MPL) of 1000 mg/kg, calculated as sulphur dioxide, which has been requested for sodium hydrosulphite.

The food technology assessment concluded that sodium hydrosulphite fulfils the stated technological function as a bleaching agent at the proposed level of use (1000 mg/kg). The Application indicated that sodium hydrosulphite is the most effective compound available to produce a canned abalone product with acceptable organoleptic properties.

During the processing of canned abalone, sodium hydrosulphite undergoes chemical decomposition to produce the same chemical species that result from use of the other approved sulphites. No residual sodium hydrosulphite is detectable in the final canned product. Therefore, the use of sodium hydrosulphite in the production of canned abalone will not result in dietary exposure to a new food additive or additional dietary exposure to sulphites.

FSANZ has concluded that the use of sodium hydrosulphite as a food additive in canned abalone is technologically justified and presents no identifiable public health and safety issues above those of the currently permitted sulphites in canned abalone.

Therefore, FSANZ proposes draft variations to permit the use of sodium hydrosulphite as a food additive to treat canned abalone in Schedule 1 of Standard 1.3.1, along with consequential additions to Schedule 2 of Standard 1.2.4 – Labelling of Ingredients.

1 Introduction

1.1 The Applicant

The Applicant is Seafood New Zealand Limited, which acts on behalf of the New Zealand seafood industry. The Applicant's main focus is shaping policies and the regulatory framework, to ensure access to fisheries resources, fisheries and environmental management and improved market access. The Application was prepared with New Zealand abalone canning companies.

1.2 The Application

The purpose of the Application is to seek permission for sodium hydrosulphite (also called sodium dithionite¹) to be used as a food additive, specifically a bleaching agent, to be added to canned abalone. It would be an alternative to other currently permitted sulphites. The justification for the Application is that the other sulphites are not as suitable as sodium hydrosulphite to bleach the natural black colour of the native New Zealand abalone to a more consumer-acceptable colour.

1.3 The current Standard

Food additives are regulated by Standard 1.3.1 – Food Additives. Food additives cannot be added to food unless they are permitted in the Standard. This Standard includes the permissions and any qualifications for adding food additives to processed food.

There is currently no permission for adding sodium hydrosulphite to canned abalone or any processed food in the Standard. Schedule 1 of Standard 1.3.1 contains food additive permissions for food categories. Food category 9.4 (fully preserved fish including canned fish products) contains a subcategory called 'canned abalone (paua)' which has permission for sulphur dioxide and a number of sulphites, but not sodium hydrosulphite.

1.3.1 International Standards

The international and national permissions for use of sodium hydrosulphite as a food additive relevant to this Application are summarised below.

1.3.1.1 *Codex Alimentarius*

Sodium hydrosulphite is not currently a permitted food additive in Codex's General Standard for Food Additives (GSFA). Therefore, the substance is not listed nor does it have a Codex food additive number (International Numbering System, INS) in the Codex Standard CAC/GL 36-1989 (Class Names and the International Numbering System for Food Additives).

The Joint FAO/WHO Expert Committee on Food Additives (JECFA) has not made an assessment of sodium hydrosulphite. Food additives are usually assessed by JECFA before they are considered for addition to the GSFA. It is possible, because there are only a small number of countries in Codex which have a technological need for the use of sodium hydrosulphite as a food additive, that no request has been made for either a JECFA assessment or Codex permission.

¹ This report uses the term sodium hydrosulphite throughout unless the international regulations use the term sodium dithionite, in which case that name is used. When international regulations use the alternative spelling of 'hydrosulfite' this is also used in the report.

1.3.1.2 Canada

The Canadian Food and Drug Regulations (C.R.C., c. 870) permits sodium dithionite as a class II preservative food additive to be added to a variety of foods as detailed in section B.16.100, Table XI, Part II. Sodium dithionite is listed in this Table as item S.8, where the permissions and maximum levels of use are for the same foods and the same levels as listed for sulphurous acid (item S.10). Food category 11 in S.10 is crustaceans, where the maximum level of use is listed as in accordance with 'Good Manufacturing Practice. Residues in the edible portion of the uncooked product not to exceed 100 ppm (mg/kg), calculated as sulphur dioxide.'

There is also a specific regulation in the Food and Drug Regulations dealing with the food additive permissions for crustaceans (B.21.006.(o)) that allows crustaceans to contain sodium dithionite along with other sulphites: potassium bisulphite, potassium metabisulphite, sodium bisulphite, sodium metabisulphite, sodium sulphite or sulphurous acid.

Regulation B.01.010 allows that the specific lists of different sulphites may be listed in the ingredients list by the common names 'sulphites, sulphiting agents, sulphites or sulphiting agents'. This food additives list is the same as that listed above in regulation B.21.006.(o).

The Canadian Food Inspection Agency references this same regulation (B.21.006.(o)) in the list of permitted additives in fish and fish products which includes sodium dithionite.

1.3.1.3 Japan

Japan's Specification and Standards for Food Additives (7th Edition, 2000) permits sodium hydrosulfite, along with a number of other sulphites as food additives to be added to a wide variety of foods with specific maximum limits determined as sulphur dioxide. The technological function is as a bleaching agent. Among the treated foods are frozen raw shelled crab and shelled prawn, both with a maximum limit of 0.10 g/kg (residue limit of SO₂) (equivalent to 100 mg/kg (ppm)).

Japan's Specification and Standards for Food Additives (7th Edition, 2000) also contains a specific specification for sodium hydrosulfite.

The same permissions for sodium hydrosulfite from Japan's Specification and Standards for Food Additives (7th Edition) are also listed in the later document 'Specifications and Standards for Foods, Food Additives, etc Under the Food Sanitation Act (Abstract) 2010' (produced by the Japan External Trade Organization, JETRO).

1.3.1.4 Korea

The Korean Food & Drug Administration regulates food additives via the Korean Food Additives Code. The Korean Food Additives Code contains permissions for addition of sodium hydrosulfite to different types of foods as well as a specification for the substance. There is permission to use sodium hydrosulfite as a food additive for shrimp flesh to a permitted level of 0.1 g/kg (100 mg/kg).

1.4 Reasons for accepting Application

The Application was accepted for assessment because:

- it complied with the procedural requirements under subsection 22(2) of the FSANZ Act
- it related to a matter that might be developed as a food regulatory measure.

1.5 Procedure for assessment

The Application is being assessed under the General Procedure.

2 Summary of the assessment

2.1 Risk assessment

The food technology assessment concluded that sodium hydrosulphite as a food additive fulfils the stated technological function as a bleaching agent at the proposed level of use. The Application indicated that sodium hydrosulphite is the most effective compound available to produce a canned abalone product with acceptable organoleptic properties.

During the processing of canned abalone, sodium hydrosulphite undergoes chemical decomposition to produce the same chemical species that result from use of the other approved sulphites for canned abalone, namely hydrogen sulphite (HSO_3^-), sulphite (SO_3^{2-}), hydrogen sulphate (HSO_4^-), sulphate (SO_4^{2-}) and sulphur dioxide (SO_2). No residual sodium hydrosulphite is detectable in the final canned product. Therefore, the use of sodium hydrosulphite in the production of canned abalone will not result in dietary exposure to a new food additive or additional dietary exposure to sulphites.

FSANZ is currently conducting a risk assessment of sulphites in the Australia New Zealand food supply as part of Proposal P298 - Benzoate and sulphite permissions in food. The sulphite permissions for canned abalone are not under review in this Proposal because consumption of canned abalone is very low compared to foods that are the major contributors to total dietary exposure to sulphites.

Some individuals are sensitive to sulphites (e.g. some asthmatics) and this will also be the case for sodium hydrosulphite.

It is concluded that the use of sodium hydrosulphite as a food additive in canned abalone is technologically justified and presents no identifiable public health and safety issues above those of the sulphite food additives currently permitted in canned abalone.

2.3 Risk management

The risk assessment conclusion is that sodium hydrosulphite is technologically justified and safe to be used as an alternative food additive to the sulphites currently permitted in the Code to treat canned abalone.

The Application has requested that the same maximum permitted level (MPL) for the current sulphite permissions (being 1000 mg/kg calculated as sulphur dioxide) for canned abalone be permitted for sodium hydrosulphite. It is noted that this level is higher than the residues for comparable products (i.e. shrimp, prawns etc) regulated in other countries but these countries do not specifically list permissions for sodium hydrosulphite in canned abalone. This MPL is viewed as appropriate since the risk assessment concludes that the same active species formed from treatment with sodium hydrosulphite exists as those formed by treatment with the other permitted sulphites.

To address the issue of consumers who are sensitive to sulphites (e.g. some asthmatics) sulphites must be declared on the label in the ingredients list when added to food in concentrations of 10 mg/kg or more (Clause 4 of Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations). This labelling requirement provides sulphite-sensitive consumers the information to avoid these foods. These requirements would also apply to sodium hydrosulphite use in canned abalone.

Sodium hydrosulphite does not have a Codex Alimentarius INS number so a dash ('-') in the column for INS numbers is used in the Code. The food additive name to be added to the Code, for both permissions (Schedule 1 of Standard 1.3.1) and for ingredient labelling purposes (Schedule 2 of Standard 1.2.4 – Labelling of Ingredients) is proposed to be the name used in the Application and in this report; being 'sodium hydrosulphite'.

A specification is not required to be written for the food additive in the Schedule for Standard 1.3.4 (Identity and Purity) since there is a specification in the Japanese Specifications and Standards for Food Additives, 7th edition (2000) which is a secondary source of specifications in clause 3 of the Standard.

2.4 Risk communication

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

FSANZ has developed and applied a basic communication strategy to this Application. All calls for submissions are notified via the FSANZ Notification Circular, media release, FSANZ's social media tools and Food Standards News.

The process by which FSANZ considers standard development matters is open, accountable, consultative and transparent. Public submissions are called to obtain the views of interested parties on issues raised by the Application and the impacts of regulatory options.

The FSANZ Board will further consider the draft variation taking into account public comments received from this call for submissions.

The Applicant, individuals and organisations that make submissions on this Application will be notified at each stage of the assessment. Subscribers and interested parties are also notified via email about the availability of reports for public comment.

If the draft variation to the Code is approved by the FSANZ Board, that decision will be notified to the COAG Legislative and Governance Forum on Food Regulation (the Forum). If the decision is not subject to a request for a review, the Applicant and stakeholders including the public will be notified of the gazettal of the variation to the Code in the national press and on the FSANZ website.

2.4.2 World Trade Organization (WTO)

As members of the World Trade Organization (WTO), Australia and New Zealand are obliged to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

There are no relevant international standards. Amending the Code to include sodium hydrosulphite as a food additive to be used in canned abalone is unlikely to have a significant effect on international trade as this is a broadening of food regulations to permit an alternative food additive. Therefore, a notification to the WTO under Australia's and New Zealand's obligations under the WTO Technical Barriers to Trade or Sanitary and Phytosanitary Measures Agreement was not considered necessary.

2.5 FSANZ Act assessment requirements

When assessing this Application and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters in section 29 of the FSANZ Act:

2.5.1 Section 29

2.5.1.1 Cost benefit analysis

FSANZ is required to consider the impact of various regulatory and non-regulatory options on all sectors of the community, especially relevant stakeholders who may be affected by this Application. The benefits and costs associated with the proposed amendments to the Code have been analysed using regulatory impact principles.

The level of analysis is commensurate to the nature of the Application and significance of the impacts.

The Office of Best Practice Regulation, in a letter dated 24 November 2010 (reference 12065), provided a standing exemption from the need to assess if a Regulation Impact Statement is required for applications relating to food additives as they are machinery in nature and their use is voluntary. However, FSANZ has undertaken a limited impact analysis.

Two regulatory options were considered:

- (1) prepare draft variations to Standards 1.2.4 and 1.3.1 to permit sodium hydrosulphite (sodium dithionite) as a food additive to be used in canned abalone
- (2) reject the Application.

A consideration of the costs and benefits of the regulatory options is not intended to be an exhaustive, quantitative economic analysis of the options and, in fact, most of the effects that are considered cannot be assigned a dollar value.

Rather, the assessment seeks to highlight the qualitative effects of criteria that are relevant to each option. These criteria are deliberately limited to those involving broad areas such as trade, consumer information and compliance.

Option 1 – Prepare draft variations to Standards 1.2.4 and 1.3.1

Sector	Costs or benefits to sector
Consumers	There are likely to be advantages in product (canned abalone (paua)) appearance since sodium hydrosulphite treatment of abalone causes the product to be bleached to a more acceptable colour (for consumers) of golden blonde to nutmeg rather than the very dark colour arising from treatment with other sulphites.
Industry	There are specific benefits to the New Zealand canned abalone industry where consumers have an expectation of an acceptable colour, compared to products from other overseas markets. The New Zealand abalone is the only species which is naturally black and which needs to be bleached to an acceptable colour for various markets, especially international markets which accounts for approximately 90% of product sales. The Applicant states the export market for canned abalone is worth approximately NZ\$50 million in sales per annum.
Governments	There are no costs or benefits to governments associated with this option.

Option 2 – Reject the Application

Sector	Costs or benefits to sector
Consumers	There are costs to consumers with this option as they would not be able to purchase more acceptable lighter colour New Zealand canned abalone, but would be restricted to darker coloured products.
Industry	There are no benefits to industry with this option. However, there are likely to be costs by not giving industry the option of using a food additive that produces canned abalone that is acceptable to consumer and is a valuable export market for the New Zealand abalone industry.
Governments	There are no benefits or costs to governments for this option.

This brief summary analysis indicates that the preferred option is to prepare draft variations to the Code to permit sodium hydrosulphite as a food additive to treat canned abalone. There are no added costs to consumers or government agencies. There are economic benefits to the New Zealand canned abalone industry for export markets, from being able to produce a coloured product that is acceptable to consumers and which cannot be produced using other sulphites.

It was concluded that the direct and indirect benefits that would arise from a food regulatory measure developed or varied as a result of the Application outweigh the costs to the community, Government or industry that would arise from the development or variation of the food regulatory measure.

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 Application.

2.5.1.3 Any relevant New Zealand standards

There are no relevant New Zealand only Standards, even though the Application pertains to the New Zealand canned abalone industry. Standards 1.2.4 and 1.3.1 apply to New Zealand.

2.5.1.4 Any other relevant matters

There are no other relevant matters.

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 has undertaken a safety assessment (SD1) of sodium hydrosulphite and concluded that there are no specific public health and safety concerns with this particular form of sulphite compared to those already currently permitted to treat canned abalone. Sodium hydrosulphite addition is covered by the same mandatory declarations for sulphites as noted in section 2.5, which provides labelling information to consumers who have sulphite sensitivities to avoid the product.

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

The existing labelling requirements in Standard 1.2.4 – Labelling of Ingredients for declaring food additives will apply. These requirements are considered to be appropriate for canned abalone (see section 2.3).

2.5.2.3 The prevention of misleading or deceptive conduct

No issues were identified.

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**

This Application was assessed using the best available scientific evidence. The Applicant submitted a dossier of scientific studies in support of the Application. Other resource material including published scientific literature and general technical information was also used in assessing this Application.

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

The variations are consistent with some international food standards which permit the use of sodium hydrosulphite to treat crustaceans.

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

The variations are expected to have a positive effect on the competitiveness of the New Zealand canned abalone industry, allowing it to export product that has been treated with a new, effective food additive that is permitted in the Code.

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

The variations will assist the New Zealand canned abalone industries compete with other international competitors, by ensuring a product acceptable to consumers can be produced.

- **any written policy guidelines formulated by the Ministerial Council².**

The Policy Guideline 'Addition to Food of Substances other than Vitamins and Minerals' includes specific order policy principles for substances added to achieve a solely technological function, such as food additives. These specific order policy principles state that permission should be granted where:

- the purpose for adding the substance can be articulated clearly by the manufacturer as achieving a solely technological function (i.e. the 'stated purpose')
- the addition of the substance to food is safe for human consumption
- the amounts added are consistent with achieving the technological function
- the substance is added in a quantity and a form which is consistent with delivering the stated purpose
- no nutrition, health or related claims are to be made in regard to the substance.

FSANZ has determined that permitting sodium hydrosulphite as a food additive to treat canned abalone is consistent with the specific order policy principles for 'Technological Function'.

² Now known as the COAG Legislative and Governance Forum on Food Regulation

3 Draft variation

The draft variations are at Attachment A. The draft variations are intended to take effect on gazettal.

A draft explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislative Instruments.

3.1 Transitional arrangements for Code Revision

FSANZ is reviewing the Code in order to improve its clarity and legal efficacy. This review is being undertaken through Proposal P1025 – details of which are on the FSANZ website.³

FSANZ released a draft revision of the Code for public comment in May 2013. The draft revision has changed the Code's structure and format. A further draft revision of the Code and call for submissions will be released in the near future.

The FSANZ Board is expected to consider P1025 and the proposed changes to the Code in late 2014. If approved, it is expected that the new Code will commence in 2015 and will repeal and replace the current Code. The new Code will then need to be amended to incorporate any outstanding changes made to the current Code, including the variations at Attachment A.

4 References

Codex Alimentarius Codex STAN 192-1995 General Standard for Food Additives (GSFA), updated 2013

http://www.codexalimentarius.net/gsfaonline/docs/CXS_192e.pdf

Codex Alimentarius CAC/GL 36-1989 Class Names and the International Numbering System for Food Additives, updated 2013

http://www.codexalimentarius.org/download/standards/13341/CXG_036e.pdf

Health Canada, Food and Drug Regulations (C.R.C., c. 870) latest amendment 8 November 2013

http://laws-lois.justice.gc.ca/PDF/C.R.C.,_c._870.pdf

Japan's Specifications and Standards for Food Additives (7th Edition, 2000) published by the Ministry of Health and Welfare,

http://www.ffcr.or.jp/zaidan/FFCRHOME.nsf/pages/spec_stand_fa

Specifications and Standards for Foods, Food Additives, etc. Under the Food Sanitation Act (Abstract) 2010, April 2011, Japan External Trade Organization (JETRO)

<http://www.jetro.go.jp/en/reports/regulations/pdf/foodext2010e.pdf>

Korean Food Additives Code, Ministry of Food and Drug Safety, Food Safety Bureau, updated April 2013

http://www.mfds.go.kr/files/upload/eng/Food_Additive_code.zip

Attachments

- A. Draft variations to the *Australia New Zealand Food Standards Code*
- B. Draft Explanatory Statement

³ <http://www.foodstandards.gov.au/code/proposals/Pages/proposalp1025coderev5755.aspx>

Attachment A – Draft variations to the *Australia New Zealand Food Standards Code*



Food Standards (Application A1088 – Sodium Hydrosulphite as a Food Additive) 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*. The Standard commences on the date specified in clause 3 of this variation.

Dated [To be completed by Standards Management Officer]

Standards Management Officer
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 (Application A1088 – Sodium Hydrosulphite as a Food Additive) Variation*.

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

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

3 Commencement

The variation commences on the date of gazettal.

SCHEDULE

[1] Standard 1.2.4 is varied by

[1.1] inserting in Schedule 2, Part 1 in alphabetical order

“

Sodium hydrosulphite	–
----------------------	---

”

[1.2] inserting in Schedule 2, Part 2 above “Curcumin or turmeric”

“

Sodium hydrosulphite	–
----------------------	---

”

[2] Standard 1.3.1 is varied by

[2.1] omitting from subclause 5(2) “**sulphur dioxide**, sulphites including bisulphites and metabisulphites shall be calculated as sulphur dioxide.” and substituting

“**sulphur dioxide** and sulphites including hydrosulphites, bisulphites and metabisulphites shall be calculated as sulphur dioxide.”

[2.2] inserting in item 9.4 of Schedule 1 under the heading “canned abalone (paua)”

“

–	Sodium hydrosulphite	1000	mg/kg	”
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Attachment B – Draft 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 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

The Authority accepted Application A1088 which seeks to include sodium hydrosulphite (sodium dithionite) as a food additive (antioxidant) to be used in canned abalone. The Authority considered the Application in accordance with Division 1 of Part 3 and has prepared a draft variation.

2. Purpose

The draft variation will permit the use of sodium hydrosulphite as a food additive to be added to canned abalone.

Other sulphite food additives currently permitted to treat canned New Zealand abalone (paua) are less effective in bleaching the natural black colour to a commercially acceptable colour for consumers, especially for export markets. Sodium hydrosulphite bleaches New Zealand abalone to the usual honey blonde colour favoured by consumers and importers.

The draft variation will add sodium hydrosulphite to the other permitted sulphites in food category 9.4 in Schedule 1 of Standard 1.3.1. Consequential amendments are also required to Schedule 2 of Standard 1.2.4 to provide the prescribed name of the food additive for labelling purposes.

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 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1088 will include one round of public consultation following an assessment and the preparation of draft variations and associated reports.

A Regulation Impact Statement was not required because the proposed variations to Standards 1.2.4 and 1.3.1 is a broadening of food regulations to permit an alternative food additive and is likely to have a minor impact on business 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] amends Schedule 2 of Standard 1.2.4 to insert the prescribed food additive name for the food additive, noting that there is not a food additive number for the substance.

Item [2] amends Standard 1.3.1.

Item [2.1] amends the statement in subclause 5(2) of Standard 1.3.1 for calculation of sulphur dioxide and sulphites. A reference to hydrosulphites is included in the statement. The statement's meaning is also clarified by the addition of the word 'and'.

Item [2.2] amends Schedule 1 of Standard 1.3.1 to insert a permission to use sodium hydrosulphite as a food additive to treat canned abalone and to set a maximum permitted level in relation to that use. The maximum permitted level is the same as that currently permitted for the other currently permitted sulphite food additives in relation to canned abalone (paua).