

## POPULATION HEALTH BRANCH

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Standards Management Officer  
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PO Box 7186  
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Dear Sir / Madam

### **Submission – Proposal P1007 – Primary Production and Processing Requirements for Raw Milk Products (Australia only)**

Thank you for the opportunity to provide a submission on the Discussion Paper for Proposal P1007.

This is a Queensland Government response and our approach follows consultation with other relevant Queensland Government agencies. Although this response is made by Queensland Health since it is the lead agency in Queensland which coordinates policy advice relative to the national policy on food regulation, we are aware that the content does not necessarily reflect all the views of Safe Food Production QLD. We understand Safe Food Production QLD will provide a separate submission.

It might also be noted that Queensland Health is responsible for enforcing the *Australia New Zealand Food Standards Code* in Queensland.

At the outset, Queensland supports the important public health benefits achieved by pasteurisation of milk and milk products. We also support nationally applicable Standards rather than State-based provisions for raw milk and raw milk products and therefore support the clear objective of Standard 4.2.2 of the *Australia New Zealand Food Standards Code*.

The current and previous drafting of Standard 4.2.4 contains a fundamental flaw enabling jurisdictions to permit the sale of unpasteurised milk. This has resulted in aberrations across States and Territories with the application of inconsistent policies and standards by enforcement agencies.

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As such clause 15(1) of Standard 4.2.4 does not reflect the intention of the COAG Food Regulation Agreement which aims to provide a consistent regulatory approach across Australia through nationally agreed policy, standards and enforcement procedures.

It is strongly suggested that this flaw be remedied to meet the original objective of the standard and intent of the Food Regulation Agreement, that is provisions to manage primary production and processing should be in national standards and not subject to exemption provisions.

We acknowledge that milk by its nature is a highly perishable product and is an ideal media for the growth and multiplication of harmful micro-organisms that can cause disease.

However the production and sale of raw milk and raw milk products is very contentious and there has been evidence in Queensland of the continuing sale of this product. This has resulted in legal proceedings having been initiated and currently being initiated relative to this issue. We are also aware that Queensland is not the only jurisdiction in Australia where this has occurred.

In such proceedings we usually have an involvement with persons who wish to consume raw milk or raw milk products or who are ill informed and well down the supply chain.

Although not permitting the sale of raw cow's milk, Queensland does permit the production of raw goat milk for sale for human consumption under 'grandfathering' arrangements that do not permit the entry of new producers into the market. New South Wales, Western Australia and South Australia also have laws in place that allow the production of raw goat milk that has not undergone a heat treatment process.

We acknowledge there is a demand in the community for raw milk and raw milk products. Although this may be small it appears to be increasing. The current strategy of banning other than raw goat milk in the hope of addressing the problem is not working. Instead we suggest the need to put in place an alternative mechanism which recognises there is a demand which is not going to cease, but puts in place measures based on sound risk assessment, management and communication principles which effectively should make the products safe. This is consistent with the concept of 'harm minimisation' which is utilised widely in public health practice.

As an example of another option that could be investigated further to the options canvassed in the FSANZ Discussion Paper, consideration needs to be given to the holding of all raw milk and raw milk products until required testing shows a safe product.

### The production and sale of raw goat milk in Queensland

In the decades that raw goat milk has been produced and sold in Queensland there has been one food recall associated with the product. In this particular case, there was a small quantity of the food unaccounted for (26 litres) and 2 retailers were implicated.

This incident would not have resulted if the product had been held until the results of testing were known and could easily have been addressed if such a condition was implemented by the raw goat milk producer.

It might also be noted that each package containing unpasteurised goat milk in Queensland must carry the following statement in standard type of at least 3mm: 'Caution — This milk is an unpasteurised product and may contain organisms that could be injurious to health.'

Queensland Health has not been made aware of a complaint linked to raw goat milk or investigated an alleged or actual food poisoning incident which could have been attributed to raw goat milk.

Furthermore, Queensland Health has no recent scientific data that indicates there is a problem with raw goat milk in Queensland, although it is acknowledged that Queensland Health Forensic and Scientific Services has not undertaken testing of raw goat milk for many years.

It is our belief that appropriate risk assessments are required to be conducted with respect to the inclusion of a provision for raw goat milk in the *Australia New Zealand Food Standards Code* to ensure industry is appropriately regulated where required and any potential to seriously impact on public health is addressed.

#### The production and sale of other than raw goat milk

The production and sale of raw cow, sheep, buffalo, horse and camel milk should be permitted if it can be determined that the product and related products are safe.

It is acknowledged that the risk assessment of products is only one step (albeit an important one) in determining whether the sale of a product should be permitted. Other steps include investigating risk management options and a cost/benefit analysis.

#### The production and sale of raw milk cheeses and other raw milk products

Queensland supports the continuation of permissions in the *Australia New Zealand Food Standards Code* which allow the sale of French Roquefort cheese and three raw milk Swiss cheeses (Emmental, Gruyere and Sbrinz) through specific permissions under conditions specified in Standard 4.2.4A. These include production of these cheeses in accordance with French Ministerial Orders and Swiss Ordinances.

Our support is understandable for the above raw milk cheeses when for instance we read in the case of raw milk Roquefort cheese, *“Cheese manufacture is one of the classic examples of food preservation, with Roquefort cheese first recorded in 1070”* (page 55 of FSANZ’s Final Assessment Report for Application A499 – To permit the sale of Roquefort Cheese dated 3 August 2005), *“Based on the findings of this review, Roquefort cheese has not been implicated in outbreaks of food-borne illness”* (page 56 of FSANZ’s Final Assessment Report dated 3 August 2005) and *“The assessment of the safety of Roquefort cheese concluded that the sale of this cheese would pose a low risk to the public health and safety of Australian consumers. This conclusion is supported by an examination of the regulatory and industry management framework for the safe production of Roquefort cheese and verified through an on-site audit in France.”* (page 9 of FSANZ’s Final Assessment Report for Application A499 – To permit the sale of Roquefort Cheese dated 3 August 2005).

In the case of the three raw milk Swiss cheeses we note, *“The microbiological safety assessment of hard raw milk cheeses concluded that the risk of foodborne illness associated with the consumption of hard cheeses (less than 39% moisture content) made from raw milk was comparable to that of pasteurised milk products.”* (page 2 of the Australia New Zealand Food Authority October 1999 Full Assessment Report and Regulatory Impact Assessment for Application A357 – Swiss Raw Milk Cheeses).

Queensland also acknowledges the approach taken to permit French Roquefort and specific Swiss cheeses in Standard 4.2.4A has, in effect, allowed for the importation and sale of these cheeses in Australia but does not allow for the domestic production of the same styles of cheese. We understand why this has raised the issue of a non-level playing field for Australian producers and that the current approach is discriminatory.

Australian cheese manufacturers should be able to manufacture similar products if they can demonstrate they have the necessary systems and controls for such products. Accordingly, Queensland supports the principle of equivalence in food standards where it can be demonstrated that the same level of food safety can be achieved by applying alternative hazard control measures.

Furthermore, we believe the reference to the legislation of other countries relative to permissions for imported cheeses is not useful since there is no involvement in review of amendment to the documentation. As such, the overseas legislation references need to be replaced with specific local control measures.

We also acknowledge that *“Pathogenic bacteria may contaminate cheese post-pasteurisation if sanitation and hygienic practices are not adequately controlled. Selected cheese made from pasteurised milk may present risk factors due to high water content, mildly acidic conditions, and multiple handling steps that provide opportunities for post-pasteurisation contamination and bacterial outgrowth. Therefore, pasteurisation is no guarantee that cheese will be safe.”* (page 55 of Food Standards Australia New Zealand’s Final Assessment Report for Application A499 – To permit the sale of Roquefort cheese dated 3 August 2005)

It is also obvious that producers of raw milk products, especially cheese, have to realise without the heat kill step provided by pasteurisation or similar processes, their products can be potentially contaminated with dangerous food-borne pathogens that can result in death, eg. Shiga-toxin producing *E. coli*. Accordingly, they need to accept that their products will be handled differently through measures such as increased holding times prior to release for sale and increased levels of testing.

It is our belief that the demand for raw milk products is unlikely to cease. Accordingly, we support extended permissions in the *Australia New Zealand Food Standards Code* to allow the import and sale of raw milk products provided there is protection of public health and safety, it is based on appropriate and validated risk assessment and the provision of adequate information relating to the food enables consumers to make informed choices.

We resolutely believe it is better to have a controlled industry with clear and enforceable regulatory standards, rather than deal with a segment of the industry that operates in an uncontrolled environment.

#### Pasteurised milk and pasteurised milk product may not always be safe

It needs to be acknowledged there have been 22 Food Standards Australia New Zealand food recalls since 2005 which have involved pasteurised milk or pasteurised milk related product and these recalls have involved significant volumes of pasteurised product and potentially could have implicated the same number of consumers.

These food recalls have been associated with microbial contamination (*Listeria monocytogenes*, *Salmonella*, *Escherichia coli*), “possible spoilage before the expiry date”, an unknown chemical that resulted in a change to odour and flavour, sanitiser solution contamination and foreign matter contamination (plastic and metal fragments, choking hazard from packaging).

### Education of raw milk providers and manufacturers of raw milk products as well as consumers

Should raw milk and/or raw milk products be allowed, there will need to be specific education and/or information strategies for the producers and manufacturers of these foods as well as for consumers in general and for vulnerable sectors of the population.

In the case of manufacturer, the main issue/s will relate to the technical skills and knowledge required when dealing with sourcing, handling and processing, and distribution of raw milk and raw milk products.

There will also need to be stated procedures which address how manufacturers incorporate raw milk/product manufacture into their quality systems. This will be required as manufacturers may not be aware of the issues involved and how to manage these aspects of production since manufacturing raw product is quite a different approach compared to manufacturing pasteurised product.

If there is a determination to proceed with the development and implementation of a Standard the above matters will need to be addressed in the implementation package. There will be significant implementation costs to government and therefore a Regulatory Impact Statement process will need to be undertaken together with amendments to current legislation.

### Other potentially hazardous foods on sale

It also needs to be acknowledged that other potentially hazardous foods are consumed in the raw state (eg., oysters, raw finfish products such as sashimi and some sushi products). There is also the permitted sale of foods which can pose a danger to human health if incorrectly processed (eg., cassava, bamboo shoots).

Likewise there can be the issue of perishable foods containing contaminants (eg., *Listeria monocytogenes*) which require at risk populations to take special precautions.

This highlights the importance of appropriate risk assessments in order to determine foods which may be consumed safely in a raw state without a risk to public health.

### Information about cases/outbreaks relative to raw milk products

The following document relating to an incident in Queensland has been published in the peer-reviewed Communicable Disease Intelligence: Harper CM, Cowell NA, Adams BC, Langley AJ, Wohlsen TD. Outbreak of *Cryptosporidium* linked to drinking unpasteurised milk. *CDI*. 26 (3) 449-450. (2002). Available at [http://www.health.gov.au/internet/main/publishing.nsf/Content/cda-cdi2603-pdf-cnt.htm/\\$FILE/cdi2603n.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/cda-cdi2603-pdf-cnt.htm/$FILE/cdi2603n.pdf) . It might be noted that the report states the implicated milk was labelled as unpasteurised pet milk.

Some of the problems relating to the sale of unpasteurized milk are highlighted in the following paragraph from the Morbidity and Mortality Weekly Report in 2008 (Available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5723a2.htm>)

"FDA mandates that all milk and milk products for direct human consumption be pasteurized in final package form if they are to be shipped for interstate sale (7). States regulate milk shipped within their state. Currently, 21 states require pasteurization of all milk products for sale.

However, 25 states, including California, allow raw milk to be sold in some form to the public. Those states that permit the sale and consumption of raw milk report more outbreaks of foodborne disease attributed to raw milk than those states that have stricter regulations. During 1973--1992,

raw milk was implicated in 46 reported outbreaks. Nearly 90% of these outbreaks (40 out of 46) occurred in states that allow the sale of raw milk, suggesting that even the regulated sale of raw milk might not be adequate to prevent associated illnesses (8)."

Yours sincerely

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