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From: Will Studd [wstudd@fromagent.com.au]
Sent: Tuesday, 9 September 2008 11:22 AM
To: submissions
Subject: FW: Raw milk Cheese Application A530/A531 - Discussion Paper P 1007
Follow Up Flag: Follow up
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Re: Discussion Paper - P1007 Primary Production & Processing Requirements for Raw Milk Products (Australia only)

Please find comments below in relation to 'Discussions Paper P1007', and a copy of the report from our international consultant which raises serious questions about the experience of the committee members in relation to raw milk cheese and the wording and terminology of the discussion paper in relation to raw milk.

In view of outstanding Applications A530/A531 (lodged in 2004) I am very surprised by the failure of FSANZ to formally advise the applicants of the publication of this Discussion Paper in advance

FSANZ originally agreed to a formal review of A 530/A531 in third quarter 2005, and in return it was agreed to not make any further applications for the exemption of international benchmark cheeses made from raw milk.

In view of three years delay in meeting this undertaking it is disappointing that FSANZ have found it necessary to make P1007 simply a Discussion Paper rather than completed a Proposal and Assessment report on a draft standard for public consultation.

Please formally acknowledge receipt of this mail

Will Studd

1. The standard is highly discriminatory. It provides for international exemptions such as Roquefort and Swiss cheese but denies Australian cheese makers a choice of making similar cheese from raw milk. Australian artisanal cheese makers deserve to have the opportunity to develop a significant point of difference to enable their products to survive in a competitive market.
2. The purpose of the Standard is to guarantee safe cheese – however the assumption that pasteurisation as a single step will guarantee safety is not scientifically valid.

15/09/2008

3. The single critical control point that guarantees safety for all cheese varieties is starter culture activity that creates a hostile environment to pathogens in the cheese. Starter culture activity comprises two biological components, the first is primary fermentation of milk sugar to organic acids during cheese making and the second is secondary fermentation/metabolism of organic acids, fat and protein during ripening. This principal is supported by scientific studies and accepted by all of the major cheese producing countries of the world i.e. European Union (EU), USA, and Canada.
4. The standard is anti-competitive and trade restrictive. The standard does not encourage world best practice in cheese/milk production and allows the use of milk of poor microbiological quality for cheese making.
5. The microbiological standards for cheese are overly onerous in relation to E.coli and have led to very questionable practices in domestic production. The standard is out of step with scientific studies and the microbiological standards applied in overseas countries.
6. The standard is a breach of Australia's commitment to WTO Policy, as it cannot be justified on scientific grounds for food safety.

WTO Article 5.1 requires members to 'ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstance, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations'.

Article 5.2 states in the assessment of risks 'Members shall take into account available scientific evidence'.

Article 5.4 states 'Members should, when determining the appropriate level of sanitary or phytosanitary protection, take into account the objective of minimizing trade effects'.

7. The Standard is overly prescriptive. It does not meet the Council of Australian Government (COAG) guidelines on primary production and processing standards that stipulate an objective of minimal effective regulation.
8. Over the past two decades international artisan and farmhouse cheese production has enjoyed a significant growth in demand due to a revolution in consumer interest. Many of these cheeses are made from raw milk and are recognised as having an infinitely superior flavour and regional character when compared to similar cheeses made from pasteurised milk. However unlike their overseas counterparts Australian consumers have been denied a choice of cheeses made from raw milk.
9. There is no reason why cheese made from raw milk should represent a greater degree of risk than those produced from pasteurised milk provided recognised international guidelines are adopted in Australia.

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In general, we support the objectives of the Discussion Paper and offer the following comments.

1. P(iv) A **Standards Development Committee**, consisting of representatives from the dairy industry, consumers and jurisdictions, is advising FSANZ on this work In addition, FSANZ has established a **Dairy Scientific Advisory Panel** to provide technical assistance and advice to FSANZ during the preparation of the microbiological risk assessment. The **Panel** consists of experts from industry and government.

and,

p3 A **Standard Development Committee** has been established by FSANZ to assist and advise with this Proposal. The **Standard Development Committee** consists of representatives from the dairy industry, consumers and jurisdictions who are recognised for their skills and knowledge of dairy processing, on-farm practices and veterinary practices.

and,

p17 In May 2007, the FSANZ Board appointed members of this [**Dairy Standards Development Committee**] to continue the work on raw milk products under Proposal P1007 as well as increasing membership by adding additional expertise in raw milk issues.

and,

p17 In addition to the overarching **SDC** a smaller **Communication Sub – Committee** comprising of volunteer members from the **SDC** has been formed to assist with addressing communication issues for the Proposal. This **Sub - Committee** will participate in the development and review of the Proposal communication strategy, communication materials, communication activities and assist in the implementation of the communication plan and activities.

Question: Does any of the SDC, DSAP and CSC members have experience with raw milk cheese and artisan cheesemaking? What is in their CVs? Are the CVs available?

2. p2 Raw milk is not defined in the Code but is defined for the purpose of this Proposal as milk that has not been treated in accordance with the processing requirements of the Code¹. The use of the term 'raw milk' rather than 'unpasteurised milk' recognises that there are processes other than pasteurisation currently permitted (e.g. thermisation for cheesemaking) and that other non-thermal processing treatments may be applied.

¹ Internationally, the use of the term raw milk may differ. For example the Codex *Code of Hygienic Practice for Milk and Milk Products CAC/RCP 57-2004* defines raw milk as 'milk which has not been heated beyond 40°C or undergone any treatment that has an equivalent effect'.

This is confusing and does not make sense because milk that has been thermised is unpasteurised but not raw. Having identified that the term 'raw' will be used, the term 'unpasteurised' appears on pages 4, 5, 6, 31, 32 and 35. So, why not use the term 'unpasteurised milk' to mean milk that has not been processed in accordance with the requirements of the Code and 'raw milk' to mean milk that as received no heat-treatment, as used in other countries?

3. p2 The heat treatment² of milk and milk products has therefore been mandated via the Code as an important public health measure to destroy microbiological hazards that may be present in milk and has provided the benchmark public health and safety measure for dairy foods in this country.

² Heat treatment includes pasteurisation or thermisation processes whereby microbiological hazards are eliminated from the milk.

The footnote is incorrect. It is universally recognised, including in this Discussion Paper (p20), that thermisation is a sub-pasteurisation process that does not eliminate all relevant microbiological hazards from milk. Thermisation may well eliminate hazards due to Gram-negative bacterial pathogens but it will not eliminate Gram-positive bacterial pathogens; its main purpose is to extend the shelf life of unpasteurised milk and to improve the quality of certain cheeses.

4. p9 This includes information and data on:
- potential food safety hazards associated with animal disease and treatments and on-farm inputs (e.g. feed, water, veterinary interventions)

Other important factors include maintenance of a closed herd, bedding or pasture, inspection of the foremilk and teat dipping.

5. p9 Australian epidemiological data on the extent and cases of human disease associated with the consumption of raw milk products are being sought.

Are there any plans to compare it with anything, such as epidemiological data on disease associated with pasteurised milk products? Data on unpasteurised milk products are relatively uninformative without a benchmark.

6. p20 *1.2 Thermisation*

The Code permits a time-temperature process of milk for cheese production that is less rigorous than pasteurisation (62°C for 15 seconds), providing that the cheese is stored for at least 90 days from the date of manufacture. This heat treatment is generally referred to as thermisation.

While thermisation kills psychrotrophs (microorganisms active at lower temperatures), it may not destroy all pathogenic microorganisms that may be present. This heat treatment, however, may not be sufficient to destroy all pathogenic microorganisms that may be present and so a further safeguard is required and the cheese produced must be stored for at least 90 days at a temperature greater than 2°C. During this time, depending on the physical and chemical characteristic of the cheese such as pH, water activity and salt content, it is expected that pathogenic bacteria present will die off.

Not strictly true. A) “psychrotrophs” should read “Gram-negative psychrotrophs” since some sporeformers are also psychrotrophic. B) The 90 day rule applies mostly to raw milk cheeses (i.e. made from milk that has not been thermised) rather than thermised milk cheese as it is principally the Gram-negative bacteria that die during maturation and these are destroyed by thermisation.

7. p22 **4. Hazards associated with raw milk products**

4.1 Microbiological hazards

A broad range of microbiological hazards may be introduced into raw milk products during primary production and processing.

Hazards introduced during processing apply equally to cheese made from pasteurised milk!

8. p23 raw milk may have a mixed microflora which is derived from several sources including the interior of the udder ...

9. **Although this is technically correct, it is misleading. To the best of my knowledge, in healthy animals the interior of the udder is sterile; it is in cases of mastitis that it becomes infected.**

9. p23 **5. Public health risks**

In countries where raw milk products are routinely available, they have frequently been implicated in foodborne illness. Internationally over the last 30 years, raw cow and goat milk has been associated with over 50 outbreaks of food borne illness involving 1051 cases and 38 deaths. Over the same time period, raw milk cheeses produced from either cow, goat or sheep milk, were implicated in a similar number of outbreaks (n = 56), although were more serious in their impact. More than double the number of people (n = 2691) were affected than in raw milk outbreaks, with 56 deaths reported.

I dispute the adjective 'frequent'; in my opinion, over a period of 30 years, internationally, these data demonstrate an excellent track record!

A) 1051 cases over 30 years due to raw milk – by comparison , in 2000 more than 1,000 cases were associated with contaminated drinking water in Ontario (Woodward *et al.*, 2002).

B) 2691 cases due to raw milk cheese over 30 years - by comparison, in the US, at least 1319 people have been infected in 2008 with *Salmonella* Saintpaul that contaminated jalapeno peppers, IN ONE OUTBREAK (IFSN, 2008).

1. p31 **4. Exclusions from the microbiological risk assessment**

Animal health issues other than those that specifically impact upon human health via foodborne transmission ...

What are these? Examples would be helpful.

General

A) To put raw milk and raw milk products into perspective, statistics should be sought for human disease associated with the consumption of other raw foods and for the incidence of pathogens in raw milk compared with other raw foods, e.g. fresh produce.

B) Not nearly enough emphasis is made of the importance of raw milk quality and source. For example, the Proposal does not appear to provide for the acquisition of data on milk buying practices, e.g.:

- Own herd.
- Vertically integrated co-operative in which the milk producers own the dairy.
- Independent milk producers under direct contract to the dairy.
- 'Open market' milk; i.e. supplied by a primary purchaser / regional haulier.

Of these, a cheesemaker's own herd is likely to provide the least risk of pathogen contamination and 'open market' milk the greatest. This is critical when making soft cheese.

References

International Food Safety News, Editorial, in *World Food Regulation Review*, 18, (3), August 2008.

Woodward, D. L., *et al.*, (2002) Verotoxigenic *Escherichia coli* (VTEC): a major public health threat in Canada. *Can J Infect Dis* **13**:321-30.

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20 August 2008

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