

Comments from the Victorian Department of Health and the Victorian Department of Jobs, Precincts and Regions.

Due date of submission – 5 May 2022

The Victorian Departments of Health and Jobs, Precincts and Regions (the departments) welcome the opportunity to respond to this application/proposal to amend the Australia New Zealand Food Standards Code (the Code).

Proposal M1019 – *Review of Schedule 22 – Food and classes of food* seeks to update Schedule 22 of the Code to align with the revised *Codex Alimentarius* (CODEX) definitions of food and food classes. This will facilitate trade and resolve inconsistencies with Schedules 20 and 21 of the Code. Schedule 20 provides details of maximum residue levels (MRL) and Schedule 21 details extraneous residue levels (ERL) permitted in foods as defined in Schedule 22. Schedules 20 and 21 are referenced by *Standard 1.4.2 – Agvet Chemicals*.

From the Food Standards Australia New Zealand (FSANZ) Assessment report it is understood that:

- The changes proposed will have no impact on public health and safety of consumers in Australia.
- Aligning with CODEX will, by modernising food classes, better clarify the Standards and Schedules that apply to foods.
- Aligning with CODEX is consistent with Australia's obligations under the World Trade Organization.
- The changes proposed will require some consequential amendments which have been outlined by FSANZ.

The departments would like FSANZ to consider more closely the options for aligning with CODEX food classifications and agrees that Option 1 (status quo) is not the preferred option. Option 3 presents a suitable compromise, although Victoria notes that definitions generally across the Code could be reviewed for greater consistency. The departments provide responses to FSANZ's specific questions on commodities and categories at **Attachment 1**.

On the basis of the information above and FSANZ's conclusion that there are no public health and safety issues associated the proposal, the departments support the progression of Proposal M1019.

Attachment 1

Question 1: FSANZ is seeking comments on whether the newly introduced SUBGROUPS category adequately reflects the APVMA crop and Codex food groups. FSANZ would be particularly interested to identify any subgroups or commodities that may be missing or if there is duplication of or ambiguity as to where a commodity may be captured.

On specific subgroups and commodities:

- Is broccolini a trademark and therefore should not be included as a commodity?
- Include cherry tomato in the commodities of the sub-group 'Tomatoes'.
- In the sub-group 'Peppers' APVMA refers to 'Peppers, Sweet (including pimento and pimienta)' and in the sub-group 'Pepper and pepper-like commodities' FSANZ refers to 'Peppers, Chili (including pimento and pimienta)'. Which is correct?
- Kungkung (water spinach) listed as a commodity in 'Leafy aquatic vegetables' in APVMA and 'Leafy greens' in FSANZ. Which is correct?

Question 2: Currently S22 lists 'whole commodity' for the portion of commodity to be analysed. The variation proposes that for some subgroups within Cereal grains, qualifiers have been provided to more closely align with Codex and provide clarity for various commodities within this group. FSANZ is seeking feedback on the proposed portion of the commodity the MRL and ERL applies to.

On 'whole fruit': it would be good to see clarification of what 'whole fruit' refers to in instances of produce with inedible peel. For these cases, suggest it reads 'whole fruit including peel'.

The departments support the proposed wording for cereal grains.

Question 3: FSANZ is seeking feedback on the proposed variation to the portion of the commodity the MRL and ERL applies to for oilseeds. This change will align with Codex and is supported by the APVMA. Previously husks were excluded from the portion. The new portion of the commodity, Oilseeds, is: "unless otherwise specified, seed or kernels, with shell or husk".

The departments support the proposed wording.

Question 4: FSANZ is seeking comments on moving 'chives' from 'Herbs' to 'Bulb vegetables' to align with Codex, notwithstanding the implications to Standard 1.5.3. FSANZ is seeking feedback on any other implications that may be relevant with the proposed classification of 'chives' as a 'Bulb vegetable'.

The departments support consistency with other standards as proposed.

Question 5: With regard to Spices, M1019 proposes to include Angelica root and stem; Basil seed; Cardamom pods, seeds; Citrus peel; Coriander root; Galangal rhizomes; Japanese ginger; Miracle fruit; Pepper pink, green; Pepper chili (dry); Saffron; Star anise; and Wattle seed under spices. FSANZ is seeking comment on the proposed new commodities being captured under 'Spices' in the proposed version of Schedule 22.

The departments support the inclusion of these products under 'spices'.

Question 6: FSANZ understands that pokeweed is a declared plant that is toxic to humans and livestock and is considered an environmental weed. FSANZ is seeking comments on whether this commodity should be removed from Schedule 22.

FSANZ is seeking comments on whether Marsh marigold should be removed from Leafy vegetables (including brassica leafy vegetables) Schedule 22.

FSANZ understands that vetch is primarily used as a fodder crop in Australia and has no MRL listed in Schedule 20, FSANZ is seeking comments on whether this commodity should be removed from Schedule 22.

The departments have no issues with the removal of pokeweed and ketch from Schedule 22, and support Marsh marigold being removed from 'leafy vegetables (including brassica leafy vegetables)'.

Question 7: FSANZ is seeking feedback from stakeholders on whether there are any unintended consequences for this approach.

The departments have not identified any unintended consequences at this stage.