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File Ref: QCHO/5756

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Standards Management Officer
Food Standards Australia New Zealand
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Dear Sir / Madam

Submission – Proposal P1019 – Carbon monoxide as a processing aid for fish

Thank you for the opportunity to provide a submission on the Call for Submissions for Proposal 1019.

This submission provides technical advice and comments related to this issue. It was prepared with the advice of officers from other relevant Queensland Government agencies. The submission does not represent a Queensland Government position, which will be a matter for the Queensland Government when notification is made by the FSANZ Board to the Legislative and Governance Forum on Food Regulation.

The Queensland Department of Health has received a number of enquiries in recent years seeking clarification on the requirements for the treatment of fish with carbon monoxide. As such, support is given to providing greater legislative clarity to the requirements.

It is agreed that the carbon monoxide treatment of fish may present a food safety risk by masking the decomposition of fish, potentially increase the risk of histamine fish poisoning and mislead the public in regard to the age and quality of the fish. Furthermore, carbon monoxide may present a serious occupational health and safety risk when being used.

Concern is expressed with the proposed commencement six months after the date of gazettal. It is undesirable to continue to allow the use of carbon monoxide during this period. This could lead to certain businesses deliberately exploiting this legislative loophole to continue its use or increase its use with the aim of stockpiling for later sale.

The variations (i.e. proposed subclauses 3(1) and 3(2) and the Table to clause 3) should commence from the date of gazettal due to the safety risks and serious potential for carbon monoxide treatment to mislead consumers. Furthermore, the variations should commence as soon as possible given the proposed variations are a clarification of existing requirements and

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because carbon monoxide treatment of fish is already considered to be not permitted by some food safety regulatory agencies.

Since there may be insufficient risk to public health and safety to justify a recall of carbon monoxide treated fish in the market place, a suitable period needs to be provided to allow carbon monoxide treated fish already produced to be sold. A six month stock in trade period may be appropriate for fresh product. However, a longer period may be needed for frozen carbon monoxide treated fish. It is suggested in Standard 1.3.3, proposed subclauses 3(1) and 3(2) and the Table to clause 3 should commence from the date of gazettal. Subclause 1(2) of Standard 1.1.1 should be varied to allow six months for stock in trade to be sold instead of the usual 12 months.

In the current proposed draft variation, it will be difficult for most people to easily ascertain the commencement date. It would be much better to include an actual commencement date in the gazetted variation than refer to "the commencement of Item 1 of the Schedule to the *Food Standards (Proposal P1019 – Carbon Monoxide as a Processing Aid for Fish) Variation*."

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