

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 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

The Authority prepared Proposal M1012 to consider introducing certain temporary maximum residue limits (MRLs) for residues of agricultural and veterinary (agvet) chemicals that may occur in food, in order to align standards with the Australian Pesticides and Veterinary Medicines Authority (APVMA) temporary MRLs for coumatetralyl and warfarin in pork commodities. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft variation.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation¹, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunseting under the *Legislative Instruments Act 2003*.

2. Purpose

The approved draft variation to Standard 1.4.2 includes temporary MRLs for residues in pork commodities of the agvet chemicals coumatetralyl and warfarin.

Standard 1.4.2 lists the limits for agvet chemical residues which may occur in foods. If a limit is not listed for a particular agricultural or veterinary chemical/food combination, there must be no detectable residues of that chemical in that food. This general prohibition means that, in the absence of the relevant limit in the Code, food may not be sold where there are detectable residues.

MRL variations may be required to permit the sale of foods containing legitimate residues. These are technical amendments that align Standard 1.4.2 with the APVMA's Agricultural and Veterinary Chemicals Code Instrument No.4 (MRL Standard).

A dietary exposure assessment is conducted before MRLs are varied to ensure that proposed limits do not present any public health or safety concerns.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference.

¹ convening as the Australia and New Zealand Food Regulation Ministerial Council

4. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal M1012 included one round of public consultation following an assessment and the preparation of a draft Standard and associated report. Submissions were called for on 25 May 2015 for a four-week public consultation period.

A Regulation Impact Statement was not required because the proposed variations to Standard 1.4.2 are minor and do not substantially alter existing arrangements.

Business compliance costs and other impacts on business, individuals, regulatory agencies and the economy are low or nil. The regulatory proposal does not impose impacts on business, individuals, regulatory agencies or the economy that warrant further analysis. The changes to regulation are machinery in nature involving technical variations to the Standard, which will not have appreciable impacts and are consistent with existing policy.

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 inserts new entries for the chemicals listed. The entries include the chemical name, residue definition, foods and associated MRLs. This item incorporates the new entries in alphabetical order among the chemicals listed in the Schedule.