

Food Standards (Proposal P1061– Code Revision (2023)) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 10 July 2023



Glen Neal
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 160 on 19 July 2023. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1061 – Code Revision (2023)) Variation*.

2 Variation to Standards in the Australia New Zealand Food Standards Code

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

Schedule

Standard 1.1.1 – Structure of the Code and general provisions

[1] Section 1.1.1—3 (Note 1, subparagraph (iii))

Repeal the subparagraph, substitute:

- (iii) section 2.1.1—5 (requirement for thiamin in bread);

[2] Paragraph 1.1.1—5(1)(b)

Omit “2019”, substitute “2022”

Standard 1.1.2 Definitions used throughout the Code

[3] Subsection 1.1.2—2(3) (subparagraph (a)(i) of the definition of *permitted flavouring substance*)

Repeal the subparagraph, substitute:

- (i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers’ Association of the United States from 1960 to 2022 (edition 30);

Standard 1.3.3 Processing aids

[4] Section 1.3.3—13

Omit “anti-microbial” wherever occurring, substitute “antimicrobial”

Standard 2.1.1 Cereal and cereal products

[5] Section 2.1.1—5 (note)

Repeal the note.

[6] At the end of paragraph 2.1.1—5(b)

Add:

Note Paragraph 2.1.1—5(b) applies in Australia only.

Standard 2.2.3 Fish and fish products

[7] Note 3

Repeal the note, substitute:

Note 3 This Code does not define specific names for fish. The Australian Fish Names Standard (AS 5300) provides guidance on standard fish names to be used in Australia.

1. Copies of the Standard may be purchased at https://infostore.saiglobal.com/en-au/standards/as-5300-2019-111200_saig_as_as_2741382/.

2. The Standard is available for viewing, at no cost to the user, at <http://www.fishnames.com.au>.
3. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
4. New Zealand common, Maori, and scientific names for fish species are available at <https://www.mpi.govt.nz/food-business/seafood-processing-storage-testing/fish-names-labelling-requirements/>.

Standard 2.9.1 Infant formula products

[8] Paragraph 2.9.1—24(1)(cb)

Repeal the paragraph, substitute:

- (cb) the abbreviations ‘HMO’ or ‘HiMO’ or any abbreviation having the same or similar effect; or

Standard 3.2.1 Food Safety Programs

[9] Contents

Repeal:

Division 2 – Food safety programs

3 General food safety program requirements

4 Auditing of food safety programs

Content of food safety programs

6 Fund raising events

substitute:

Division 2 – Food safety programs

3 General food safety program requirements

4 Auditing of food safety programs

5 Content of food safety programs

6 Fund raising events

Standard 3.2.2 Food Safety Practices and General Requirements

[10] Subclause 4(4)

Repeal the subclause.

Standard 4.1.1 Primary Production and Processing Standards – Preliminary Provisions

[11] Clause 5 (editorial note)

Omit “AQIS”, substitute “DAFF”.

Standard 4.2.1 Primary Production and Processing Standard for Seafood

[12] Paragraph 16(2)(b)

Omit:

Fish and Fish Products Orders (2005)

submit:

Export Control (Fish and Fish Products) Rules 2021

Standard 4.2.2 Production and Processing Standard for Poultry Meat

[13] Clause 14 (editorial note)

Omit:

Australian Drinking Water Guidelines 2004

substitute:

Australian Drinking Water Guidelines 2011

Standard 4.2.3 Production and Processing Standard for Meat

[14] Clause 4 (Table 2, editorial note)

Omit:

Export Control (Meat and Meat Products) Orders 2005

substitute:

Export Control (Meat and Meat Product) Rules 2021

Standard 4.2.8 Primary Production and Processing Standard for Leafy Vegetables

[15] Section 4.2.9—8 (section heading)

Omit “4.2.9—8”, substitute “4.2.8—8”

Schedule 3 Identity and purity

[16] Subparagraph S3—2(1)(b)(xiv)

Repeal the subparagraph, substitute:

- (xiv) FAO JECFA Monographs 23 (2019);
- (xv) FAO JECFA Monographs 25 (2020);
- (xvi) FAO JECFA Monographs 26 (2021); or

[17] Paragraph S3—2(1)(c)

Repeal the paragraph, substitute:

- (c) United States Pharmacopeial Convention (2022) Food chemicals codex. 13th ed, United States Pharmacopeial Convention, Rockville, MD; or

[18] Paragraph S3—3(j)

Repeal the paragraph, substitute:

- (j) the International Oenological Codex (2022), Organisation Internationale de la Vigne et du Vin (OIV).

[19] Sections S3—13 (heading), S3—21 (heading), S3—22 (heading)

Omit “sp.”, substitute “sp.”

[20] Subparagraphs S3—14(2)(f)(iv) and S3—41(q)(v)

Omit "*listeria*", substitute "*Listeria*"

[21] Subparagraphs S3—14(2)(f)(v), S3—18(i)(iv), S3—26(l)(iii), S3—27(2)(d)(v) and S3—41(q)(i)

Omit "*salmonella*", substitute "*Salmonella*"

[22] Subparagraphs S3—14(2)(f)(vi) and S3—41(q)(vi)

Omit "*bacillus cereus*", substitute "*Bacillus cereus*"

[23] Subparagraphs S3—26(l)(i) and S3—44(2)(h)(i)

Omit "standard plate count", substitute "*SPC"

[24] Subparagraphs S3—27(2)(d)(iv) and S3—39(A)(d)(ii)

Omit "*E. coli*", substitute "*Escherichia coli*"

[25] Subparagraph S3—41(q)(iii)

Omit "enterobacteriaceae", substitute "*Enterobacteriaceae*"

[26] Subparagraph S3—41(q)(iv)

Omit "*cronobacter*", substitute "*Cronobacter*"

[27] Paragraph S3—42(n)

Repeal the paragraph, substitute:

- (n) microbiological:
 - (i) *Escherichia coli*—negative to test;
 - (ii) *Salmonella* spp.—negative to test;
 - (iii) *Listeria monocytogenes*—negative to test.

[28] Paragraph S3—43(a)

Repeal the paragraph, substitute:

- (a) CAS number—2205009-17-0;

[29] Subparagraph S3—44(2)(h)(iii)

Omit "*Escherichia coli*", substitute "*Escherichia coli*"

Schedule 14 Technological purposes performed by substances used as food additives

[30] Section S14—2 (table entry "Preservative", column 2)

Omit:

anti-microbial preservative, anti-mycotic agent,

substitute:

antimicrobial preservative, antimycotic agent,

Schedule 18 Processing aids

[31] Subsection S18—4(2) (note 3)

Repeal the note, substitute:

Note 3 Some enzyme sources identified in this section are protein engineered. If such an enzyme is used as a processing aid, the resulting food may have as an ingredient a food produced using gene technology, and the requirements relating to foods produced using gene technology will apply—see Standard 1.2.1 and Standard 1.5.2. The relevant enzymes are the following:

- Endo-1,4-beta-xylanase, protein engineered variant;
- Glycerophospholipid cholesterol acyltransferase, protein engineered variant;
- Lipase, triacylglycerol, protein engineered variant;
- Maltotetrahydrolase, protein engineered variant.

[32] Subsection S18—9(3) (table entry for “1-Hydroxyethylidene-1, 1-diphosphonic acid”, column 2)

Omit “anti-microbial”, substitute “antimicrobial”

[33] Subsection S18—9(3) (table, column 2)

Omit “Anti-microbial” wherever occurring, substitute “Antimicrobial”

[34] Section S18—11

Omit “anti-microbial” wherever occurring, substitute “antimicrobial”

Schedule 20 Maximum residue limits

[35] Section S20—3 (table entries for Agvet chemicals: Amisulbrom, Cyproconazole, Diafenthiuron, Dinotefuran, Metalaxyl and Tetraniliprole)

Omit:

All other foods except animal commodities

substitute:

All other foods except animal food commodities

[36] Section S20—3 (table entry for Agvet chemical: Bifenazate)

Omit:

Peach	2
Peppers, chili	3
Podded pea (young pods) (snow and sugar snap)	T1
Poultry, edible offal of	*0.01
Poultry meat	*0.01
Plums (including prunes)	0.5
Pome fruits [except Persimmon, Japanese]	2

substitute:

Peach	2
Peppers, chili	3
Plums (including prunes)	0.5

Podded pea (young pods) (snow and sugar snap)	T1
Poultry, edible offal of	*0.01
Poultry meat	*0.01
Pome fruits [except Persimmon, Japanese]	2

[37] Section S20—3 (table entry for Agvet chemical: Buprofezin)

Omit:

Oilseed (except cotton seed)

substitute:

Oilseeds [except cotton seed]

[38] Section S20—3 (table entries for Agvet chemicals: Cyflumetofen and Fenazaquin)

Omit:

Grapes (except dried)

substitute:

Grapes [except dried]

[39] Section S20—3 (table entry for Agvet chemical: Cyprodinil)

Omit:

Peppers, chili (except dried)

substitute:

Peppers, chili [except dried]

[40] Section S20—3 (table entry for Agvet chemical: Didecyldimethylammonium chloride)

Omit:

– inedible peel (except tamarillo (tree tomato))

substitute:

– inedible peel [except tamarillo (tree tomato)]

[41] Section S20—3 (table entry for Agvet chemical: Ethephon)

Omit:

All other foods except animal commodities	0.01
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substitute:

All other foods except animal food commodities	0.1
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[42] Section S20—3 (table entry for Agvet chemical: Fludioxonil)

[42.1] Omit:

Bulb onions (= garlic; onion, bulb; shallots)

substitute:

Bulb onions (garlic; onion, bulb; shallots)

[42.2] Omit:

Peppers, chili (except dried)

substitute:

Peppers, chili [except dried]

[43] Section S20—3 (table entry for Agvet chemical: Fluoxapiprolin)

[43.1] Omit the chemical listed and all entries for the chemical

[43.2] Insert in alphabetical order, the following chemical, its corresponding residue definition(s), food commodities and associated MRLs.

Agvet chemical: Fluoxapiprolin

Permitted residue: Fluoxapiprolin

Dried grapes (= currants, raisins and sultanas)	0.5
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Edible offal (mammalian)	*0.01
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Eggs	*0.01
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Grapes	0.15
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Meat (mammalian) [in the fat]	*0.01
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Milks	*0.01
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Poultry, edible offal of	*0.01
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Poultry meat [in the fat]	*0.01
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[44] Section S20—3 (table entry for Agvet chemical: Fluxapyroxad)

Omit:

Berries and other small fruit (except grapes)

substitute:

Berries and other small fruit [except grapes]

[45] Section S20—3 (table entry for Agvet chemical: Imazamox)

Omit:

All other foods except animal food commodities'

substitute:

All other foods except animal food commodities

[46] Section S20—3 (table entry for Agvet chemical: Kresoxim-methyl)

Omit:

Barley, similar grains, and pseudocereals with husks (=barley; buckwheat; oats)

substitute:

Barley, similar grains, and pseudocereals with husks (barley; buckwheat; oats)

[47] Section S20—3 (table entries for Agvet chemicals: Maldison and Trichlorfon)

Omit:

(except jujube, Chinese)

substitute:

[except jujube, Chinese]

[48] Section S20—3 (table entry for Agvet chemical: Niclosamide)

Omit:

eat (mammalian)

substitute:

Meat (mammalian)

[49] Section S20—3 (table entry for Agvet chemical: Phosphorous acid)

Omit:

Root and tuber vegetables (except potato)

substitute:

Root and tuber vegetables [except potato]

[50] Section S20—3 (table entry for Agvet chemical: Propyzamide)

Insert:

Pulses	*0.01
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[51] Section S20—3 (table entry for Agvet chemical: Prosulfocarb)

Insert:

Pulses	*0.01
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[52] Section S20—3 (table entry for Agvet chemical: Prothioconazole)

Insert:

Pulses	T0.7
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[53] Section S20—3 (table entry for Agvet chemical: Pydiflumetofen)

[53.1] Omit:

Leafy vegetables (except brassica leafy vegetables) [except witloof chicory]

substitute:

Leafy vegetables [except brassica leafy vegetables; witloof chicory]

[53.2] Omit the following food commodities and their associated MRLs:

Aquatic root and tuber vegetable	T0.05
Root vegetables	0.1
Tuberous and corm vegetables	0.1

[54] Section S20—3 (table entry for Agvet chemical: Pyraflufen-ethyl)

Insert:

Pulses	*0.02
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[55] Section S20—3 (table entry for Agvet chemical: Pyrooxasulfone)

Insert:

Pulses *0.01

[56] Section S20—3 (table entry for Agvet chemical: Sethoxydim)

Insert:

Pulses [except beans (dry); lupin (dry)] *0.1

[57] Section S20—3 (table entry for Agvet chemical: Triticonazole)

Omit:

Cereal grains (except sweet corns)

substitute:

Cereal grains [except sweet corns]

Schedule 25 Permitted novel foods

[58] Section S25—2 (table entry for “Rapeseed protein isolate”)

Omit “section S3—40”, substitute “section S3—39(A)”