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Standards Management Officer
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Dear Sir / Madam

Submission – Proposal P1022 – Primary Production & Processing Requirements for Raw Milk Products

Thank you for the opportunity to provide a submission on the call for submissions regarding Proposal P1022 Primary Production & Processing Requirements for Raw Milk Products.

This submission provides technical advice and comments related to this issue. It was prepared with the advice of officers from Safe Food Production Queensland (SFPQ) and the Queensland Department of Agriculture, Fisheries and Forestry (DAFF). 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.

In Queensland primary production and processing of milk and milk products is regulated by SFPQ. The role of DAFF includes disease prevention and control in dairy animals; industry development, research and extension activities related to the dairy industry; and food technology and innovation. The Queensland Department of Health's role includes compliance activities related to compositional and labelling requirements, misleading conduct and the safety and suitability of milk products intended for sale.

The proposed changes to the *Australia New Zealand Food Standards Code* (the Code) would provide some opportunities for small businesses in particular in terms of category 2 raw milk products (e.g. for raw milk cheese-making). As such the proposal could have benefits for industry development and diversification. However, the need to maintain the broader industry's reputation for producing clean, safe dairy products is paramount, and understanding and compliance with the proposed variation to the Code would be most important, to ensure raw milk products are safe to eat.

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Relationship with other proposed amendments to the Code

Given the implications of Proposal P1017 it is recommended that Proposal P1022 *Dairy – Raw Milk Products* be progressed and finalised in unison with other planned Proposals relating to microbiological limits so there is consistency between them. For example, including in the guidance material a target of ‘not detected’ for *Listeria monocytogenes* for all categories of raw milk products (page 28) reinforces the need for this Proposal to be progressed together with the review of microbiological limits in Standard 1.6.1. Any further microbiological criteria should be left as a separate proposal relating to Standard 1.6.1.

Proposed amendments

It is Safe Food Production Queensland’s view that:

- if proposed amendments to Standard 4.2.4 are progressed provisions should be included which acknowledge alternative arrangements approved by the relevant authority, as per the sale of raw milk for human consumption. This would enable an authority to approve the production of processing of raw milk products by a business provided the control measures have been validated, and
- FSANZ should concentrate on developing guidance documentation in relation to the requirements of standard 4.2.4, including the amendments made under P1007 allowing the sale/production of raw milk cheese products. This guidance documentation should include recommended criteria and methodology for microbiological testing.

It is noted that FSANZ has prepared a detailed guidance document but only general information has been provided on the proposed requirements to be inserted in Standard 4.2.4.

Consideration should be given to including an additional requirement, in both the proposed variations to the Code and guidance material (e.g. in Section 9 of SD1) that would help prevent the unintentional use of raw milk that is not microbiologically suitable for producing raw milk products in the production of raw milk products.

It should be noted that current Standard 4.2.4A includes a drafting error. Clause 1(1)(a) of Standard 4.2.4A includes a cross reference to “paragraphs 16(a) and (b) of Standard 4.2.4”, which does not exist.

Guidance material

Guidance material supporting the proposed draft variations will be essential to assist the successful implementation and compliance with the proposed requirements. It will be important that it provides further interpretation of the proposed requirements in plain English and provide examples where possible. This is particularly important because Option 1 places a significantly higher level of responsibility on processors as individual businesses and requires a greater level of technical knowledge in determining adequate levels of processing and finished product physico-chemical properties that correlate to consumer safety.

The FSANZ document *A guide to Standard 4.2.4 Primary Production and Processing Standard for Dairy Products* was published in June 2009. However, amendments have since been made to Standards 4.2.4 and 4.2.4A of the Code as a result of Proposal P1007. The proposed guidance material should include amendments made under Proposal P1007, that is, include all requirements related to the processing and sale of raw milk cheese products.

Section 2 Animal Health (page 7 of SD2) notes that the acceptable limit for TPC is 25 000 cfu/mL. However, based on SFPQ’s data obtained from the Dairy Compliance Monitoring System shows that the Queensland TPC average for raw milk for pasteurisation in 2012 was less than 10,000 cfu/mL. Therefore, consideration should be given to lowering the stated limit, which appears to be

well above the industry average. From SFPQ's experience a limit of < 10 000 cfu/mL is more than achievable and is a direct reflection of hygienic farm and milking practice and, by implication, high hygiene standards reduce the risk of pathogen growth in raw milk.

This issue is compounded by the acceptable limit of 100 000 cfu/mL for TPC cited on page 24 of SD2.

Section 8 Milk Cooling and Storage (page 16 of SD2) states that "milk must be cooled to <6° C within 2 hours or unless processing is to commence within 2 hours of being milked." SFPQ queries whether permitting raw milk to be stored above 5°C (e.g. 2 hours at 36°C) will result in greater risks further along the supply chain. The same comment applies to time temperature controls during collection and storage (page 19) and processing (page 24) (i.e. above 8°C), particularly given that 5°C is readily achievable in dairies providing milk for conventional pasteurised product systems.

Labelling

From the perspective of an enforcement agency, the existing labelling requirements may not be explicit enough to ensure that raw milk products are clearly identified as raw milk products. If no amendments are made to labelling requirements in the Code, it will be important that guidance information produced by FSANZ clarifies that raw milk products need to be clearly identified as being raw milk products.

Potential impact of raw milk products as an ingredient

Proposal P1022 has not explored the potential public health impacts of the use of raw milk products, which may contain pathogens, being used as ingredients in other foods that may support the growth of pathogens.

Imported products

From a regulatory perspective, it will be important that the second call for submissions report outlines the risk management approach that will be applied to imported raw milk products to ensure there is equivalence in requirements and which is adequately managed by a regulatory scheme.

Cost benefit analysis

Even though a small number of businesses are anticipated to produce raw milk products it is still important to consider the costs associated with implementing the amendments, whilst ensuring protection of public health and safety.

It is noted that Option 1 may assist dairy producers and processors and businesses looking to enter the raw milk products industry, and consequently use more traditional cheese making techniques. However, the cost benefit analysis does not adequately consider the cost of the high levels of monitoring and administrative systems required to effectively monitor compliance with the proposed amendments.

The potential costs to business associated with validation also need to be assessed. For example, the conclusion of Supporting Document 3 (Scientific information for the assessment of raw milk products) notes that "it is likely that challenge studies will be needed for most cheese styles", which will significantly increase costs to small and medium enterprises.

Should you require further information in relation to this matter, please contact Food Safety Standards and Regulation, Health Protection Unit, Department of Health on (07) 3328 9310 or at foodsafety@health.qld.gov.au

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