

30 January 2023

228-23



## List of proposed amendments – Proposal P1061

### Code Maintenance Proposal 2023

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#### STANDARD 1.1.1

- 1 Location:** Note 1 (subparagraph (iii)) to section 1.1.1—3

**Issue:** New Zealand decided to adopt mandatory fortification of folic acid in wheat flour that is sold for bread making under Standard 2.1.1. Subparagraph (iii) of Note 1 is one of several subparagraphs in that note listing provisions that have not been incorporated by reference into a food standard under the *Food Act 2014* (NZ). Due to New Zealand’s decision, the reference to “folic acid” in this subparagraph is now incorrect.

**Response:** Amend subparagraph (iii) of Note 1 to correct that error.
- 2 Location:** Paragraph 1.1.1—5 (1)(b)

**Issue:** The entry to the reference to the Code of Federal Regulations (CFR) is outdated. The latest compilation was done in 2022.

**Response:** Amend this paragraph to update the reference.

#### STANDARD 1.1.2

- 3 Location:** Subsection 1.1.2—2(3) (subparagraph (a)(i) of the definition of *permitted flavouring substance*)

**Issue:** Edition 30 (2022) of the Generally Recognised as Safe (GRAS) lists of flavouring substances has been published. The reference to that publication in this definition is now outdated.

**Response:** Amend the definition of *permitted flavouring substance* to update the reference to that publication.

#### STANDARD 1.3.3

- 4 Location:** Section 1.3.3—13

**Issue:** Reference to “anti-microbial” is inconsistent with other Commonwealth legislation, which refers to “antimicrobial”.

**Response:** Amend to correct inconsistency.

#### STANDARD 2.1.1

- 5 Location:** Section 2.1.1—5 (note)

**Issue:** New Zealand decided to adopt mandatory fortification of folic acid in wheat flour that is sold for bread making. Section 2.1.1—5 sets out requirements for both folic acid and thiamin in bread flour. The note to this section currently explains that the section applies in Australia only. However, due to New Zealand’s decision, that note is now incorrect.

**Response:** Amend section 2.1.1—5 to remove the note.
- 6 Location:** Paragraph 2.1.1—5(b)

- Issue:** New Zealand decided to adopt mandatory fortification of folic acid in wheat flour that is sold for bread making. Section 2.1.1—5 sets out requirements for both folic acid and thiamin in bread flour. The note to this section currently explains that the section applies in Australia only. However, due to New Zealand’s decision, that note is now incorrect.
- Response:** Amend paragraph 2.1.1—5(b) by adding a note to this paragraph clarifying that it is paragraph 2.1.1—5(b) (relating to thiamin) which applies in Australia only.

### STANDARD 2.2.3

- 7 **Location:** Note 3
- Issue:** In this note, the existing reference to the Australian Fish Names Standard is outdated.
- Response:** Amend the note to update the reference.

### STANDARD 2.9.1

- 8 **Location:** Paragraph 2.9.1—24(1)(cb)
- Issue:** The reference to the abbreviation “HiMO” is missing the first quotation mark.
- Response:** Amend the paragraph to insert first quotation mark.

### STANDARD 3.2.1

- 9 **Location:** Contents page of Standard 3.2.1
- Issue:** There is a formatting error in the contents page of Standard 3.2.1. The contents section is missing a reference to clause 5.
- Response:** Amend the contents page to correct the error.

### STANDARD 3.2.2

- 10 **Location:** Subclause 4(4)
- Issue:** This clause is outdated - it only applied to food businesses that existed at the time of the commencement of the clause - requiring those businesses to take certain action within three months of the commencement of the clause. As that time has long since passed - this clause no longer applies.
- Response:** Remove clause.

### STANDARD 4.1.1

- 11 **Location:** Clause 5 (editorial note)
- Issue:** The editorial note refers to “AQIS” – it should refer to “DAFF”.
- Response:** Amend to correct the reference.

### STANDARD 4.2.1

- 12 **Location:** Paragraph 16(2)(b)
- Issue:** The provision refers to outdated export legislation – (Fish and Fish Products) Orders 2005. The current export legislation is the *Export Control (Fish and Fish Products) Rules 2021*.
- Response:** Amend the paragraph to update that reference to current legislation and italicise the reference as customary for Commonwealth legislation.

### STANDARD 4.2.2

- 13 **Location:** Clause 14 (editorial note)
- Issue:** The editorial note contains an outdated reference to the *Australian Drinking Water Guidelines 2004*. The current guidelines are the *Australian Drinking Water Guidelines 2011*.

**Response:** Amend the note to update the reference.

### STANDARD 4.2.3

- 14 Location:** Clause 4 (Table 2, editorial note)  
**Issue:** The editorial note refers to outdated legislation - Export Control (Meat and Meat Products) Orders 2005. The current legislation is *Export Control (Meat and Meat Product) Rules 2021*.  
**Response:** Amend the editorial note to update that reference to current legislation and italicise the reference as customary for Commonwealth legislation.

### STANDARD 4.2.8

- 15 Location:** Section 4.2.9—8 (section heading)  
**Issue:** The reference to “4.2.9—8” in the section heading is a numbering error. The reference should be to “4.2.8—8”.  
**Response:** Amend the section heading to correct that error.

### SCHEDULE 3

- 16 Location:** Subparagraph S3—2(1)(b)(xiv)  
**Issue:** New JECFA monographs 25 (2020) and 26 (2021) have been finalised by JECFA and endorsed by the Codex Alimentarius Committee (CAC) in Nov 2021. References to the JECFA monographs in paragraph S3—2(1)(b) do not contain these new monographs and are now outdated.  
**Response:** Amend to update references to the JECFA monographs.
- 17 Location:** Paragraph S3—2(1)(c)  
**Issue:** The United States Pharmacopeial Convention, Food chemicals codex has a new edition (2022 (13<sup>th</sup> edition)). The reference to this publication in this paragraph is now outdated.  
**Response:** Amend to update the reference to the Food chemicals codex.
- 18 Location:** Paragraph S3—3(j)  
**Issue:** There is a new edition (2022) of the International Oenological Codex. The reference to this publication in this paragraph is now outdated.  
**Response:** Amend to update the reference to the International Oenological Codex.
- 19 Location:** Sections S3—13 (heading), S3—21 (heading), S3—22 (heading)  
**Issue:** Italicising “*sp.*” in these headings is incorrect.  
**Response:** Amend to remove italics.
- 20 Location:** Subparagraphs S3—14(2)(f)(iv) and S3—41(q)(v)  
**Issue:** The microorganism name “*listeria*” should be capitalised.  
**Response:** Amend to correct case.
- 21 Location:** Subparagraphs S3—14(2)(f)(vi) and S3—41(q)(vi)  
**Issue:** The microorganism name “*bacillus*” should be capitalised.  
**Response:** Amend to correct case.

- 22** **Location:** Subparagraphs S3—18(i)(iv), S3—26(l)(iii), S3—27(2)(d)(v) and S3—41(q)(i)  
**Issue:** The microorganism name “*salmonella*” should be capitalised.  
**Response:** Amend to correct case.
- 23** **Location:** Subparagraphs S3—26(l)(i) and S3—44(2)(h)(i)  
**Issue:** These subparagraphs refer to “standard plate count” instead of “\*SPC” as referred to in subparagraph S3—18(i)(i). “SPC” is a term defined in subsection 1.1.2—2.  
**Response:** Amend these subparagraphs to correct the references and for consistency within the Schedule.
- 24** **Location:** Subparagraphs S3—27(2)(d)(iv) and S3—39(A)(d)(ii)  
**Issue:** The microorganism name “*E. coli*” should be referenced in its full form i.e. “*Escherichia coli*”.  
**Response:** Amend to correct reference to name.
- 25** **Location:** Subparagraph S3—41(q)(iii)  
**Issue:** The microorganism name “enterobacteriaceae” should be capitalised.  
**Response:** Amend to correct case.
- 26** **Location:** Subparagraph S3—41(q)(iv)  
**Issue:** The microorganism name “*cronobacter*” should be capitalised.  
**Response:** Amend to correct case.
- 27** **Location:** Paragraph S3—42(n)  
**Issue:** The numbering of subparagraph (i) is duplicated and misaligned; “*spp.*” should not be italicised; and “*Listeria monocytogenes*” should be italicised.  
**Response:** Amend to correct font, numbering and alignment.
- 28** **Location:** Paragraph S3—43(a)  
**Issue:** The paragraph is misaligned.  
**Response:** Amend to correct alignment.
- 29** **Location:** Subparagraph S3—44(2)(h)(iii)  
**Issue:** The microorganism name “*Escherichia coli*” should be italicised.  
**Response:** Amend to correct font.

#### SCHEDULE 14

- 30** **Location:** Section S14—2 (table entry “Preservative”, column 2)  
**Issue:** Reference to “anti-microbial” is inconsistent with other Commonwealth legislation, which refers to “antimicrobial”. Also, the reference to “anti-mycotic” should be “antimycotic”.  
**Response:** Amend the table to correct reference to those terms.

#### SCHEDULE 18

- 31** **Location:** Subsection S18—4(2) (note 3)  
**Issue:** Note 3 of the subsection lists protein-engineered enzymes which are listed in the table to subsection S18—4(5), but note 3 does not include a reference to the enzyme “Endo-1,4-beta-xylanase, protein engineered variant”, which is also listed in that table.

- Response:** Amend note 3 to include a reference to this protein engineered enzyme.
- 32 Location:** Subsection S18—9(3) (table entry for “1-Hydroxyethylidene-1, 1-diphosphonic acid”, column 2)
- Issue:** Reference to “anti-microbial” is inconsistent with other Commonwealth legislation, which refers to ‘antimicrobial’.
- Response:** Amend to correct inconsistency.
- 33 Location:** Subsection S18—9(3) (table, column 2)
- Issue:** References to “Anti-microbial” are inconsistent with other Commonwealth legislation, which refers to ‘Antimicrobial’.
- Response:** Amend to correct inconsistency.
- 34 Location:** Subsection S18—11
- Issue:** References to “anti-microbial” are inconsistent with other Commonwealth legislation, which refers to ‘antimicrobial’.
- Response:** Amend to correct inconsistency.

#### SCHEDULE 20

- 35 Location:** Section S20—3 (table entries for Agvet chemicals: Amisulbrom, Cyproconazole, Diafenthiuron, Dinotefuran, Metalaxyl and Tetraniliprole)
- Issue:** These chemicals are missing the word “food” from the commodity description “All other foods except animal commodities”.
- Response:** Amend the table entries for these chemicals to substitute the incorrect description with “All other foods except animal food commodities”.
- 36 Location:** Section S20—3 (table entry for Agvet chemical: Bifenazate)
- Issue:** The commodity “(plums (including prunes))” is not listed in alphabetical order in this table entry.
- Response:** Amend the table entry to place this commodity in alphabetical order.
- 37 Location:** Section S20—3 (table entry for Agvet chemical: Buprofezin)
- Issue:** In this table entry, the commodity “Oilseed” should be in plural form and has the wrong brackets for its exception.
- Response:** Amend the table entry to correct to plural form and substitute the round brackets for straight brackets for the exception.
- 38 Location:** Section S20—3 (table entries for Agvet chemicals: Cyflumetofen and Fenazaquin)
- Issue:** In each of these table entries, the commodity “Grapes” has the wrong brackets for its exception.
- Response:** Amend the table entries to substitute the round brackets for straight brackets for this commodity.
- 39 Location:** Section S20—3 (table entry for Agvet chemical: Cyprodinil)
- Issue:** In this table entry, the commodity “Peppers, chili” has the wrong brackets for its exception.
- Response:** Amend the table entry to substitute the round brackets for straight brackets for this commodity.

- 40** **Location:** Section S20—3 (table entry for Agvet chemical: Didecyldimethylammonium chloride)  
**Issue:** In this table entry, the commodity “Assorted tropical and sub-tropical fruits – inedible peel” has the wrong brackets for its exception.  
**Response:** Amend the table entry to substitute the round brackets for straight brackets for this commodity.
- 41** **Location:** Section S20—3 (table entry for Agvet chemical: Ethephon)  
**Issue:** In this table entry, the commodity “All other foods except animal commodities” is missing the word “food” from the commodity description and its MRL value is incorrect. The *APVMA Variation Instrument No APVMA2, 2019* set the MRL at 0.1 mg/kg. A transcription error resulted in the MRL in this table entry being listed as 0.01 mg/kg.  
**Response:** Amend the table entry to correct the commodity description and MRL value.
- 42** **Location:** Section S20—3 (table entry for Agvet chemical: Fludioxonil)  
**Issue:** In this table entry, there is an ‘=’ symbol that has been incorrectly entered as a qualifier for the commodity “Bulb onions. Also, the commodity “Peppers, chili” has the wrong brackets for its exception.  
**Response:** Amend the table entry to correct those errors.
- 43** **Location:** Section S20—3 (table entry for Agvet chemical: Fluoxapiprolin)  
**Issue:** The table entry for this chemical has not been listed in alphabetical order.  
**Response:** Amend to correct the alphabetical order of the listing of this table entry.
- 44** **Location:** Section S20—3 (table entry for Agvet chemical: Fluxapyroxad)  
**Issue:** In this table entry, the commodity “Berries and other small fruit” has the wrong brackets for its exception.  
**Response:** Amend the table entry to substitute the round brackets for straight brackets for this commodity.
- 45** **Location:** Section S20—3 (table entry for Agvet chemical: Imazamox)  
**Issue:** In this table entry, the commodity “All other foods except animal food commodities” has an apostrophe at the end of the commodity description – the apostrophe should not be there.  
**Response:** Amend the table entry remove the apostrophe.
- 46** **Location:** Section S20—3 (table entry for Agvet chemical: Kresoxim-methyl)  
**Issue:** There is an ‘=’ symbol that has been incorrectly entered as a qualifier for the commodity “Barley, similar grains, and pseudocereals with husks” in the table entry of the above chemical.  
**Response:** Amend the table entry to correct that error.
- 47** **Location:** Section —3 (table entries for Agvet chemicals: Maldison and Trichlorfon)  
**Issue:** In these table entries, the food commodity “stone fruits” has the wrong brackets for its exception.  
**Response:** Amend the table entries to substitute the round brackets for straight brackets for this

commodity.

- 48** **Location:** Section S20—3 (table entry for Agvet chemical: Niclosamide)  
**Issue:** In this table entry, there is an incorrect commodity description: “eat (mammalian)” – it should be “Meat (mammalian)”.  
**Response:** Amend the table entry to correct the commodity description.
- 49** **Location:** Section S20—3 (table entry for Agvet chemical: Phosphorous acid)  
**Issue:** In this table entry, the commodity “Root and tuber vegetables” has the wrong brackets for its exception.  
**Response:** Amend the table entry to substitute the round brackets for straight brackets for this commodity.
- 50** **Location:** Section S20—3 (table entry for Agvet chemical: Propyzamide)  
**Issue:** The food commodity “Pulses” and its corresponding MRL were incorrectly removed from this table entry.  
**Response:** Amend the table entry to reinsert this food commodity and its MRL.
- 51** **Location:** Section S20—3 (table entry for Agvet chemical: Prosulfocarb)  
**Issue:** The food commodity “Pulses” and its corresponding MRL were incorrectly removed from this table entry.  
**Response:** Amend the table entry to reinsert this food commodity and its MRL.
- 52** **Location:** Section S20—3 (table entry for Agvet chemical: Prothioconazole)  
**Issue:** The food commodity “Pulses” and its corresponding MRL were incorrectly removed from this table entry.  
**Response:** Amend the table entry to reinsert this food commodity and its MRL.
- 53** **Location:** Section S20—3 (table entry for Agvet chemical: Pydiflumetofen)  
**Issue:** In this table entry, amendments are proposed to address two issues: (a) the commodity “Leafy vegetables” has the wrong brackets for one of its exceptions and its exceptions are referenced incorrectly; and (b) the entries for the specified root and tuber vegetables [except potato] food subgroups and associated MRLs are inconsistent with the APVMA approved use pattern MRLs for the Root and tuber vegetables [except potato] Group MRL.  
**Response:** Amend the table entry to correct the brackets for and reference to Leafy vegetables’ exceptions; and omit the entries for the specified root and tuber vegetables [except potato] food subgroups and associated MRLs.
- 54** **Location:** Section S20—3 (table entry for Agvet chemical: Pyraflufen-ethyl)  
**Issue:** The food commodity “Pulses” and its corresponding MRL were incorrectly removed from this table entry.  
**Response:** Amend the table entry to reinsert this food commodity and its MRL.
- 55** **Location:** Section S20—3 (table entry for Agvet chemical: Pyroxasulfone)  
**Issue:** The food commodity “Pulses” and its corresponding MRL were incorrectly removed from this table entry.  
**Response:** Amend the table entry to reinsert this food commodity and its MRL.

- 56**    **Location:**    Section S20—3 (table entry for Agvet chemical: Sethoxydim)  
**Issue:**            The food commodity “Pulses [except beans (dry); lupin (dry)]” and its corresponding MRL were incorrectly removed from this table entry.  
**Response:**        Amend the table entry to reinsert this food commodity and its MRL.
- 57**    **Location:**    Section S20—3 (table entry for Agvet chemical: Triticonazole)  
**Issue:**            In this table entry, the commodity “Cereal grains” has the wrong brackets for its exception.  
**Response:**        Amend the table entry to substitute the round brackets for straight brackets for this commodity.

#### **SCHEDULE 25**

- 58**    **Location:**    Section S25—2 (table entry for “Rapeseed protein isolate”)  
**Issue:**            For this table entry, the conditions of use in Column 2 of the table refers to “the specifications for rapeseed protein isolate listed in section S3—40”. Section S3—40 sets out specifications for 2'-fucosyllactose sourced from Escherichia coli K-12, not for rapeseed protein isolate. The correct provision listing specifications for rapeseed protein isolate is section S3—39A.  
**Response:**        Amend to correct the provision reference.