Australian Government

Department of Health and Ageing

SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE INQUIRY INTO BEEF IMPORTS INTO AUSTRALIA

SUBMISSION

DEPARTMENT OF HEALTH AND AGEING

APRIL 2013

Background

The Department of Health and Ageing (DoHA) works closely with other Australian Government Departments and Agencies to minimise the potential risk to humans from Bovine Spongiform Encephalopathy (BSE) through contamination of food supplies, blood supplies, medicines and therapeutic devices.

In 2001 Australia put in place measures to protect the Australian population from BSE contamination, including a ban on beef imports from countries reporting any BSE cases and those countries exposed to high risk factors. The Australian domestic food safety policy on BSE: "Human Health Requirements For The Importation Of Beef And Beef Products" (BSE policy) is reflected in requirements set out in the Australia New Zealand Food Standards Code *Standard 2.2.1 – Meat and Meat Products*.

Following considerable advances in the scientific understanding and management of BSE post 2001, in 2005 the World Organization for Animal Health (the OIE) agreed to amend the international standard for BSE in the Terrestrial Animal Health Code to adopt a three category country classification system assessing countries as either 'negligible', 'controlled' or 'undetermined' BSE risk.

DoHA commissioned expert reviews of the science relating to BSE in 2005 and 2006. In 2009 DoHA commissioned Professor John Mathews, an eminent scientist with 40 years' experience as an epidemiological researcher, to review the current scientific evidence on BSE particularly in relation to food and the flow-on implications to human blood, human blood products and other human therapeutic goods. Professor Mathews' review updated and re-examined the scientific evidence used to inform Australia's BSE policy to reflect any advances in scientific knowledge since the last update to the review in 2006.

The final report 'Review of Scientific Evidence to Inform Australia's Policy on Transmissible Spongiform Encephalopathies (TSEs)' (Mathews Report) concluded that the overseas epidemic of variant Creutzfeldt-Jacob Disease (vCJD) is declining, and that beef imports from "controlled risk" or "negligible risk" countries, with appropriate certification, would lead to only a negligible increase in risk for vCJD in Australia.

Furthermore the independent review indicated that it is possible to import beef from countries that have reported cases of BSE and maintain a high level of protection for the Australian public, provided the appropriate risk mitigation strategies are put in place.

The Mathews Report concluded that:

- The evidence for more effective control of the global BSE epidemic was strengthened. Passive and active surveillance, carried out in accordance with OIE guidelines and European Community legislation, has shown that numbers of BSE-affected cattle are falling year by year in virtually all affected countries;
- The amount of BSE-infected material entering the human food chain in "controlled BSE risk" countries such as the UK is now very small because of the decline in BSE, the removal of brain and other specified risk materials (SRMs) from carcasses, and the detection and destruction of infected animals;
- The risk of future food-borne transmissions leading to human vCJD is very small, if not negligible, even in the UK, where previously the risk was greatest; and
- An estimate of the absolute risk to Australians from UK beef imports was 40 million times less than the risk from road accidents.

The National Health and Medical Research Council's (NHMRC) Transmissible Spongiform Encephalopathies Committee (TSEAC) peer reviewed the Mathews Report in September 2009 and supported the findings of the report. Australia's then Chief Medical Officer, Professor Jim Bishop, was also consulted.

Australia's BSE policy for imported beef and beef products

In 2010 Australia changed its BSE food safety policy for imported beef and beef products to allow the importation and/or sale of beef and beef products under agreed conditions from countries that have reported cases of BSE. This change to the BSE policy moved from an exclusion system to an assessment system whereby the human health risk from beef and beef products from all countries is evaluated.

Australia's policy on BSE and imported food safety takes into account the international standard for BSE developed by the OIE. Rather than directly adopt the OIE standard, however, Australia's import conditions are based on a science-based risk assessment of applicant countries using the OIE's risk assessment methodology.

Australia's importation requirements for beef and beef products

There has been no change to Australia's domestic food standard which requires that beef and beef products imported into Australia be derived from animals that are BSE free. The new import conditions require exporting countries to prove they have acceptable controls in place and that those controls are monitored. This includes controls on food safety, animal health, surveillance, and feeding and slaughter practices.

Any country wishing to export beef to Australia must apply to Food Standards Australia New Zealand (FSANZ) and undergo an assessment to determine whether the beef and beef products from that country represent a risk to the health of Australian consumers and what import conditions would need to be imposed by Australia before beef and beef products could be imported.

The FSANZ BSE food safety assessment involves a desk assessment of information provided by the applicant country and an in-country verification inspection that verifies compliance with BSE-related controls throughout the beef production chain within the country. This process and import conditions are outlined in Australia's Bovine Spongiform Encephalopathy (BSE): Requirements for the importation of Beef and Beef Products for Human Consumption – Effective March 2010.

The comprehensive assessment by FSANZ determines the BSE risk category to which a country belongs and therefore the certification that must accompany each consignment of beef and beef products imported into Australia. Any country that does not meet the assessment requirements will not be able to export their products to Australia.

Current status of FSANZ BSE assessments

In November 2012, FSANZ completed BSE food safety risk assessments for meat and meat products being exported from the Netherlands and Croatia. As a result of the risk assessments, certain heat-treated beef products can be imported from Croatia and the Netherlands. FSANZ's assessment concluded that beef and beef products from these countries pose negligible risk to public health.

Croatia has not reported cases of BSE and already has access to the Australian market for beef and beef products under the previous BSE policy for beef products. The Netherlands has previously reported cases. All cases were from cattle born more than 11 years ago. The Netherlands has also recently been recommended to be upgraded to negligible BSE risk status under the World Organisation for Animal Health guidelines.

The Netherlands is also seeking access to export fresh beef. An import risk analysis for animal health risks will need to be undertaken by the Department of Agriculture Fisheries and Forestry (DAFF) to establish the animal health import requirements before the Netherlands is able to export fresh beef to Australia.

For the remaining countries that have submitted applications to FSANZ, desk-based assessments of Latvia, Lithuania, Brazil and Chile are progressing and in-country verification inspections have been completed for Latvia and Lithuania. Planning is under way for the inspections of beef production systems in Brazil and Chile, to be conducted in 2013.

Vanuatu and New Zealand are the only two countries that currently trade fresh beef with Australia.

Australia's food labelling laws in respect to imported beef and beef products

Food labelling in Australia is regulated by the Australia New Zealand Food Standards Code (the Code). There are strict and comprehensive regulations in the Code governing what information must be presented on a food label and in what format it must be presented. The Australian Government is continually assessing the role of the food label and how it can assist consumers to make healthy and informed decisions. However, in doing so the government must endeavour to balance improving the information on food labels to meet consumer needs against maintaining marketing flexibility and minimising the regulatory burden on industry and barriers to trade.

Under *Standard 1.2.11 – Country of Origin Requirements* of the Code, country of origin labelling is a mandatory requirement for packaged food and some unpackaged fresh produce, such as fresh fruit and vegetables, fish and pork. Beef, sheep and chicken meat must now also be labelled with its country of origin from 18 July 2013.

As the origin of ingredients may not always be certain or may fluctuate on a rapid basis, current regulations permit produce manufacturers to make a qualified country of origin claim such as 'made in Australia from imported ingredients' or 'packaged in Australia from local and imported ingredients'. This regulation accommodates seasonal variation of ingredients and periods when local supplies are not available.

In 2008, as part of the National Seamless Economy agenda, the Council of Australian Governments (COAG) agreed a number of food reform initiatives, including that the Australia and New Zealand Food Regulation Ministerial Council (the Ministerial Council), now the Legislative and Governance Forum on Food Regulation (the Forum) undertake a comprehensive review of food labelling law and policy.

On 28 January 2011 the review panel presented its report: *Labelling Logic: Review of Food Labelling Law and Policy (2011)* to the then Ministerial Council.

Recommendation 42 of the review was: *"That for foods bearing some form of Australian claim, a consumer-friendly, food-specific country-of-origin labelling framework, based*

primarily on the ingoing weight of the ingredients and components (excluding water), be developed".

In 2012, to implement the Forum response to Recommendation 42 of the 2011 Review of Food Labelling Law and Policy, a Commonwealth Working Group, jointly chaired by the Department of Industry, Innovation, Science, Research and Tertiary Education and the Treasury, was established to review existing guidance material and develop new guidance material on country of origin labelling.

Key activities of the Working Group have included an audit of guidance material relating to country of origin labelling requirements as well as facilitating the development of new guidance material for consumers. Guidance material, 'Where does your food come from?' was released by Australian consumer agencies on 11 October 2012. In 2013, the Working Group will work towards developing guidance on the operation of the regulatory framework for country of origin labelling of goods sold in Australia.

In complying with Standard 1.2.11, manufacturers and retailers should also be consistent with trade practices law. For Australia, the provisions of sections 65AA-AN of the Trade Practices Act 1974a (TPA) apply to statements as to the country of origin of goods. Under the TPA, "Made in Australia from local and imported ingredients" means that the product is made up of ingredients from both Australia and overseas. Whichever comes first, local or imported, is in the greatest proportion.

'Product of' and 'Grown in' means that each significant ingredient or part of the product originated in the country claimed and almost all of the production processes occurred in that country. 'Product of' is often used for processed food and 'Grown in' is mostly used for fresh food.

Other relevant health policies

Australia has put in place a number of measures to prevent BSE and vCJD, including strict controls and restrictions on imports of live animals, genetic material and animal feedstuffs; stringent requirements to safeguard against exposure to the BSE agent via imported beef or beef products; a ban on feeding meat and bone meal to ruminant animals; a national BSE surveillance program in cattle; the assessment of therapeutic goods that use bovine materials during production; and the deferral of blood donations from people who lived in the UK for a cumulative period of six months or more between 1980 and 1996 or who received a blood transfusion or injection of blood or blood products while in the UK from 1980 onwards, irrespective of their length of stay.

Blood supply:
vCJD is capable of being transmitted through blood and plasma transfusions. Australia's blood policies, including donor deferral requirements are mandated through Therapeutic Goods legislation and designed to protect public health by preventing the introduction of vCJD into our blood and plasma supplies. The Australian Red Cross Blood Service investigates any potential risk to the blood supply from a donor with suspect CJD. The National Blood Authority's National Blood Supply Contingency Plan considers the risk of any significant threat to the blood supply, including the risk of contamination from vCJD.

Medicines and therapeutic devices:
The Therapeutic Goods Administration's (TGA's) role is to regulate and ensure the safety, efficacy and quality of therapeutic goods in Australia. The TGA monitors restrictions on the

importation of biological materials that may contain Transmissible Spongiform Encephalopathies (TSEs) used in the production of therapeutic goods and has an ongoing assessment process for new products to minimise the potential risk of exposure to TSEs. The Office of Scientific Evaluation evaluates TSE safety of all therapeutic goods in accordance with the policy specified in the TGA Approach, which includes the TGA Supplementary Requirements for minimising the risk of transmitting TSEs (referred to as TGA Supplementary Requirements). The current TGA policy on TSEs is being reviewed in light of contemporary scientific evidence.

Under certain circumstances therapeutic goods containing bovine materials from USA and Canada are allowed if BSE safety is demonstrated through appropriate risk assessments. Circumstances of such consideration include shortage of critical medicines, although the TGA policy does not recommend such use of bovine materials. However, TGA currently does not allow bovine materials of any infectivity category to be sourced from UK, Portugal and Ireland.