

**Friday, 12 September 2014**

**SafeFish**

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## Applicant details

This application is made by Alison Turnbull, Sub-Program Leader Seafood, Food Safety and Innovation, South Australian Research and Development Institute (SARDI), on behalf of SafeFish. Please see contact details above. This application has also been approved by Alan Tilbrook, Chief of Livestock and Farming Systems, SARDI.

## About SafeFish

SafeFish is a partnership between seafood stakeholders (industry, regulators and funding agencies) in Australia. It is a project funded through the Australian Seafood CRC and managed by the South Australian Research and Development Institute with the aims of:

- providing rapid technical response to maintain free and fair access to key markets; and
- underpinning the safety and hygiene of seafood sold commercially.

For more information on SafeFish visit <http://SafeFish.com.au>

## Purpose

This application is in response to the 2nd call for submissions on FSANZ Proposal P1025 – Code Revision, specifically around the provisions related to mercury in seafood in Standard 1.4.1 Contaminants and Natural Toxicants.

## Summary of submission

SafeFish is seeking consideration by FSANZ of the following changes to the proposed provisions for mercury in seafood contained in Standard 1.4.1, and the associated schedule S19-7 to bring them into line with the current Food Standards Code:

- Change the proposed wording in Standard 1.4.1 to clarify that the requirements for mercury in seafood are a combination of mean and maximum levels.
- Change Schedule S19-7 so that no maximum level be set when only 5 sample units are available.
- Change Schedule S19-7 so that a maximum level is listed for lots where there are insufficient samples available to analyse in accordance with the sample plan.

## Submission

### Specific comments on current proposal

Safefish notes that the provisions for mercury in seafood have been amended in the FSANZ Proposal P1025 in order to clarify the requirements. We recognise that FSANZ has sought to separate mercury from other contaminants as the regulations relating to mercury are a combination of average and maximum levels rather than maximum levels only. SafeFish considers the changes do clarify the requirements, but suggest the following additional changes (as tracked below) to more accurately describe the regulations.

#### 1.4.1—3 ~~Maximum~~ IL Levels of contaminants and natural toxicants in food

(1) *The level of a contaminant or natural toxicant listed in section S19—4, S19—5 or S19—6 in a food listed in relation to that contaminant or toxicant must not be greater than the corresponding amount listed in that Schedule.*

*Note* Schedule 19 sets out maximum levels of:

- metal contaminants; and
- non-metal contaminants; and
- natural toxicants

and average and maximum levels of mercury in fish.

(2) *The level of mercury in fish, calculated in accordance with section S19—7, must comply with the requirements of subsection S19—7(1) or S19—7(2), as appropriate.*

Safefish notes that the proposed Table S19-7 deals with the mean and maximum level of mercury in fish, crustacean and molluscs. SafeFish agrees that the new schedule clarifies the regulations; however, some changes to the provisions have occurred. The comments below relate to the numbers highlighted in table S19-7; SafeFish proposed amendments are tracked.

#### S19—7 Mean and maximum level of mercury in fish, crustacea and molluscs

(1) For subsection 1.4.1—3(2), the following table applies:

Mean level of mercury				
For:	if:		the average level of mercury in each sample unit must be no greater than:	the maximum level of mercury in any sample unit must be no greater than:
gemfish, billfish (including marlin), southern bluefin tuna, barramundi, ling, orange roughy, rays and all species of shark;	(a) both of the following are satisfied:		1.0 mg/kg	1.5 mg/kg
	(i) 10 or more sample units are available;			
	(ii) the concentration of mercury in any sample unit is greater than 1.0 mg/kg;			
	(b) 5 sample units are available:		1.0 mg/kg <sup>(1)</sup>	<u>(no level set) 1.0 mg/kg <sup>(1)</sup></u>
	<u>(c) there are insufficient samples to analyse in accordance with clause 2 <sup>(2)</sup></u>			<u>1.0 mg/kg <sup>(2)</sup></u>
other fish, fish products, crustacea and molluscs;	(a) both of the following are satisfied:		0.5 mg/kg	1.5 mg/kg
	(i) 10 or more sample units are available;			

(ii) the concentration of mercury in any sample unit is greater than 1.0 mg/kg:		
(b) 5 sample units are available:	0.5 mg/kg <sup>(1)</sup>	(no level set) <sup>(1)</sup>
(c) <u>there are insufficient samples to analyse in accordance with clause 2</u> <sup>(2)</sup>		<u>1.0 mg/kg</u> <sup>(2)</sup>

(2) For this the table in subsection (1), calculations must be done on the basis of the following number of sample units:

- (a) for fish other than crustacea or molluscs:
  - (i) for a lot of not more than 5 tonnes—10;
  - (ii) for a lot of more than 5 but not more than 10 tonnes—15;
  - (iii) for a lot of more than 10 but not more than 30 tonnes—20;
  - (iv) for a lot of more than 30 but not more than 100 tonnes—25;
  - (v) for a lot of more than 100 but not more than 200 tonnes—30;
  - (vi) for a lot of more than 200 tonnes—40;
- (b) for crustacea and molluscs:
  - (i) for a lot of not more than 1 tonne—10;
  - (ii) for a lot of more than 1 but not more than 5 tonnes—15;
  - (iii) for a lot of more than 5 but not more than 30 tonnes—20;
  - (iv) for a lot of more than 30 but not more than 100 tonnes—25;
  - (v) for a lot of more than 100 tonnes—30;
- (c) if the number of sampling units specified in paragraph (a) of (b) is not available-5.

1. The proposed table is inconsistent in the requirements for lots where 5 sample units are available, and differ with the current requirements detailed in Standard 1.4.1. If the words “overall concentration of mercury” in the current Standard 1.4.1 relate to a mean concentration of mercury across the 5 sample units, then both groups of fish should have a required average ML set (1.0 for gemfish etc, and 0.5 mg/kg for other fish etc), but no maximum level. If, however, the words “overall concentration of mercury” relate to the level found in any one sample unit, then both groups of fish should have a maximum level set (1.0 for gemfish etc, and 0.5 mg/kg for other fish etc), and no mean level. SafeFish reads the current Standard 1.4.1 to imply the former, as shown by tracked changes above.
2. The current Standard 1.4.1 has provision for lots that are too small to allow samples in line with the specified sample plan. This is absent in the proposed table. SafeFish proposes that this provision is added to Table S19-7.

We thank FSANZ for the opportunity to comment on the FSANZ Proposal P1025.

Regards



Alison Turnbull  
Acting Chair, SafeFish