# Explanatory Statement

## 1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

The Authority accepted Application A1113 which seeks to extend the use of propionates as anti-microbial preservatives in certain processed meat, poultry and game products. The Authority considered the Application in accordance with Division 1 of Part 3 and has approved a draft variation.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunsetting under the *Legislation Act 2003*.

## 2. Purpose

The purpose of this variation is to extend the permission for use of propionic acid and its calcium, potassium and sodium salts as anti-microbial preservatives to certain processed meat, game and poultry products under conditions of GMP. Permitting this extension of use of propionates to these products would provide manufacturers with an additional tool in the risk management of microbial activity, namely in the control of *Listeria monocytogenes.*

The variation will also provide consistency with a Codex international standard.

## 3. Documents incorporated by reference

The variation does not incorporate any documents by reference.

## 4. Consultation

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1113 included one round of public consultation following an assessment and the preparation of a draft variation and associated report. Submissions were called for on 29 June 2016 for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variations to section S15—5 are likely to have a minor impact on business and individuals.

## 5. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 94 of the FSANZ Act.

## 6. Variation

Item 1 amends Schedule 15 of the Code.

The amendment inserts permissions for each of the following food additives into both category 8.2 and category 8.3 in the table to section S15—5: propionic acid (INS 280), sodium propionate (INS 281), potassium propionate (INS 282) and calcium propionate (INS 283). The amendment sets the maximum permitted level for each additive at GMP (Good Manufacturing Practice).

The effect of this amendment is to permit the use of propionic acid and its calcium, sodium and potassium salts as food additives for any processed meat, poultry and game product falling within either category 8.2 or category 8.3, provided that the maximum level of the additive is consistent with GMP. This means the amount of additive used must be limited to the lowest possible level necessary to accomplish its desired effect.