



Biosecurity Act 2015

Discussion Paper: Stock Foods

May 2016



Comments on this paper close on 9 July 2016

Email your comments to: submissions.biosecuritylegislation@dpi.nsw.gov.au

Post your comments to: Biosecurity Act 2015
NSW Department of Primary Industries
Locked Bag 21
ORANGE NSW 2800

Published May 2016

For more information

See: www.dpi.nsw.gov.au/biosecurityact

Email: submissions.biosecuritylegislation@dpi.nsw.gov.au

Ref: INT16/43661

© State of New South Wales through the Department of Industry, Skills and Regional Development, 2016. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Primary Industries as the owner.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 2016). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

Summary

The *Biosecurity Act 2015* will repeal the *Stock Foods Act 1940*, which currently includes various regulatory controls and powers with respect to the sale of food for stock.

Having considered existing management arrangements and risks associated with stock foods, it is proposed under the *Biosecurity Act 2015* (the Act) that the biosecurity risks posed by weed seeds and plants; and natural toxins in stock food are managed using the **general biosecurity duty**, with a specific **regulation** prescribing the maximum limits of specific drug residues, heavy metals, and restricted animal material.

Background Information

What is the problem?

Stock foods include food products manufactured for the consumption of food-producing species and horses. Stock foods can include any food that is manufactured for the purpose of feeding animals, such as licks, premixes, or stock food supplements. A problem can arise if stock foods contain restricted animal material, heavy metals, other chemical residues (pesticides), drug residues, natural toxins, and weed seeds or plants.

Why is it important?

Stock foods are an important source of nutrition for animals, particularly in intensive livestock industries and in times of drought. However, feeding of inappropriate or contaminated products can have adverse consequences for trade, animal health, the environment and community.

What outcomes are we seeking?

The desired outcome is to prevent or minimise and manage the impact of biosecurity risks from stock food products on market access, the environment and community.

Current Management Arrangements

The *Stock Foods Act 1940* and subordinate legislation regulates the sale of food for stock. The legislation:

- Defines 'stock' and substances that are not stock food.
- Requires labelling and written statements on packages of stock food and supplements.
- Defines and limits restrictions on foreign ingredients allowed in stock foods, by way of prohibiting or imposing maximum allowable limits of drug residues, restricted animal material, weed seeds and plants and toxic compounds including pesticides and natural toxins in stock food.
- Includes powers for the Minister to withdraw stock food product from supply.
- Provides powers for inspectors, forfeiture of stock foods and offences with respect to removing or interfering with a stock food label or written statement.

Matters concerning regulatory controls and powers for feeding of restricted animal material to ruminant animals and labelling has been subject to separate consideration. Please see [Discussion Paper: Transmissible Spongiform Encephalopathies](#), December 2015.

The Act will also repeal the *Stock Diseases Act 1923* and the *Stock (Chemical Residues) Act 1975* which currently regulate feeding of prohibited feed to pigs; and measures to prevent stock and animal products from becoming chemically affected and entering the food chain and/or export markets. These related matters are the subject of separate considerations. Please see:

- [Discussion Paper: Prohibited Pig Feed and Notifiable Pig Diseases](#), December 2015
- [Discussion Paper: Chemical Residues in Food Producing Animals and Animal Products](#) May 2016.

Proposed management under the NSW Biosecurity Act 2015

It is proposed that the biosecurity risks posed by weed seeds and plants; and natural toxins in stock food are managed using the **general biosecurity duty**, with a specific **regulation** that prohibits specific drug residues and restricted animal material and prescribes maximum limits for heavy metals. The following sections outline the proposal in more detail.

1. Management of drug residues, heavy metals and restricted animal material

It is proposed to continue to prescribe in **regulation** prohibited substances or maximum allowable limits of heavy metals in stock food in order to prevent unacceptable residues in animals, entry into the food chain and threat to trading arrangements. The prohibited substances or maximum allowable limits of heavy metals are proposed to be the same as currently prescribed in the *Stock Foods Regulation 2010*.

Foreign ingredients	Kind of stock food	Maximum Allowable Limit
<i>Drug Residues</i>		
<ul style="list-style-type: none"> Clenbuterol 	All stock foods	Nil – prohibited substance.
Restricted Animal Material	Stock foods for ruminants.	Nil – prohibited substance.
<i>Heavy Metals</i>		
<ul style="list-style-type: none"> Cadmium 	All stock foods	0.5 grams per tonne
<ul style="list-style-type: none"> Lead 	All stock foods	0.2 grams per tonne
<ul style="list-style-type: none"> Mercury 	Fish meal for pigs and poultry	0.4 grams per tonne
	Stock food other than fish meal for pigs and poultry	0.02 grams per tonne

2. Management of other foreign ingredients, including certain weed seeds and plants, and toxic compounds.

It is proposed to remove the regulation of maximum limits of other foreign ingredients, including certain weed seeds and plants, and natural toxins such as aflatoxins and ergots. It is proposed that stock food manufacturers under their general biosecurity duty put in place measures to ensure the quality of their product. For example, manufacturers can continue to label products to ensure consumer and market confidence in animal health and trade expectations.

Contaminants and natural toxins in human food products are regulated by Food Standards Australia and New Zealand under the Food Standards Code¹. The *NSW Food Act 2003* requires a person to comply with any requirement imposed on them by the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.

Given these regulations it is not considered necessary to further regulate these matters with regard to the sale of stock food under the Act.

¹ Standard 1.4.1. "Contaminants and Natural Toxicants" sets maximum levels for cadmium, lead, mercury, ergot, aflatoxin, and polychlorinated biphenyls in certain human food. Standard 1.4.4 "Prohibited and Restricted Plants and Fungi" sets maximum levels for Cannabis spp. including hemp and Marijuana, Crotonia spp, Datura (Thornapple), Echium (Patterson's curse), Heliotropium spp. (includes all heliotropes), and Ricinus communis (Castor oil plant) in certain human food.

It is also proposed to remove from regulation under the Act specific reference to maximum limits of chemical residues with respect to the sale of stock food. Controls on the import, manufacture, use and export of Polychlorinated Biphenyls and Polybrominated Biphenyls, Aldrin, Chlordane, DDT, DTE, DDE, Dieldrin, Endrin, Hexachlorobenzene, Heptachlor, and Lindane are regulated under Commonwealth legislation². Possession and use of these chemicals in NSW is prohibited under the *Pesticides Act 1999*. Land contaminated by these chemicals is managed under the *Contaminated Land Management Act 1997*; livestock contaminated by grazing plants grown on contaminated properties are regulated under the *Stock (Chemical Residues) Act 1975*. These chemicals are also listed in international agreements to which Australia is a signatory. Given these regulations it is not considered necessary to further regulate these matters with respect to the sale of stock food under the Act.

3. Labelling requirements of stock food

It is proposed to remove from regulation the labelling requirements for stock food with respect to the statement of particulars (i.e., stock that the product is suitable for), urea and salt content, and size and colour of labelling. The purpose for labelling these matters is to enable customer choice and access to information about product integrity. These purposes are considered to be outside the scope of the Act and can be managed by stock food manufacturers in accordance with consumer expectations and market demands.

Importantly, labelling of stock food for restricted animal material will continue to be regulated. This matter, as indicated above, has been subject to a separate discussion paper.

4. Management of other biosecurity risks

It is proposed to manage other biosecurity risks associated with stock food using the **general biosecurity duty**. This duty applies in addition to any requirements included in regulations made under the Act (i.e., maximum residue limits for heavy metals). This duty requires any person dealing with biosecurity matter or a carrier of biosecurity matter and who knows or ought to know of the biosecurity risks associated with that activity to take measures to prevent, minimise or eliminate the risk as far as is reasonably practicable. This means that any person who deals with stock food should have regard to the contents of the food and, for example, take action to reduce the risk of weeds spreading as a result of the use of the feed.

Information on how manufacturers and users of stock food can discharge their general biosecurity duty is available through Industry Standards, Codes of Practice, guidelines or other advisory material. For example [Grain Trading Standards by Grain Trade Australia](#).

² Agricultural and Veterinary Chemicals (Administration) Act 1992; Agricultural and Veterinary Chemicals Code Instrument No. 4 (MRL Standard) 2012 (Table 4. MRL's for Pesticides in Animal Feed Commodities). Customs (Prohibited Imports) Regulations 1956; and Customs (Prohibited Exports) Regulations 1958.

What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'Stock Foods' at:
<https://www.surveymonkey.com/r/stockfoods>.

Alternatively, submit your feedback **by 9 July 2016** via [email](#) or post to:

Biosecurity Act 2015
NSW Department of Primary Industries
Locked Bag 21
ORANGE NSW 2800

For more information about the *Biosecurity Act 2015* and regulatory framework, please visit www.dpi.nsw.gov.au/biosecurityact.

ⁱ Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; and the Stockholm Convention on Persistent Organic Pollutants (POPS).