



Department of
Primary Industries

Biosecurity Act 2015

Discussion Paper: Chemical residues in food producing animals and animal products

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: INT15/134292

© 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 (Chemical Residues) Act 1975*, *Stock Diseases Act 1923* and *Stock Foods Act 1940*, which currently includes various regulatory controls and powers with respect to managing chemical residues in food producing animals and animal products (such as milk, eggs, meat).

Having considered existing management arrangements and risks associated with chemical residues in food producing animals and animal products, it is proposed to implement similar management arrangements under the *Biosecurity Act 2015* (the Act). Specifically it is proposed that this issue is managed using the **general biosecurity duty**, with a specific **regulation** that will prescribe measures to:

- Prevent stock from becoming affected by chemical residues; and,
- in the event that a food producing animal is suspected of, or becomes affected by chemical residues, prevent the animal product from entering the food chain and or market.

Background Information

What is the problem?

Chemical residues in stock are traces of chemical substances remaining in the body tissues or secretions of stock resulting from the use of or contact with any pesticide, drug or other chemical. Food producing animals and animal products can become contaminated with chemical residues in a number of ways, including:

- grazing on land sprayed with long acting pesticides;
- accessing fodder crops sprayed with chemicals for which no residues are permitted in livestock;
- licking and/or chewing discarded car batteries, oils, or machinery containing lead; and
- being fed stock food with unsafe levels of foreign ingredients.

Another source of contamination includes animals being treated with inappropriate medication, medications at incorrect dosages and/or animals slaughtered before the minimum withholding period has elapsed. These matters are addressed in the *Stock Medicines Act 1989*, which will not be repealed by the Act.

Why is it important?

Chemical residues in food producing animals and animal products are potentially harmful to the health of animals, humans and the environment.

If affected animal products enter the human food chain, they can pose serious risks to public health. Access to markets for these products may also be compromised if inappropriate levels of chemical residues are detected.

What outcomes are we seeking?

The desired outcome is to maintain:

- a) trade access by only exporting animals and animal products which comply with internationally accepted residue standards, and
- b) consumer confidence in the domestic food chain by compliance with Food Standards Australia New Zealand (FSANZ) standards.

Current Management Arrangements

The *Stock (Chemical Residues) Act 1975* and the *Stock Diseases Act 1923*, aim to prevent stock from becoming chemically affected and prevent animal products that may be chemically affected entering the food chain and or market. These Acts and their subordinate legislation:

- Provide powers for the Minister to declare stock as being chemically affected;
- Provide powers for inspectors, including the ability to detain, restrict movement, seize or destroy chemically affected stock;
- Prohibit or restrict stock from grazing on contaminated land;
- Provide maximum chemical residue levels in stock;
- Specify stock treated with non-approved hormonal growth promotants as chemically affected;
- Require permanent identification of chemically affected stock and the manner of permanent identification;
- Require traceability of stock by ensuring movements and any residue statuses are updated on the National Livestock Identification System;
- Provide provisions for investigation, testing, and reporting, and movement of animals with respect to chemical residues, where necessary; and.
- Require declaration if traded animals have been exposed to chemical treatments or contaminated land.

The Act will repeal the *Stock Foods Act 1940*, *Stock Diseases Act 1923* and subordinate legislation which includes various regulatory controls and powers with respect to the sale of food for stock, feeding of prohibited feed to pigs, and the feeding of restricted animal material to ruminant animals. These matters have been subject to separate considerations. Please see:

- [Discussion Paper: Stock Foods, May 2016](#);
- [Discussion Paper: Prohibited Pig Feed and Notifiable Pig Diseases](#), December 2015;
- [Discussion Paper: Transmissible Spongiform Encephalopathies](#), December 2015.

If animals become chemically affected, the Department of Primary Industries and the Local Land Services seek to work cooperatively with affected landholders to achieve desired outcomes whilst minimising unnecessary expense and inconvenience. In most cases a stock inspector will accept a voluntary 'undertaking' from the stock owner or manager that includes agreed measures to manage the affected stock for a defined period.

A number of national programs monitor potential chemical residues in animal products or food. These include the National Organochlorine Monitoring Program, the National Antimicrobial Minimisation Program and the Random Monitoring Program. Detections from NSW animals made through these programs, depending on circumstances, will be investigated by the Department of Primary Industries, and/or Local Land Services.

Proposed management under the NSW Biosecurity Act 2015

It is proposed to manage biosecurity risks associated with chemical residues in food producing animals and animal products using the **general biosecurity duty** and a specific **regulation** to prevent stock from becoming chemically affected and, in the event that stock are affected, preventing the product from entering the food chain and or market.

General Biosecurity Duty

The general biosecurity 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 food producing animals should reduce

the risks of chemical residues in animals by keeping them away from or removing them from grazing areas that contain sources of contamination.

Regulation

In order to minimise the risk of animals becoming chemically affected, and to prevent contaminated animals and animal product entering the food chain and or market, it is proposed to implement a regulation with measures similar to existing arrangements, as detailed above.

If animals become chemically affected, the Department of Primary Industries and the Local Land Services will continue to seek to work cooperatively with affected landholders or managers. The Act enables an Authorised Officer to accept a biosecurity undertaking with agreed measures that will meet compliance requirements. Alternatively, the Authorised Officer may issue a biosecurity direction with requirements that must be followed by the landholder or manager.

NSW will continue to participate with the existing national chemical residue programs that monitor potential chemical residues in food.

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 'Chemical Residues' at:
<https://www.surveymonkey.com/r/chemicalresidues>.

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.