

March 2009

Overview of submissions received on FSANZ Discussion Paper for Proposal P1007 – Primary Production & Processing Requirements for Raw Milk Products

This summary paper has been provided as an initial response to submissions to Food Standards Australia New Zealand (FSANZ) public Discussion Paper for Proposal P1007 Primary Production and Processing Requirements for Raw Milk Products.

PLEASE NOTE THAT THIS IS NOT AN INVITATION FOR FURTHER SUBMISSIONS.

There will be two more opportunities to provide comments on the Proposal when the Assessment Reports are released for public consultation.

INTRODUCTION

Food Standards Australia New Zealand (FSANZ) is assessing the requirements in the *Australia New Zealand Food Standards Code* (the Code) for the sale of raw milk products in Australia through Proposal P1007 - Primary Production & Processing Requirements for Raw Milk Products.

FSANZ released a Discussion Paper¹ in August 2008 to seek public feedback on the proposed approach to undertaking the Proposal and to elicit information on the extent of demand for raw milk products in Australia. A large number of submissions were received in response to this paper and will be taken into account in the assessment of the Proposal.

This paper provides a broad overview of the types of comments made in submissions to the Discussion Paper and have been grouped deliberately for the purpose of this overview. **It does not cover specific details of individual submissions or respond to issues at this stage.** FSANZ will provide further details of specific issues raised in submissions in the next public consultation paper, the First Assessment Report.

BACKGROUND

At its meeting in July 2008, the FSANZ Board agreed to release a Discussion Paper that proposed a system for categorising raw milk products to provide a structured approach for examining food safety risks associated with these products. This system, referred to as the Category Framework approach, defines three categories, taking into account the effect of production methods and the intrinsic characteristic of the final product in assessing the potential food safety risk².

¹ The Discussion Paper can be accessed through the FSANZ website:

<http://www.foodstandards.gov.au/standardsdevelopment/proposals/proposalp1007primary3953.cfm>

² Further details on the Category Framework approach can be found on the FSANZ website:

<http://www.foodstandards.gov.au/thecode/primaryproductionprocessingstandards/dairyrawmilkproducts/index.cfm>

Such an approach would only permit the sale of categories of raw milk products:

- of an acceptable level of safety for the general population; and
- where there is an adequate level of assurance that any food safety control measures can be implemented and complied with by businesses and enforced by jurisdictions.

SUBMISSIONS

The Discussion Paper was open for public consultation for seven weeks including a one-week extension. There were officially 903 submissions received at the end of the seven weeks. This number does not include comments received after the closing date (43 at 13/03/09) or campaign letters where the signatures and contact details were unreadable (41 submissions). A petition submitted with over 330 signatures has been counted as one submission, however, the message in the petition has been taken into account in the analysis of the submissions.

General comments in support of the Proposal:

The majority of submissions supported the Proposal for one or more of the following reasons:

- access to raw drinking milk for health and nutritional benefits;
- availability of a greater range of raw milk cheeses; or
- freedom to choose these products.

Of those that made comment on aspects of the Proposal itself, the majority were supportive of FSANZ undertaking the assessment using the Category Framework approach.

General comments against the Proposal:

Submitters that did not support FSANZ continuing with the assessment of raw milk products presented arguments including:

- the current permissions in the Code are sufficient and flexible enough that they allow for cheeses where the milk is not heated as high as pasteurisation temperatures;
- the positive economic contribution and the reputation of the current Australian specialty cheese industry will be threatened by the risks posed by introducing permissions for raw milk cheeses;
- the argument that cheeses need to have raw milk usage to develop better flavour is fallacious and many Australian pasteurised cheeses continue to win overseas awards against overseas cheeses;
- the risk of long term illness and ailments as a result of consuming unpasteurised products far outweighs any benefits;
- producers of traditional raw milk products overseas, particularly in Europe and the United Kingdom, are increasingly using heat-treated milk to maintain consistency of product and prevent pathogen problems;
- the possibility of increased regulatory burden on existing cheese producers if raw milk products are allowed;
- bacterial problems can occur from time to time in major dairy processors even with the best food safety systems in place and under current pasteurisation standards; and
- because Europeans 'do things differently' is not a valid reason to compromise Australia's safety.

Other comments raised in submissions:

• Comments on the objectives of the Proposal

Submitters that supported the objectives of the Proposal believed the assessment would:

- achieve consistency in approach to the regulation of raw milk products across all States and Territories and thereby address current inconsistencies in requirements for the sale of goat milk;
- provide a level playing field for domestic and overseas manufacturers of raw milk products;
- reduce the need for case-by-case assessment of individual raw milk products; and
- provide an acceptable level of consumer protection.

There was also support expressed for outcomes-based Standards but it was suggested that greater prescription may be needed to effectively manage additional risks posed by raw milk products and ensure the protection of public health and safety. For example, it is anticipated that those wishing to make raw milk products will be smaller dairy manufacturers and they will benefit from specific guidance.

• Comments on the 'Category Framework' approach

Comments were received that the initiative is a sound approach to assessing raw milk products. However, submitters, particularly enforcement agencies and the dairy industry, are keen to see more details of the categories, including the outcomes of the scientific assessment and proposed risk management options under the framework. The enforcement agencies are particularly interested in considering how they would implement and enforce permissions for raw milk products under the Category Framework. It was highlighted in several comments that Standards need to be scientifically-based and not based on consumer beliefs. Submitters stated that the Category Framework provides a good mechanism for ensuring this happens.

• Support for access to raw milk products

The majority of submissions were from consumers who believed there should be increased permissions for raw milk products as they want the option or freedom to choose to purchase them over conventional pasteurised milk products.

Submitters made statements such as:

- Australian consumers have been denied a choice of raw milk products;
- people have the right to make their own choice as to what they consume, how they want their nourishment;
- I strongly support consumer choice;
- I would like to be given a choice about the type of product I buy...;
- I consider it my right to consume...; and
- make the products available but leave it to the consumer to make their decision

Further details on the reasons people give for wanting access to raw milk cheeses and raw drinking milk are summarised below:

I Support for the sale of raw milk cheeses

Many submissions commented that they support access to raw milk cheese in Australia. The main reason expressed by submitters is that they consider such cheeses to be gourmet products that are superior in their flavour, texture and taste profile compared with their pasteurised equivalents.

A number of the submitters commented that increasing permissions for the production of raw milk cheeses in Australia will provide:

- greater consumer choice;
- increased local consumption;
- reduced dependency on imported products; and
- opportunities for local producers to enter this growing niche market.

Approximately half of all submissions received in support of increased permissions for raw milk cheeses used a 'form letter'. The letter made several points to support the view that amendments should be made to the Code to allow the production and sale of raw milk cheese in Australia. Comments included that the current dairy Standard (Standard 4.2.4 – Primary Production and Processing Standard for Dairy Products):

- is highly discriminatory as it provides permissions for international cheeses but does not allow Australian cheese makers the choice of making similar cheese from raw milk;
- is anti-competitive and trade restrictive as it does not encourage world best practice in cheese/milk production and allows the use of milk of poor microbiological quality for cheese making;
- is a breach of Australia's commitment to WTO Policy as it cannot be justified on scientific grounds for food safety; and
- is overly prescriptive. It does not meet Government guidelines on Primary Production and Processing Standards³ that stipulate minimal effective regulation.

A small number of cheese makers and retailers expressed their desire to be able to produce and sell a greater range of raw milk cheeses as they are experiencing increased demand for such products and see a good opportunity for Australian producers to benefit from competing in this premium market. Additionally a small number of submitters requested increased permissions for imported raw milk cheeses.

II Support for the sale of raw drinking milk

Approximately one third of submitters advocated access to raw drinking milk arguing the nutritional and health benefits. Of these, approximately two thirds considered raw milk has health-promoting properties and superior nutritional content compared with pasteurised milk.

The majority of these submitters presented their comments as their own understandings or views and some submissions included references to websites, books and journal articles to support their views.

Just under one third of these submitters described their own experiences (or that of someone they know) in health improvements they believe to be from consuming raw milk.

³ http://www.foodstandards.gov.au/srcfiles/Primary_Production%20Processing_Std%202006.pdf

• **Raw milk products can be produced safely**

Submitters made comments that there is a low likelihood that raw milk and raw milk products would be contaminated with pathogens, providing the correct production requirements are followed and therefore these products would not pose a risk to public health and safety.

The comments are summarised under three headings below:

I Production requirements to ensure safety of raw milk

Submitters suggested control measures for primary producers of raw milk in order to ensure product safety. The requirements suggested are based on husbandry methods in dairy farming such as:

- cattle must be farmed in open pastures which are certified organic;
- cattle are fed grass and hay exclusively;
- cattle are allowed to access pasture at least 150 days per year;
- there must be a clean place for cattle to lie down and rest. All bedding areas are made of something that the cow would find in a natural environment such as pasture; and
- no use of antibiotics, growth or milk stimulating hormones and no pesticides on cattle or the environment.

Much of the information provided in these submissions appears to be based on the 'raw milk certification requirements' described by raw milk advocate groups such as the Weston A Price Foundation⁴ in the United States and Nourished Magazine⁵ in Australia.

II Production requirements to ensure safety of raw milk cheese

Information was provided on critical controls in the production of cheeses to ensure safety of the final product. Suggestions varied but some examples include:

- the single critical control point that guarantees safety for all cheese varieties is starter culture activity that creates a hostile environment to pathogens in the cheese;
- control the chemistry, both physical and biochemical, of the product so that pathogens cannot survive or grow e.g. pH, moisture content (water activity), anti-microbial compounds;
- manufacturers of raw milk cheese need to use a HACCP-based food safety program that includes all relevant critical control points (CCPs); and
- it will be necessary to set limits and monitor (by testing) the presence of specific pathogens in the incoming raw milk and the final cheese product.

III Properties of raw milk that make it safer than pasteurised milk

Many submissions suggested that raw milk has its own built-in safety net of anti-microbial components. Such components quoted include lactoperoxidase, lactoferrin, short chain fatty acids and beneficial bacteria, all of which are claimed to be destroyed by the pasteurisation process.

⁴ <http://www.westonaprice.org/> and <http://www.realmilk.com/>

⁵ <http://www.nourishedmagazine.com.au/>

● **Black market sales of raw drinking milk**

Some individual submitters indicated that they were accessing illegal or ‘black-market’ raw cow drinking milk. Others stated they were buying ‘cosmetic’ or ‘pet food’ raw milk that is labelled as “not for human consumption” because it was not possible to obtain supplies legally.

Some enforcement agencies also made mention of their difficulties enforcing the current restrictions on cow milk sales and policing black-market sales.

● **Consumption by persons vulnerable to foodborne illness**

A small number of nutritionists and other health practitioners stated they prescribed raw milk to patients such as the elderly, young children and those suffering ailments or diseases.

Individual consumers also commented that they:

- feed raw milk to their young children including infants, children under 5 years old and use raw milk as a supplement for breast milk;
- use raw milk to relieve/cure chronic illness; and
- consume raw milk while pregnant.

● **Labelling of raw milk products**

Submitters presented a mixed view on whether raw milk products need to be labelled and what labels should say.

For example, many submitters supporting access to raw milk products indicated they would be happy if such products were labelled with information as to the nature of the product and/or any risks so consumers can make an informed choice. Others stated that there is no reason to label raw milk products with any sort of warning.

However, other submitters raised concerns that using labelling as a risk management measure would not be adequate. That is, if a product is considered to present a risk to public health and safety then it should not be permitted. Simply requiring information on a label is not a sufficient way of managing that risk.

● **Alternative technologies**

There were suggestions that the assessment should consider the use of a range of technologies (i.e. alternatives to pasteurisation) that may also provide greater health protection.

● **Microbiological limits**

Comments were made regarding the existing microbiological limits for raw milk and raw milk cheese in Standard 1.6.1 – Microbiological Limits for Food. Some submitters suggested that these limits, particularly those for *Escherichia coli* and *Listeria monocytogenes*, need to be reviewed as they are not consistent with international standards and queried whether this will occur as part of this Proposal.

• *Membership of the Standard Development Committee and Dairy Scientific Advisory Panel*

The expertise and affiliations of the members of the Standard Development Committee and Dairy Scientific Advisory Panel for the Proposal were queried and it was suggested that they do not adequately represent raw milk products industry and artisan cheese making.

• *Environmental impact*

Several submissions, in supporting organic, localised, cottage industries for raw milk, also make claims about the environmental impact of the current dairy industry.

NEXT STEPS

This report presents a broad overview of the comments made in submissions to the Discussion Paper for Proposal P1007. **It does not attempt to analyse issues or respond to them at this stage.**

We would like to thank all submitters for taking the time to provide feedback at this initial stage of the Proposal. The information is of considerable value to the assessment process.

FSANZ will provide further details of the submissions and responses to specific issues in the next public consultation paper, the First Assessment Report. This Report will also include more details defining the Category Framework (including information from the scientific assessments), and possible risk management options.

Release of the First Assessment Report will be advertised on the FSANZ website and, as you are registered on an Interested Party distribution list for this Proposal, you will be notified of its release and other updates on the progress of the raw milk products work.

If you would like to update your contact details, or be added or removed from this distribution list, please email info@foodstandards.gov.au.