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20 July 2016

Standards Management Food Standards Australia New Zealand PO Box 5423 **KINGSTON ACT 2604**

Via email: submissions@foodstandards.gov.au

Dear Sir

RE: Call for submissions - Proposal P1026 - Lupin as an Allergen

I refer to the call for submissions dated 16 June 2016 regarding the proposal to regulate food containing lupin as an allergen and the request for public comment.

1. About Grain Trade Australia

Grain Trade Australia (GTA) is the focal point for the commercial grains industry within Australia. It facilitates trade and works to provide an efficient, equitable and open trading environment by providing leadership, advocacy and commercial services to the Australian grain value chain.

GTA members are responsible for over 95% of all grain storage and freight movements made each year in Australia. Over 95% of the grain contracts executed in Australia each year refer to GTA grain standards and/or trade rules.

GTA members are drawn from all sectors of the grain value chain from production to domestic end users and exporters. GTA members are involved in grain trading activities, grain storage, human and stock feed milling.

A list of GTA members is attached.

Within this context, GTA provides comment on the proposed regulations relating to lupin in food.

2. Grain Standards in Australia

On behalf of industry, GTA develops and publishes the wheat and coarse grain trading standards (Standards) for the industry. GTA also distributes the Standards for oilseeds (developed by Australian Oilseeds Federation), pulses (developed by Pulse Australia) and birdseed as developed by the Queensland Agricultural Merchants.

Examples of individual commodities within these various crop groups include:

Coarse Grains	Oilseeds	Pulses
Wheat	Canola	Field peas
Barley	Soybeans	Faba beans
Sorghum	Safflower	Lupins
Oats	Sunflower	Lentils
Cereal Rye	Linseed	Chickpeas
Triticale		Vetch
Maize		Mung beans

Various other Standards relating to other commodities are produced by the major participants in that industry where there is no industry organisation relevant to that commodity.

The Standards are reviewed annually by the GTA Standards Committee and circulated to industry for comment on at least two separate occasions before they are adopted in the coming season. These Standards are the basis of trade for domestic and export contracts.

It is important to bear in mind that use of GTA Standards is voluntary and GTA does not (and cannot) mandate the use of its Standards in contracts or elsewhere. The parties remain free to contract on any terms they wish (including in relation to quality and specifications) even if the contract is otherwise subject to the GTA Trade Rules. Therefore different weed seed levels may be permitted than compared to those outlined in GTA Standards. However having said this most industry participants apply the GTA weed seed tolerances.

Within the Standards for each commodity are tolerances for various contaminants such as weed seeds. The definition of a weed seed is generally described as "any other seed or commodity present that is not of the commodity being assessed". Thus for example, lupins (all *Lupinus spp.*) are a weed seed in all commodities except lupins and various tolerances apply depending on the commodity and grade.

For example:

Commodity	Tolerance (maximum)
Milling Wheat	1 lupin/0.5L sample (in total with all other pulses)
Cereal Rye	10 lupins/0.5L sample (in total with all other pulses)
Canola	3% by weight of all Foreign Material (all non-canola
	seed material, including lupins)
Faba beans	20 lupins/400 gram sample (in total with all other
	pulses)

Industry standards refer to whole seeds or their equivalent in pieces. Therefore there may also be low levels of smaller lupin seed material, lupin seed coats, lupin seed coat dust etc. undetected in grain.

Note that Section 1.4 of SD2 supplied by FSANZ contains several statements regarding industry practices and standards that are not strictly correct, however these have no significant bearing on this submission or the outcomes to be achieved by industry. If clarification is required by FSANZ on these issues, please contact the undersigned.

3. Grain Quality Assessment - for Lupin Contamination

When assessing grain quality, a load of grain tendered for delivery is sampled and assessed according to industry procedures.

For practical reasons the entire load, or the entire sample taken from the load cannot be assessed. A sub-sample is taken and in the case of assessment for weed seed content, a representative 0.5L sample (cereals, oilseeds) or 200g/400g (pulses) sample is assessed for compliance with the tolerance in the respective standard for lupins.

If each sample representing the load tendered for delivery is in compliance with the relevant Standard, that load is graded accordingly. Depending on the company receiving the grain, various quality parameters of the load are documented. However for practical reasons, in the majority of instances, the level of each weed seed in a load is not assessed or recorded – this would be impractical given the time taken to conduct that assessment and the complexity and cost of developing the required recording systems.

Therefore the level of weed seeds such as lupins in each load received into a storage unit is usually not known. Similarly when grain is outturned, usually no additional assessment is done to determine the level of particular weed seeds such as lupins.

The exception to the above is where the particular weed seed is restricted in the market due to quarantine regulations or by the buyer contract. Markets with weed seed restrictions are relatively few. There are no known export markets where lupins are restricted or prohibited in grain consignments. Domestically restrictions apply to the movement of lupins interstate as a result of lupin anthracnose.

In those instances where weed restrictions apply, specific additional measures are implemented to ensure the grain meets the market requirements. These may include:

- Sampling
- Testing
- Commodity vendor Declarations
- Segregation
- Separate handling infrastructure

The grain industry in general does not have the ability to screen large tonnages of grain to remove weed seeds. In addition, due to the nature of grain growing practices (i.e., crop rotations), it is uneconomic for all grain to be grown and guaranteed totally free of lupins prior to delivery ex-farm to storages or direct to buyers.

4. The FSANZ Proposal and Implications for Grain Industry

Section S19—5 of the Food Standards Code (Code) sets maximum levels for phomopsins in lupin seeds and products of lupin seeds. Section S19—6 sets limits for the natural toxicant "Lupin alkaloids" in lupin flour, lupin kernel flour, lupin kernel meal and lupin hulls. GTA has no issues with those sections of the Code.

It is noted that the proposed approach under P1026 is "a draft variation to the Code which will require lupin to be declared whenever present in a food in the form of:

- An ingredient
- An ingredient of a compound ingredient
- A food additive or processing aid (including when used as an ingredient or component of these)."

Under the proposed approach, where lupin is not classified as above, but is known or may be known to be present in low levels, no requirement for labelling exists. This currently is the situation where other contaminants that are potential allergens, such as wheat, may be present in grain sold for human consumption.

GTA requests the same status be given to lupins. That is, no mandatory labelling or declaration unless lupins are an ingredient, food additive or processing aid.

This approach in essence is similar to the United States Food and Drug Administration approach where "if an ingredient is present at an incidental amount and has no functional or technical effect in the finished product, then it need not be declared on the label."

5. Summary Position

It is acknowledged that lupins may be an allergen. Industry Standards limit the level of lupins in order to meet market requirements for contamination. While GTA supports the increased use of grain commodities in the human diet, particularly so called "healthy foods such as lupins", for the various practical reasons outlined in this submission, GTA members cannot guarantee grain sold for domestic or international food consumption is totally free of lupin seed or lupin seed material.

GTA therefore supports the current FSANZ regulations in relation to the presence of allergens in food sold within Australia and the proposed approach to continue for lupins as an allergen.

GTA supports Option 3 as outlined in proposal P1026, being "Prepare a draft variation so that a mandatory allergen declaration would be required on the label, or, where a label is not required, businesses would have to provide access to information about the presence of lupin in food being sold", with the supporting requirement that "for foods that require a label, where lupin is used in food as an ingredient (or an ingredient of a compound ingredient), an additive or as a processing aid (or an ingredient or component of these), the label would have to declare the presence of lupin".

Thank you for consideration of this response.

Pat O'Shannassy Chief Executive Officer

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Membership List as at 30 June 2016

Organisation	Contact	Website /Phone
Ordinary Member (Trading)		
Level A1 (over 7 Million Tonnes)		
Co-operative Bulk Handling Limited	Mr Jason Craig	cbh.com.au
Glencore Grain Pty Ltd	Mr Phillip Hughes	glencoregrain.com.au
		2
Level A2 (5 - 7 Million Tonnes)		
Cargill Australia Limited	Ms Penne Kehl	cargill.com.au
		1
Level A3 (3 - 5 Million Tonnes)		
ADM Trading Australia Pty Ltd	Mr Tim Henry	adm.com
Graincorp Operations Ltd	Mr Klaus Pamminger	graincorp.com.au
Gramovip operations and		2
Level A4 (1.5 - 3 Million Tonnes)		
Emerald Grain Pty Limited	Mr David Johnson	emeraldgrain.com
Nidera Australia Pty Ltd	Mr David Lengren	nidera.com.au
·	S	2
Level B1 (1.0 - 1.5 Million Tonnes)		
Bunge Agribusiness Australia Pty Ltd	Mr Chris Aucote	bunge.com/Agribusiness
CHS Trading Company Australia	Mr Justin Fay	chsinc.com.au
Louis Dreyfus Company Australia Pty Ltd	Mr Robert Green	louisdreyfus.com.au
		3
Level B2 (500,000 - 1 Million Tonnes)		
Agrex Australia Pty Ltd	Mr Richard Glasson	agrexaustralia.com.au
George Weston Foods Limited	Mr Mark O'Brien	gwf.com.au
Inghams Enterprises Pty Limited	Mr Graeme Dillon	inghams.com.au
Plum Grove Pty Ltd	Mr Tony Smith	plumgrove.com.au
Ridley Agriproducts Pty Ltd	Mr Michael Reeves	agriproducts.com.au
Riverina (Australia) Pty Ltd	Mr Jon Mulally	riverina.com.au
Level B3 (250,000 - 500,000 Tonnes)		6
Agracom Pty Ltd	Mr Joe Hallman	agracom.com.au
AGRIGRAIN	Mr Jeremy Brown	agrigrain.com
Arrow Commodities Pty Ltd	Mr Dominic Vanzella	arrowcom.com.au
Australian Grain Export Pty Ltd	Mr John Thiele	08 8832 2800
Australian Grain Growers Co-operative Limited	Mr Bruce McDonald	aggcoop.com.au
Centre State Exports Pty Ltd	Mr Jeff Voigt	centrestateexports.com.au
Chinatex Australia Pty Ltd	Mr Jiling Lai	02 9957 2688
Lempriere Grain Pty Ltd	Mr Jonathan Holdsworth	lemprieregrain.com.au
Mitsui and Co (Australia) Ltd	Mr Kane Fukuoka	mitsui.com
Riordan Grain Services	Mr Bradley Hogan	riordangrains.com.au
Special One Grain Accumulator	Ms Jaimee Carrigan	specialonegrain.com.au
United World Enterprises Pty Ltd	Mr Jimmy Liu	uwetypical.com

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Mr Matt Albion

Wilmar Gavilon Pty Ltd

Ordinary Member (Trading) (contd)

Level C (under 250,000 Tonnes)

A & B Grains Pty Ltd Mr Rod Wolski
A T Waterfield & Son Pty Ltd Mr Brad Waterfield
A W Vater and Co Mr Kim Vater
Adams Australia Pty Ltd Mr Ian Mack adam

adamsaustralia.com.au **Agmark Commodities** Mr Richard Alcorn agmark.com.au Agri Om Australia Pty Ltd Mr Kishore Bulchandani agriom.com.au Agri-Oz Exports Pty Ltd Mr Francois Darcas 03 9830 7021 Agriex Australia Pty Ltd Mr Joseph Khnessier 02 9232 0690 Agrifoods Australia Mr Rob Anderson agrifoodsaustralia.com.au AGT Foods Australia Mr Peter Wilson agtfoods.com/australia

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Australian Growers Direct Pty Ltd Mr Jamie Smith ausgrowersdirect.com.au

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PB Seeds Pty Ltd

PeaCo

Pearson's Grain Pty Ltd Peters Commodities Pty Ltd

Phoenix Commodities (Australia) Pty Ltd

Premium Grain Handlers P/L

Preston Grain

Pulse Association of the South East (PASE) Inc

Quadra Commodities Pty Ltd Quirindi Grain & Produce Regal Seed & Grain P/L Reid Stockfeeds Pty Ltd

Rivalea (Australia) Pty Ltd - Animal Nutrition

Riverina Oils & BioEnergy Pty Ltd Robinson Grain Trading Co Pty Ltd

Roty Grain Store

Ruddenklau Grain Pty Ltd Rural Logic (Aust) Pty Ltd

SANWA Pty Ltd Seedhouse Tasmania Shannon Bros Bulk Haulage Silo Bag Grain (NSW QLD) Pty Ltd Societa Cofica Pty Ltd

Southern Ark Storage Pty Ltd Southern Cotton Trading Pty Ltd Southern Cross Agricultural Exports P/L

Southern Grain Storage Pty Ltd

Southern Stockfeeds (Operations) Pty Ltd

Spagricon Australia Pty Limited

Standard Commodities Australia Pty Ltd

Sumitomo Australia Pty Ltd Summer Hill Grains

Tasmanian Agricultural Producers Pty Ltd

TSS Grain

Thallon Grains Pty Ltd Twynam Pastoral Company

Unigrain Pty Ltd

Unique Grain Management Pty Ltd

W B Hunter Pty Ltd Ward McKenzie Pty Ltd Whitty Produce Whyalla Beef Pty Ltd

Wimpak Export Company Pty Ltd

XLD Grain Pty Ltd

Wilken Grain

Yenda Prods Grain Pty Ltd

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161

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Broker

0 Large

Medium

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Wimmera Mallee Grain Services Mr Rodney Edgerton egrainservices.com.au

Woodside Commodities Pty Ltd Mr Hamish Steele-Park woodcomm.com.au

11

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Large

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Mr Andrew Woodhouse Advance Trading Australasia advance-trading.com.au Mr Lloyd George Ag Scientia Pty Ltd 03 9598 1980 AvantAgri Australia Pty Ltd Mr Peter Woods avantagri.com.au Corporate - Small (cont)

CloudBreak Grain Marketing Pty Ltd Mr Ed Scamps 08 8388 8084
Basis Commodities Pty Ltd Mr Chris Whitwell basiscommodities.com.ay
Delta Agribusiness Pty Ltd Mr Michael Parry 02 6772 0000

Direct Commodities Pty Ltd Mr Hamish Robertson directcommodities.com.au EP Integrated Commodities Pty Ltd Ms Tracey Lehmann 08 8627 2304 Farmanco Marketing Pty Ltd Mr Donald McTaggart farmanco.com.au

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Finesse Solutions Pty Limited Mr Malcolm Finlayson 02 9872 9270

Flexi Grain Mr Jarrod Tonkin flexigrain.com.au

Goldstar Commodities Mr Geoff Webb goldstarcommodities.com.au Grain Storage Solutions Mr Kerry Miles grainstoragesolutions.com.au

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2

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Life Members

Mr Mervyn May Retired Appointed

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