25 September 2025
360-25

Approval report – Proposal P1060

Egg food safety and primary production requirements

Food Standards Australia New Zealand (FSANZ) has prepared and assessed a proposal to review egg food safety and primary production requirements in the Australia New Zealand Food Standards Code.

On 31 March 2025, FSANZ sought submissions on a draft variation and published an associated report. FSANZ received 18 submissions.

FSANZ approved the draft variation on 17 September 2025. The Food Ministers' Meeting[1] was notified of FSANZ's decision on 25 September 2025.

This Report is provided pursuant to paragraph 63(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

[1] Formerly referred to as the Australia and New Zealand Ministerial Forum on Food Regulation.

Table of contents

Supporting documents

The following documents which informed the assessment of this proposal are available on the FSANZ website[2].

SD1	Microbiological risk assessment of Salmonella in eggs
SD2	Quantitative risk model: development of a base model for *Salmonella* Enteritidis in eggs
SD3	Current food safety measures for eggs and egg product
SD4	Decision Regulation Impact Statement
SD5	Overview of the egg industry in Australia
SD6	Consumer literature review
SD7	Guidance plan for compliance with Standard 4.2.5

The published submissions from the call for submissions can be found on the P1060 Consultation Hub page.

[2] P1060 landing page - https://www.foodstandards.gov.au/food-standards-code/proposals/Proposal-P1060-20-20Egg-Food-Safety-26-Primary-Production-Requirements

Executive summary

For many Australians, eggs are an important part of a healthy diet. Each year, the Australian egg industry produces nearly 7 billion eggs, worth approximately $1.4 billion. Food safety is an integral part of egg production systems. Addressing hazards in the egg production, processing and supply chain is essential for food safety and preventing foodborne illness.

Foodborne *Salmonella* outbreaks have significant public health and economic consequences, with salmonellosis costing the Australian healthcare system about $140 million each year. Eggs were the suspected source in approximately 40% of foodborne *Salmonella* outbreaks in Australia between 2015 and 2019. Additionally, a type of *Salmonella* previously assessed as absent in Australian laying flocks, *Salmonella* Enteritidis (SE), has now been linked to domestic egg-related foodborne illness outbreaks. SE is capable of vertical transmission in layer hens, meaning eggs can be contaminated internally not just on the outer shell surface.

Food Standards Australia New Zealand (FSANZ) prepared Proposal P1060 following the 2018-19 SE outbreak linked to eggs that resulted in 245 illnesses.

This proposal considered ways to strengthen food safety management in the primary production and processing of eggs and egg product in the Australia New Zealand Food Standards Code (the Code). It did not review the requirements for food service and retail sale of eggs as set out in Chapter 3 of the Code.

The proposal assessed microbiological risk, particularly for SE and other *Salmonella* species, reviewed domestic and international best practice, modelled the impacts of proposed mitigations and considered cost-benefit and stakeholder input.

Three regulatory options were considered:

1. Maintaining the status quo
2. Introducing a combination of regulatory and non-regulatory measures
3. Measures in option 2 plus mandatory egg refrigeration (i.e. storage and transport at or below 7°C).

Option 2 was the preferred approach, strengthening food safety through a multi-pronged approach with new requirements for:

- environmental monitoring of poultry houses for presence of SE
- strengthened egg traceability
- temperature control during egg storage and transport
- pest control and range area management.

These new requirements are supplemented with non-regulatory measures including guidance to explain the intent of the requirements. This combined approach will reduce foodborne illness through early SE detection and temperature control and enabling rapid traceback to an infected farm. The approved measures also reduce the potential for SE to establish in the Australian laying flock through earlier identification of infected flocks and strengthening on-farm hygiene, minimising the spread of SE. These measures work alongside existing biosecurity activities and responses to SE infection in flocks, as outlined in the National SE Response Management Plan.

Retaining the status quo (option 1) is not supported as it would not manage the identified SE risks in eggs and thereby protect public health and safety. As flock infection with SE is only sporadic in Australia, mandating refrigeration of eggs (option 3) after grading through to retail sale was not preferred, given the large costs this would involve. However, eggs should be

maintained at temperatures ensuring their safety and suitability. If the SE situation in Australia were to change, through-chain refrigeration as well as other risk mitigation measures would need further analysis.

Following assessment and preparation of the draft variation to the Code, FSANZ called for submissions from 31 March to 12 May 2025. FSANZ received 18 submissions from government, industry and other organisations. Overall, submitters supported option 2.

Having regard to these submissions and for the reasons detailed in this report, FSANZ has approved the draft variation to Standard 4.2.5 – Primary production and processing standard for eggs and egg product and Standard 2.2.2 – Eggs and egg products. The approved variation strengthens requirements to enhance food safety outcomes for eggs and egg product. The changes are designed to help minimise public health risks, improve industry's ability to respond to potential outbreaks and support nationally consistent regulation. If endorsed by Food Ministers, the approved draft variation will commence 18-months from the date of gazettal.

FSANZ has worked closely with state and territory food regulators through the Implementation Subcommittee for Food Regulation Egg Implementation Working Group (EIWG) to ensure consistent national implementation of the new requirements. If the draft variation is endorsed by Food Ministers, FSANZ will continue to support the work of the EIWG in developing guidance material to facilitate understanding of, and compliance with the updated standards.

1 Introduction

1.1 The proposal

Food Standards Australia New Zealand (FSANZ) prepared this proposal to consider amendments to the Australia New Zealand Food Standards Code (the Code) to address:

a. Increasing and persistently high rates of foodborne illness due to *Salmonella* spp., with a significant proportion linked to consumption of eggs and egg product.
b. Significant changes to the Australian food safety risk environment with the emergence of *Salmonella* Enteritidis (SE) and new evidence *Salmonella* Typhimurium (ST) has been found on and within eggs at point of lay. These new risks had not been factored into current egg food safety risk management measures in the Code.

As part of this proposal[3], FSANZ also reviewed the requirement for each individual egg to be marked with the producer's unique identification — commonly referred to as 'egg stamping'.

The proposal supports the strategic outcome of *safe and suitable food* of the Food Regulation System Strategic Plan 2025-28.

1.2 Reasons for preparing proposal

This proposal was prepared in response to findings from a FSANZ review (project W1138) of egg risk management measures in the Code, which was requested by the Food Regulation Standing Committee (FRSC) following outbreaks of locally acquired SE illness linked to eggs in 2018-19. A review of Standard 4.2.5 was also an action under Australia's foodborne illness reduction strategy (2018 – 2021+).

The review concluded that Standard 4.2.5 does not set measures to manage food safety risks with SE and its ability to be vertically transmitted during egg formation; previous assessments concluded these risks did not need to be addressed when Standard 4.2.5 was first developed.

The review recommended FSANZ prepare a proposal to consider new and/or amended food safety and primary production requirements for eggs and egg product to address SE risks, including:

- strengthened bird health requirements (such as controls on source of pullets; flock vaccination for *Salmonella*; mandatory SE testing);
- greater controls on spent hens; - refrigeration and through chain temperature controls particularly aimed at reducing the risk from internalised SE or ST;
- strengthened traceability (including egg marking) requirements.

NOTE: in this document, reference to SE means those SE strains capable of vertical transmission in layer hens.

[3] The requirements relevant to this Proposal are contained primarily in Standard 4.2.5, which forms part of Chapter 4 of the Code. The format, structure and text of Chapter 4 has yet to be revised to bring it into line with the changes made to Chapter 1 and 2 of the Code by Proposal P1025 – Code Revision. Such changes were out of scope for Proposal P1060 and will be addressed in a future proposal.

1.3 Procedure for assessment

Proposal P1060 was assessed under the General Procedure in the *Food Standards Australia New Zealand Act 1991* (Cth) (the FSANZ Act), with one round of public consultation.

1.4 The current standard

Australian state and territory food laws require food for sale, food businesses and primary food production to comply with relevant requirements in the Code.

Relevant Code requirements include the requirements set by Standard 4.2.5 for egg producers and egg processors and by Standard 2.2.2 for food businesses selling eggs in a retail sale or to a caterer.

Standard 2.2.2 sets requirements that prohibit the sale or supply of unacceptable eggs and require traceability of eggs for retail sale or for sale to a caterer. Eggs must be marked with the producer's or processor's unique identification.

Supporting Document 3 (SD3) provides a detailed overview of relevant Code requirements, including those set by Standards 2.2.2 and 4.2.5.

1.5 Decision

For the reasons listed in this report, the draft variation proposed in the call for submissions (CFS) was approved with amendments.

The approved draft variation is at Attachment A and takes effect 18 months from date of gazettal.

The explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

The draft variation on which submissions were sought is at Attachment C.

2 Summary of Findings

As explained in the CFS, to identify risk and regulatory options for the primary production and processing of eggs and egg products in Australia, FSANZ undertook the following as part of its assessment of the Proposal:

- a microbiological risk assessment (refer to SD1 and SD2) including a quantitative model to investigate proposed measures;
- a review of existing measures to identify gaps in current regulatory and non-regulatory measures (refer to SD3);
- a review of egg production and processing supply chains in Australia (SD5)
- consumer literature review in relation to consumer perceptions of and behaviours with eggs (refer to SD6);
- a cost-benefit analysis to inform the most cost-effective risk management measures (see SD4 – DRIS).

2.1 Submissions received

FSANZ publicly consulted from 31 March to 12 May 2025, seeking views on the risk assessment, drafting and proposed management options. FSANZ received 18 submissions

(8 government, 7 industry and 3 from other organisations). FSANZ carefully analysed the comments in each submission and responded to issues raised in this approval report. Where a submitter raised an issue which resulted in a change to the variation, FSANZ noted it within this report.

The key issues raised in submissions and FSANZ's responses are summarised in Appendix 1 Table A2.

The submissions are publicly available on the FSANZ website[4]. One submission was accepted as confidential. FSANZ considered this submission, however cannot publish it.

Overall, submitters supported FSANZ's preferred approach of providing additional regulatory measures in the Code supported by non-regulatory measures as well as the additional control measures set out in the draft variation. Several submitters did not support mandatory refrigeration of eggs on the grounds of cost. Submissions provided additional information on the costs and benefits associated with proposed changes for FSANZ's further consideration.

FSANZ had regard to all submissions received.

2.2 Risk assessment

2.2.1 Nature of egg production in Australia

Egg production in Australia has evolved from small family-based farms to become major commercial enterprises. Flock sizes have grown to meet demand from increasing urbanisation (Scott, et al. 2009). In 2023-24 the sector produced 6.98 billion eggs with a gross production value of approximately $1.37 billion (Australian Eggs, 2024).

The 3 main egg production systems in Australia are caged, barn-laid and free range. Free range eggs represent the bulk of sales by volume, followed by caged and barn-laid. Egg supply chains are both simple (sold to consumers within a week of lay) and complex (transported significant distances) passing through multiple businesses.

Supporting Document 5 provides a more detailed overview of the Australian egg industry and the nature of egg production in Australia.

2.2.2 Microbiological risk assessment

The microbiological risk assessment (SD1 and SD2) assessed the best available data to address public health risks associated with consuming eggs and egg products in Australia. FSANZ assessed data to identify key risk factors for the hazard *Salmonella* spp. and where in the primary production and processing supply chain it may be introduced, increased, reduced or eliminated.

SE poses additional risks to human health compared to other *Salmonella* serovars due to vertical (transovarian) transmission, resulting in the internal contamination of the egg prior to lay. Commercial washing of eggs can effectively remove *Salmonella*, including SE, on the egg's surface. Internal contamination is difficult to detect and occurs in an environment readily supporting its growth (i.e. once in the egg yolk). Further, microbial growth can be accelerated with temperature fluctuations occurring at egg handling, processing, storage and/or transport. Without adequate cooking, an intact SE-contaminated egg poses a high risk

[4] https://consultations.foodstandards.gov.au/fsanz/p1060-egg-food-safety-and-primary-production-requi/consultation/published_select_respondent

to consumers. Previously an intact egg was not considered by FSANZ to pose a high risk; egg contents (i.e. once broken) posed a high risk.

The evidence assessed supports reducing foodborne illness from consuming eggs requires early detection of SE on farm and improved traceability to identify a source farm and quick removal of affected eggs from the market.

2.2.3 SE situation in Australia

The microbiological risk assessment considered three potential situations for SE spread in the Australian national flock and considered the likelihood of each situation occurring. The risk assessment then focussed on the situation most likely to occur. The three situations were:

- Situation 1: SE is eradicated with no further infection of flocks.
- Situation 2: SE infecting a flock continues to be sporadic, with egg-associated SE human illness occurring.
- Situation 3: SE becomes endemic in the national flock, infecting multiple farms with a potential SE prevalence at 2% of flocks[5].

The microbiological risk assessment determined that situation 2 (sporadic SE infection of layer flocks) was the most likely scenario for the foreseeable future and focussed on that (refer to SD1).

2.2.4 Risk assessment conclusion

The microbiological risk assessment concluded:

- current measures in the Code do not manage SE risks and its ability to be vertically transmitted during egg production and processing
- additional measures are required to protect public health and safety
- in this regard, a combination of multiple strategies would control SE risks. These include biosecurity measures, vaccination, animal and pest control, farm hygiene, environmental monitoring and egg refrigeration. The microbiological risk assessment identified the following control measures in particular: on-farm monitoring for SE, temperature control of eggs and enhanced on-farm hygiene and biosecurity.

2.3 Consumer literature review

FSANZ's assessment of the Proposal was informed by a consumer literature review on consumer perceptions of and behaviours with eggs.

The rapid[6] systematic consumer literature review of 6 Australian studies found consumers generally have perceptions of low risk in relation to eggs while a large proportion engage in at least one unsafe egg-handling or cooking behaviour and are resistant to attempts to change these behaviours. Knowledge of safe egg-handling practices does not always translate into actual practice. An increase in safe egg-handling knowledge has not been found to result in changes to actual behaviour. Most consumers report storing eggs and meals containing eggs in a safe manner (i.e. refrigeration).

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[5] This is an arbitrary figure; if 2% of flocks are positive for SE, this represents a significant increase in prevalence in layer flocks. This percentage is consistent with other countries; the EU's target is to reduce *Salmonella* from 2% of flocks (and their target serovars are SE and ST). Salmonella control in poultry flocks and its public health impact - - 2019 - EFSA Journal - Wiley Online Library

[6] Rapid systematic reviews are where components of the systematic review process are simplified or omitted in order to produce a timely evidence synthesis.

An important context of these findings is that consumers' perception of risk and their behaviour have been formed in an environment in which SE is not endemic in layer flocks. These findings are therefore specific to these conditions and risk perceptions and behaviour could change, potentially quite rapidly, if there was a perceived shift in risk environment (i.e. eggs have become a higher risk due to SE). The literature review report is at SD6.

No information or data was provided in submissions that would refine the literature review or its findings.

2.4 Risk management

FSANZ developed and assessed three possible regulatory responses to address the identified risks:

1. Maintaining status quo
2. Introducing a combination of regulatory and non-regulatory measures (preferred option)
3. Introducing a combination of regulatory and non-regulatory measures including mandatory refrigeration requirements for eggs.

As explained in the CFS, retaining the status quo (option 1 above) was rejected as it would not manage the identified SE risks in eggs and thereby protect public health and safety. Nor would it be a risk proportionate response. It would not support national consistency as only some jurisdictions have implemented requirements to address the food safety risk posed by SE. Similarly, as the W1138 review noted, while industry schemes manage SE risks, they are not consistently implemented by all businesses, creating the potential for foodborne illness due to SE.

FSANZ's preferred approach at CFS was to introduce a combination of regulatory and non-regulatory measures; where the Code is amended to impose additional mandatory requirements on egg production and egg processing, and with guidance material being developed to support implementation and compliance (option 2 above).

The specific additional mandatory requirements or control measures proposed at CFS were:

- on-farm environmental monitoring for SE via requirements for egg producers to sample and test the layer flock environment for presence of SE and to ensure range areas do not make eggs unsafe or unsuitable
- enhanced traceability through additional record keeping and requiring each egg to identify the relevant egg producer by a unique mark applied to the egg before the egg can be sold
- addressing risks of contamination from animals and pests carrying SE by requiring egg producers and egg processors to ensure the presence of animals, pests and vermin in relevant areas and equipment do not make eggs unsafe or unsuitable
- ensuring cleaning does not make the eggs unsafe or unsuitable (e.g. by contaminating egg contents)
- new time and temperature control requirements for the storage and transport of eggs and egg product.

The rationale for each of the above was summarised in the CFS and is now also detailed in the DRIS (SD4) which supports that decision.

In short, FSANZ concluded that these additional mandatory requirements together with the non-regulatory measures proposed would best minimise introduction and spread of SE to the

flock, verify prevention measures are working, detect infection early, reduce likelihood of foodborne illness (from internalised *Salmonella*) and minimise illness during an incident through rapid withdrawal of potentially contaminated eggs.

This approach and these measures were consistent with the risk assessment's findings that:

- A systematic through-chain approach is essential as SE contamination can occur at multiple stages of the supply chain and no single measure will manage SE risks. FSANZ notes measures to control SE would be also effective at managing risks with other *Salmonella* species such as ST; ST has been found in the internal contents of intact eggs at retail at much higher prevalence than previously known.
- SE risks could be controlled by use of a combination of multiple strategies including biosecurity measures, vaccination (once approved for use in Australia), animal and pest control, farm hygiene, environmental monitoring and egg temperature control or refrigeration.

The draft variation proposed in the CFS was prepared on that basis.

The proposed draft variation included requirements for additional record keeping requirements and for eggs for sale to have a unique mark identifying the relevant egg producer. These reflect FSANZ's assessment that, under current requirements, traceback to an implicated egg producer following the identification of an outbreak can be a fraught, time consuming and often unsuccessful activity. Delays in identifying farms can result in more cases of illness. The microbiological risk assessment demonstrated rapid traceback of eggs following illness enables effective identification of the egg producer and subsequent removal of unsafe eggs from the marketplace, thereby reducing foodborne illness.

The proposed draft variation did not mandate refrigeration (at or below 7°C) for eggs (option 3 above). The new time and temperature requirements proposed for storage and transport of eggs under option 2 will require egg producers or processors to control temperatures to which eggs are exposed. Industry best practice is to maintain eggs in a temperature range of 15 ± 3 °C, avoiding excess temperature fluctuations (see page 5 of SD7). If an incident occurs in which one or more flocks in an area are infected with SE, these requirements allow for incident response measures such as temporary refrigeration of eggs within the supply chain for farms in adjacent areas at risk of becoming infected. Further guidance can be developed - with FSANZ support - through the EIWG process referred to in section 2.6.2 below.

Mandating refrigeration in addition to the above control measures was considered unwarranted due to the significant cost impact on industry. Costs included upfront capital costs for new refrigeration units and ongoing running costs throughout the supply chain. There were also implications for businesses not currently storing eggs under refrigeration (e.g. during transport, storage and distribution and in small retail businesses). FSANZ's assessment concluded the significant cost associated with mandatory refrigeration would not deliver an overall benefit given the current sporadic nature of flock infection with SE in Australia. As stated in the CFS, should there be an increase in SE presence in Australian layer flocks, further consideration of refrigeration and other risk management strategies would be necessary.

Nor did the proposed draft variation seek to replicate requirements imposed by Australia's current national biosecurity requirements (see Supporting Document SD3). SE is a nationally notifiable animal disease. Australia's domestic biosecurity response to detecting SE infected layer hens is to apply movement restrictions to prevent spread, depopulate flocks and extensively decontaminate the farm environment to eradicate SE presence. Biosecurity requirements prevent eggs (and other materials) from leaving a SE positive farm unless expressly permitted by the relevant authorities. As such, the food safety requirements

imposed by the Code do not require these actions to be taken in relation to infected layer flocks or their eggs.

No information or data was provided in submissions that warranted a change in this assessment or approach.

2.5 Finalising regulatory measures

The risk management options available to FSANZ after the call for submissions are to:

(a) approve the draft variation proposed in the call for submissions, or
(b) approve that draft variation subject to such amendments as FSANZ considers necessary, or
(c) reject that draft variation.

After consideration of submissions, FSANZ was unaware of any new evidence that would warrant a change to the above regulatory response or approach.

FSANZ decided to approve the draft variation with amendments.

The amendments to the draft variation were made to improve clarity and consistency within Standard 4.2.5 and included amendments to:

- clause 1 of the Standard to clarify that the Standard does not apply to the retail sale of egg product
- retain the original title of Division 3 (i.e. 'Egg processing')
- align the title of clause 22 with titles of similar clauses in the standard
- clause 6A to remove the reference to 'grading floors' and to 'poultry houses' as these are captured by that clause's reference to 'premises'
- clause 11 to clarify that broken eggs must not be sold or supplied for processing for human consumption
- clause 11 to clarify that, despite that clause's prohibition on the sale of dirty eggs (as unacceptable eggs) for human consumption, dirty eggs may be sold or supplied to egg processors for cleaning (an existing industry practice)
- replace references to 'egg pulp' in subclause 20(3) and in paragraph 14(c) with 'egg product'.

FSANZ also revised the Executive Summary and Conclusion sections of Supporting Document SD3 to better explain the identified gaps in current regulatory and non-regulatory measures.

2.6 Risk communication

2.6.1 Consultation

Consultation is a key part of FSANZ's standards development process. FSANZ developed and applied a standard communication strategy to this proposal.

The CFS was open from 31 March to 12 May 2025, with 18 submissions received. Subscribers, interested parties and members of the public were notified of this consultation via the Food Standards Notification Circular, media release, FSANZ's digital channels and Food Standards News.

Consultation also occurred through the Egg Standards Development Advisory Group established by FSANZ. It comprised representatives from industry and relevant State, Territory and federal government agencies, and provided input to FSANZ on development of

risk management measures and conduct of economic and social analyses of proposed amendments to the Code. FSANZ also convened a Scientific Advisory Group for Eggs to assist in its microbiological risk assessment.

In its assessment and finalisation of this proposal, FSANZ had regard to all submissions received. FSANZ acknowledges the time taken by individuals and organisations to make a submission and the contribution of the above-mentioned Advisory Groups. All comments were valued and contributed to the rigour of our assessment.

2.6.2 Communicating how the proposed amendments will work

The approved draft variation will amend Standards 2.2.2 and 4.2.5. Implementation of these Standards are the responsibility of State and Territory Governments. The Implementation Subcommittee for Food Regulation (ISFR) facilitates the consistent national implementation of standards by developing agreed approaches and compliance materials. The EIWG was established by ISFR for this purpose. This proposal progressed using the Integrated Model for Standards Development and Consistent Implementation of Primary Production and Processing Standards.

The EIWG has developed a range of tools to help businesses and regulators understand how the amendments set out in the approved draft variation would be implemented. These tools include a proposed guidance plan which is provided in SD7.

If Food Ministers endorse the draft variation, FSANZ proposes to continue to support the work of the EIWG to develop guidance material to facilitate understanding of, and compliance with any new requirements. This could include ISFR guidance on Standard 4.2.5 (known as *Safe Eggs Australia*) to be published on the FSANZ website.

2.6.3 World Trade Organization (WTO)

As a member of the World Trade Organization (WTO), Australia is obliged to notify WTO members where a proposed mandatory regulatory measure is not substantially the same as existing international standards and the proposed measure may have a significant effect on trade.

A WTO notification is not required in this case. There is already a standard within the Code for primary production and processing of eggs and egg product and there are relevant international standards. Amending the Code to improve regulatory measures to adequately safeguard public health and safety is unlikely to have a significant effect on international trade given the existing standard and the proposed new measures are consistent with relevant international standards for managing vertically transmitted pathogens.

Relevant international standards are those of the Codex Alimentarius Commission:

- General principles of food hygiene CXC 1-1969
- Code of hygienic practice for eggs and egg products (CAC/RCP 15 – 1976)

2.7 FSANZ Act assessment requirements

In assessing this proposal and the subsequent development of the approved draft variation, FSANZ had regard to the following matters in section 59 of the FSANZ Act:

2.7.1 Section 59

2.7.1.1 Consideration of costs and benefits

As required by paragraph 59(a) of the FSANZ Act, FSANZ had regard to whether the costs that would arise from the proposal outweigh the direct and indirect benefits.

FSANZ also met impact analysis requirements applying to national standards setting bodies[7]. FSANZ reviewed its assessment of costs and benefits in light of feedback received in response to the CFS and prepared a Decision Regulation Impact Statement (DRIS; see SD4). The DRIS contains FSANZ's analysis of:

- the costs and benefits
- broader impact analysis questions, to meet impact analysis requirements.

The Office of Impact Analysis has assessed the quality of the regulatory impact analysis in the DRIS as compliant with impact analysis guidelines, containing an adequate level of analysis that is commensurate with the significance of the impacts.

The DRIS analyses three options to address the identified problems:

1. Maintaining status quo (rejecting the draft variations)
2. Introducing a combination of regulatory and non-regulatory measures
3. Introducing a combination of regulatory and non-regulatory measures (option 2), including mandatory refrigeration requirements for eggs

The net benefit of status quo (option 1) by definition is zero, as it involves no change. However, the status quo also needs to consider the potential growth in illness if no action is taken. If SE were to become more prevalent in the Australian laying flock under the status quo, there would be no measures in the Code to manage the SE-specific food safety risks and adequately protect public health and safety. The egg industry would likely encounter significantly greater costs in the longer term to manage the spread of SE, potentially resulting in significantly higher rates of illness.

The options are compared through a break-even analysis to consider whether the cost of implementing and complying with the measures outweigh the benefit of avoided foodborne illness. This calculation gives a comparison of the magnitude of possible costs and benefits but is a highly limited measure given benefits extend beyond avoiding the cost of illness.

For industry, government and the community to break-even on the costs associated with the measures in option 2, the measures would need to achieve a benefit of a 17% reduction of egg-related *Salmonella* illnesses over 10 years. However, this assumes there would be no change in the annual rate of illness.

In a scenario where there is a 30-50% increase of egg-related *Salmonella* cases in Australia, option 2 would only need to achieve a 11-13% reduction in illnesses to offset costs. Such a scenario is reasonable given the experience in overseas jurisdictions once SE emerged that saw large increases in foodborne illness as SE become more prevalent in layer flocks. Refer to SD4 for further information regarding these assumptions.

The break-even analysis does not take into account the unquantified benefits of option 2, such as:

[7] https://oia.pmc.gov.au/resources/guidance-impact-analysis/regulatory-impact-analysis-guide-ministers-meetings-and-national

- minimising the likelihood of SE infection and spread on-farm through preventative measures to manage SE food safety risks
- identifying SE on-farm early to limit the spread of SE to egg producers in close proximity, benefitting egg producers and government by avoiding a costly SE incident response and potential reputational damage as producers of safe food
- enabling rapid traceback to the source of infection by strengthening traceability systems
- a prepared egg supply chain in the event that SE does become established in the Australian laying flock by providing a set of national measures capable of addressing an increased SE risk.

It is highly likely that sufficient benefit will be achieved to offset and exceed the costs of complying with the amendments to the Code.

The total cost associated with option 3 has not been comprehensively quantified. However, the cost of option 3 is expected to be substantially larger than option 2 given operational costs for refrigeration (capital and running costs). To illustrate this, a break-even has been calculated using the known costs of option 3 (implementation cost of refrigeration to very small, small and medium egg producers and the initial and ongoing costs of option 2).

For industry, government and the community to break-even on the known costs associated with the measures in option 3, the measures would need to achieve a 31% reduction of egg-related *Salmonella* illnesses over 10 years. In a scenario where there is a 30-50% increase of egg-related *Salmonella* cases in Australia, measures proposed in option 3 would only need to achieve a 21-24% reduction in illnesses to completely offset these costs (noting that not all costs of implementing option 3 have been quantified in this analysis).

The assessment concludes that the direct and indirect benefits to the community, government and industry that would arise from amending the Code as in option 2 are expected to outweigh the costs of that option and return a greater net benefit than option 3.

For the full analysis, refer to the DRIS (provided as SD4).

2.7.1.2 Other measures

Paragraph 59(2)(b) requires FSANZ to have regard to whether other measures (available to FSANZ or not) would be more cost-effective. Existing measures were reviewed as part of option 1 (status quo). These were found not to adequately address the food safety issues because the incomplete uptake of existing industry schemes and inconsistent jurisdictional regulatory approaches have created gaps in egg food safety management and national inconsistency in application of requirements in the industry.

FSANZ's assessment is there are no other more cost-effective measures than the amendment in the approved draft variation, noting the findings of the risk assessment that existing regulatory and non-regulatory measures do not adequately protect consumers of eggs and egg product and public health and safety.

2.7.1.3 Any relevant New Zealand standards

The approved draft variation will amend Standards 2.2.2 and 4.2.5. These are Australian-only standards and do not apply in New Zealand. No relevant New Zealand standards have been identified.

2.7.1.4 Any other relevant matters

Other relevant matters are considered below.

2.7.2. Subsection 18(1)

FSANZ has also considered the 3 objectives in subsection 18(1) of the FSANZ Act during the assessment.

2.7.2.1 Protection of public health and safety

The Code does not contain measures to protect public health and safety from the risk associated with SE. Relevant controls were not included in Standard 4.2.5 when enacted in 2011 as SE strains capable of vertical transmission in poultry were not known in Australia at that time.

Subsequent reviews and FSANZ's assessment of the available evidence in 2024-25 have confirmed that additional risk management measures for eggs and egg product are required to manage risks with SE. The public health and safety risk was evident in the major foodborne illness outbreak associated with SE and eggs during 2018-2019, resulting in over 245 cases of illness. There have also been other sporadic outbreaks of SE related foodborne illness in the last 5 years.

The risk profile for eggs and egg product has now changed as follows:

- Vertically transmitted SE has caused foodborne illness. SE is of major concern as it can colonise the ovaries of layer hens and contaminate internal parts of eggs during development.
- ST has been found in the internal contents of intact eggs at retail at much higher prevalence than was previously known.

As a result, Standard 4.2.5 does not manage the transmission of SE from the hen into the egg during formation.

As demonstrated by the conclusions listed in the CFS, this approval report and supporting documents, the proposed amendments in the approved draft variation will protect public health and safety by managing SE risk.

2.7.2.2 Provision of adequate information relating to food to enable consumers to make informed choices

FSANZ has not identified any issues relevant to this objective.

2.7.2.3 The prevention of misleading or deceptive conduct

FSANZ has not identified any issues relevant to this objective.

2.7.3 Subsection 18(2) considerations

FSANZ has also had regard to:

- **the need for standards to be based on risk analysis using the best available scientific evidence**

FSANZ used risk analysis and the best available scientific information to assess this proposal, including for the microbiological risk assessment to consider risk factors at different

stages of egg production, processing and sale. FSANZ had regard to prior assessments undertaken as part of previous reviews, the scientific assessment undertaken for the CFS and additional information obtained from submitters to the CFS. See the Supporting Documents, in particular SD4.

- **the promotion of consistency between domestic and international food standards**

Internationally, there is considerable variation in legislation applicable to production and processing of eggs. FSANZ has considered international and domestic standards, including requirements for import and export of eggs in this assessment (see SD3).

- **the desirability of an efficient and internationally competitive food industry**

FSANZ has had regard to public health and safety risks associated with eggs and impacts these can have on the domestic and international food industry. The consideration of costs and benefits provided additional analysis and informed the selection of risk management measures for inclusion in the approved draft variation.

FSANZ does not anticipate any significant impact on efficiency and international competition from introduction of the approved draft variation.

- **the promotion of fair trading in food**

Introduction of nationally consistent food safety requirements can encourage a more level playing field for all egg producers in the marketplace.

- **any written policy guidelines formulated by the Food Ministers' Meeting**

The Ministerial Council Overarching Policy Guideline on Primary Production and Processing Standards[8] contains high-order principles that must be considered when such a standard is reviewed and/or developed. These principles state that standards will be outcomes based and address food safety across the entire food chain where appropriate. Standards will also ensure the cost of the overall system is proportionate with the assessed level of risk. They will provide a regulatory framework that only applies to the extent justified by market failure. FSANZ has considered these guidelines in this assessment.

3 References

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Attachments

A. Approved draft variation to the *Australia New Zealand Food Standards Code*
B. Explanatory Statement
C. Draft variation to the *Australia New Zealand Food Standards Code* (call for submissions)

Appendix 1 – Summary of submissions

Table A1 provides a list of submitters to the CFS (sorted by stakeholder group) together with the abbreviation used in the summary of submissions provided in Table A2.

Table A1: Submitters to the CFS

Submitter	**Abbreviation**
Government	
South Australia Department for Health & Wellbeing and Primary Industries and Regions South Australia	DOH-SA & PIRSA
Department of Health Western Australia	DOH-WA
New South Wales Food Authority	NSWFA
Safe Food Production Queensland	SFP-Qld
Queensland Health and Department of Primary Industries	Qld Health & DPI
Local Government – City of Kalgoorlie-Boulder	LG-CKB
Victorian Department of Health and the Victorian Department of Energy, Environment and Climate Action	DOH-VIC & VIC DoEECA
Local Government – City of Busselton	LG-CB
Sub total	8
Industry / peak bodies	
Egg Farmers of Australia	EFA
Pace Farm	PF
Tamar Valley Pastured Eggs	TVPE
Sunny Queen Pty Ltd	SQ
Woolworths Group	WW
Food business (confidential)	Confidential
Coles Group	Coles
Sub total	7
Other groups	
Victorian Farmers Federation – Livestock Industries	VFF-LI
Victorian Farmers Federation – Egg Group	VFF-EG
NSW Farmers	NSW Farmers
Sub total	3
Total	**18**

Table A2: Responses to the issues raised by submitters

Issue	*Raised by*	*FSANZ Response (including any amendments to drafting)*
Holistic approach to managing SE and other *Salmonella* spp.		
Any proposed measures need to be considered in context of the entire management system/holistic approach as no single measure on its own can adequately manage food safety; proposed requirements without the whole production context may impose significant costs without food safety benefits, especially for smaller producers	VFF-LI EFA PF NSW Farmers DOH-SA & PIRSA	Agreed. FSANZ's response does not rely on any one single measure to manage the identified food safety risk. A combination of regulatory and non-regulatory measures are proposed to manage SE risk in eggs in combination with existing biosecurity arrangements and requirements. FSANZ's consideration of costs and benefits at the CFS assessed the impacts on small producers. The DRIS FSANZ has prepared for decision makers addresses these impacts. FSANZ's risk assessment concluded that implementing on-farm environmental testing, in addition to the other regulatory measures, reduces the number of illnesses associated with SE-positive egg layer farms. Without this monitoring the majority of small farms would go undetected because the number of illnesses are not high enough to trigger successful traceback investigations.
Greater consideration is required of the interface between food and biosecurity regulatory systems when SE occurs.	SFP- Qld	Noted. Biosecurity regulatory systems and responses are outside of FSANZ's remit. However, in assessing this proposal and developing the approved draft variation, FSANZ had regard to the biosecurity responses outlined in the National Salmonella Enteritidis Response Management Plan, where depopulation of flock occurs once infection of birds with SE is confirmed. FSANZ's modelling is based on current biosecurity responses. FSANZ's assessment is that the identified SE risk is best controlled by a combination of measures which include additional food safety measures set by the Code as well as the responses currently available under biosecurity regulatory systems
Scope for Proposal P1060		
Treatments of eggs other than pasteurisation of pulp (or equivalent) (e.g. in-shell pasteurisation) have not been considered.	SFP-Qld Qld Health & DPI	FSANZ's assessment for Proposal P1060 did not include a review of specific heat treatments. Noted. FSANZ considers that Standard 4.2.5 is flexible enough to

Issue	Raised by	FSANZ Response (including any amendments to drafting)
		enable whole egg pasteurization, if validated. While the Standard does not prescribe that as a treatment, it does not expressly prohibit in-shell pasteurisation. FSANZ's understanding is that in-shell pasteurisation would be captured by Chapter 3 of the Code as food processing by a food business.
General comment on Proposal		
The P1060 package does not mention the reduction in SE expected from the proposed amendments to the egg standard.	EFA	Noted. The focus of FSANZ's assessment and modelling was not to estimate reduction in overall SE (or *Salmonella* spp.) of birds. Its focus was instead to estimate the impact of implementing specific control measures on the incidence of SE related foodborne illness. FSANZ's assessment and modelling explains how the proposed measures can prevent a flock becoming infected; prevent an infected flock spreading SE to nearby farms; or reduce the supply of contaminated eggs; and thereby reduce the incident of foodborne illness.
Exemptions		
Submitters requested there be no exemptions for compliance with any requirement of the standard (e.g. exemptions for small niche producers).	EFA NSW Farmers	Noted. The exemptions referred to in submissions are not provided by Standard 4.2.5, which is applied by and forms part of Commonwealth, State and Territory food laws. Exemption from compliance with those laws is a matter for the Governments and agencies responsible for administering those laws.
Environmental monitoring for SE		
Noted that majority of eggs produced have testing of pullets at point of lay, with regular testing during egg production. It is often the small niche market producers that do not test for SE.	EFA	Noted. The model developed by FSANZ assumes pullets are tested and SE negative prior to movement to layer sheds. The modelling was for small and medium sized producers as the evidence indicated these generally do not test for SE.
Environmental testing reduces the risk of undetected SE contamination of flocks. The control order in NSW demonstrates ability for monitoring to be implemented across the industry. Every farm should be proactive in managing risk of SE contamination rather than being reactive, relying on testing only.	EFA	Noted.
SE testing must be a permanent measure for licensed egg producers to enable faster detection and reduce foodborne illnesses.	NSW Farmers	Noted. The approved draft variation includes additional requirements in relation to environmental sampling and testing.
Queensland agencies support not mandating the *frequency* of testing in the Code as this should be based on risks considering a producer's entire management approach. A 13 weekly testing regime as considered by FSANZ is appropriate unless the regulator's risk assessment of a	SFP-Qld Qld Health & DPI	Noted. Standard 4.2.5, as amended by the approved draft variation, will not prescribe the frequency of testing. Guidance is to be developed by the ISFR Egg Implementation Working Group.

Issue	Raised by	FSANZ Response (including any amendments to drafting)
farm's food safety management justifies a different testing frequency.		
Half-yearly monitoring of sheds in small and medium sized farms is adequate as SE is not endemic throughout Australia and most *Salmonella* cases in eggs are *Salmonella* Typhimurium. Large farms should continue with their current program.	VFF-EG	Noted. Standard 4.2.5, as amended by the approved draft variation, will not prescribe the frequency of sampling and testing. This will be a matter for guidance to be developed by the ISFR Egg Implementation Working Group.
Farm depopulation would only be considered if the SE strain is capable of trans-ovarian (vertical) transmission. This approach is favoured given suspected non-trans-ovarian strains are detected in Queensland.	Qld Health & DPI	Noted. Biosecurity regulatory systems and responses – such as depopulation of flocks - are outside of FSANZ's remit. Nor does the Code expressly prescribe such measures. The amendments to Standard 4.2.5 proposed by the approved draft variation were developed on the assumption biosecurity responses follow the National Salmonella Enteritidis Response Management Plan, with depopulation of a flock where birds are confirmed as being infected with SE capable of vertical transmission.
Traceability – record keeping		
The final standard should allow for flexibility in how records are maintained to reduce administrative burden.	VFF-LI	Noted. Standard 4.2.5, as amended by the approved draft variation, will not prescribe how records must be kept and maintained. The Standard will prescribe what information must be kept and maintained, and what the traceability system must achieve (i.e. identify the egg producer), not how this information must be kept and maintained.
Ensuring accurate, real-time record of egg movements from farm to retail is crucial for traceability. Records retention for 2 years in NSW is not a concern given business keep tax records for seven years. Many farms now have QR code tracking in conjunction with on-farm production tracking.	EFA	Noted. See response above.
Clarify if the intent of the 'the date on which it was made' marking requirement is labelling the date of processing in accordance with clause 21. For clause 21 if it is the intent of 'the date on which it was made' marking requirement to only apply to treated egg product, recommend amending the term 'made' to 'processed in accordance with clause 21' for improved clarification.	NSWFA	Noted. After further consideration, FSANZ considers this change is not required. Clause 21 prescribes methods by which egg product must be processed. Clause 20 will provide that an egg processor must not sell or supply egg product unless each package or container containing the egg product is marked with the date on which that egg product was 'made'. The intent, for traceability, is egg product – when sold or supplied – be marked with the date when it was made, regardless of whether it is untreated or treated egg product.
Prohibition of broken eggs		
Proposed wording suggests broken, leaking or dirty eggs must be disposed of on-farm. With proper microbiological validation and handling, these eggs can be processed safely, avoiding unnecessary	VFF-LI	Noted. FSANZ noted support from industry for the proposed approach. This is to: define 'broken eggs' as eggs that are cracked *and* leaking when the egg is collected from the poultry house; and prohibit the sale

Issue	Raised by	FSANZ Response (including any amendments to drafting)
waste and reducing environmental impact of landfill disposal. If the standard mandates all broken eggs be diverted from human consumption, this will result in increased operational costs related to handling and disposal, as well as a significant rise in organic waste.		or supply by an egg producer of broken eggs for human consumption. The definition of 'cracked eggs' will be amended to exclude a broken egg. A result will be that the exemption provided by new clause 11(3) to allow the sale or supply of unacceptable eggs for processing for human consumption would not apply to broken eggs (as defined). This approach was based on evidence provided by the Egg SDAG that only a small proportion of eggs produced are broken and current industry practice is to dispose of these. The risk assessment identified when a foodborne pathogen is inside an egg, an egg is hazardous. An egg that is broken and leaking at the time of collection has exposed the egg pulp to direct contamination from the poultry house environment. If contaminated with micro-organisms, the lack of temperature control and time until collection provide opportunity for pathogen growth. Heat treatments may not be sufficient to mitigate the food safety risk.
Broken eggs are to be diverted from the human food supply chain, but it may not be clear that they are excluded from further processing in the amended standard. Recommend: • Broken eggs cannot be sold or processed for human consumption	DOH-SA & PIRSA	Agree. See response above. FSANZ amended the approved draft variation clause to ensure eggs that meet the definition for broken eggs are not treated or processed for human consumption.
Cleaning of eggs		
It is not always practical to wash eggs within 4 days of lay. Allowance should be made for validated, risk-based approaches that reflect real world production conditions.	VFF-LI	Noted. Standard 4.2.5, as amended by the approved draft variation, will not prescribe how long after lay eggs must be cleaned. It is up to the producer or processor to determine when to clean an egg, and how to ensure that cleaning does not make the egg unsafe or unsuitable for human consumption.
Temperature control – refrigeration (option 3 in CFS):		
Do not support option 3—relying on refrigeration post farm-gate is not a practical solution, placing significant cost burden on industry and compliance challenges in regional areas. Refrigeration costs would be much higher than the analysis estimates. Cost for smaller producers would be an overhead that significantly impacts their profit margin. The costs for refrigeration are not justified in the current situation. Understand a further review would be required before mandating	EFA SQ VFF-EG TVPE Coles NSW Farmers	Noted. Standard 4.2.5, as amended by the approved draft variation, will not mandate refrigeration. See sections 2.3 and 2.7 of this report and SD4.

Issue	Raised by	FSANZ Response (including any amendments to drafting)
refrigeration; seek clarification on what would trigger a review.		
Temperature control – storage and transport (option 2 in CFS)		
Seeking clarity on how eggs are currently received, stored and displayed by food manufacturers, retailers and food service businesses. CFS contains limited information on effectiveness of existing control measures in the Code such as Standard 2.2.2 and Standard 3.2.2.	SFP-Qld	Noted. The scope for proposal P1060 was primary production and processing. How eggs are currently received, stored and displayed by food manufacturers, retailers and food service businesses was out of scope for P1060.
For clause 9B, recommend adding 'or egg product' after 'eggs', so that unpasteurised egg product produced by egg producer is also required to be stored and transported under the time and temperature condition (in line with the title of clause 9B).	NSWFA	Accepted. Clause 9B has been amended accordingly.
Prescription (e.g. eggs must be placed below a certain temperature in a specified timeframe) would aid a consistent approach across different production systems and provide clarity for egg producers, assisting with compliance and regulation.	DOH-VIC & VIC DoEECA	Noted. The requirements are intended to be outcomes based, consistent with other Chapter 4 standards. FSANZ considers the suggested information can be provided in guidance, such as in Safe Eggs Australia.
Use of time and temperature to control SE risks in a production area should be applied in a targeted, risk-based manner, guided by clear regulatory criteria defining when such measures are needed, such as on confirmation of SE in a production flock. Further discussions with industry and state biosecurity regulators are needed to ensure national alignment of risk assessment criteria, and consistency with how this control measure will be applied when SE is detected in a production flock.	DOH-WA Qld Health & DPI	Noted. New clauses 9B, 22 and 22 A set outcome based requirements. These provisions will require egg producers or egg processor who store or transport eggs, egg pulp or egg product to ensure that transport and storage occurs under time and temperature conditions that will not make the eggs, egg pulp or egg product in question unsafe or unsuitable. The time and temperature conditions required to achieve this outcome are determined by and vary with the particular circumstances. The conditions required in the event of SE being detected in a production area or production flock, and in light of actions taken by regulators under biosecurity regulations in response to that detection, would differ markedly for those applicable to SE free production areas and flocks. FSANZ understands that the ISFR EIWG is developing criteria to guide biosecurity responses to such incidents.
Discussion is needed acknowledging the cost farmers bear when dealing with an SE outbreak. Altering the storage and transport temperature requirements in response	VFF-EG	Noted. Please see response above. Response to incidents is the responsibility of state and territory authorities. The jurisdiction concerned would engage with egg producers during an incident to determine and implement appropriate regulatory responses. Following

Issue	Raised by	FSANZ Response (including any amendments to drafting)
to SE incidents will increase costs for egg producers.		the 2018-19 SE incident, a national guide was developed in consultation with industry to improve future responses, see: National Salmonella Enteritidis Response Management Plan on the Animal Health Australia website.
Outcomes-based standards		
There is nothing prescriptive about what makes eggs unsafe or unsuitable or how to meet the new requirements.	PF	Noted. As explained in the CFS and in this report, guidance materials are being developed by ISFR's Egg Implementation Working Group (EIWG) to assist industry in complying with Standard 4.2.5 as amended by the approved draft variation.
Consideration of costs and benefits		
Costs presented for the egg industry are likely underestimated, including: • operating costs • environmental sampling, particularly for smaller producers • laboratory testing, depending on farm size, farm location, laboratory used and testing frequency • applying for a new unique identifier if required • training. Potential additional costs with option 3 include: • purchase or installation of refrigeration in vehicles for transporting eggs by the producer • reduced production space to accommodate cool rooms, reducing production volumes • labelling egg cartons to update storage conditions.	SFP-Qld LG-CB DOH-SA & PIRSA EFA NSW Farmers NSWFA VFF - LI Qld Health & DPI DOH-VIC & VIC DoEECA WW	Noted. No quantitative cost information was provided by submitters. Some submitters provided high level comments in relation to costs. FSANZ revised its consideration of costs and benefits to qualitatively assess concerns raised by submitters and has prepared a DRIS for decision makers. The DRIS was reviewed by the Office of Impact Analysis. Standard 4.2.5, as amended by the approved draft variation, will not prescribe the frequency of sampling and testing. This allows for a risk-based approach by industry and by regulators. See responses above. FSANZ notes some submitters may have read table 3 in the CFS's SD4 as stating the total estimated cost to egg producers, rather than the cost of implementing only administrative changes. The DRIS clarified this table.
Agency funding to enforce the standard have not been included in the costing considerations.	EFA	Noted. Subsection 5.9 of the DRIS considers additional audit resourcing that may be required to enforce new requirements. Subsection 5.9 notes this cost is recovered from the egg business.
Legislative measures must remain balanced to avoid excessive compliance costs that impact industry viability.	LG-CKB	Noted. For the reasons stated in this report, FSANZ's assessment is that the amendments proposed in the approved draft variation strike the right balance. See in this regard sections 2.1.4, 2.3, 2.7.1.1. 2.7.1.2 of this report and SD4 to this report
The cost of compliance does not get transferred to consumers and will be absorbed by egg producers.	NSW Farmers EFA	Noted. FSANZ had regard to this point in its assessment. Please see comment above and the discussion of consumer costs in the DRIS (SD4).

Issue	Raised by	FSANZ Response (including any amendments to drafting)
Consider the time, effort and financial costs producers will incur due to changes to the standard and how costs will be serviced.	NSW Farmers	Noted. FSANZ had regard to these costs and how they will be serviced in its assessment. Please see the DRIS (SD4) and its revised consideration of costs and benefits following stakeholder feedback.
Disagree with the high consumer confidence in refrigerated eggs stated in Table 1 of SD4, noting consumer literature suggests consumers do not associate refrigeration with food safety.	DOH-VIC & VIC DoEECA	Noted. FSANZ had regard to this point in its assessment. Please see revised references to consumer confidence in table 8 of the DRIS. (SD4).
The consideration of costs and benefits fails to acknowledge the benefits to food retailers, manufacturers and food service providers of ensuring a sustainable supply of eggs to market.	SFP-Qld	Noted. FSANZ had regard to this point in its assessment. Please see revised commentary on the supply of eggs in the DRIS (SD4).
Errors identified in the CFS SD4: • Errors in table 9. • No description of the infrastructure upgrades in table 9.	NSWFA	Noted. The identified errors have been resolved in the DRIS.
Clarify how FSANZ arrived at the estimated costs to producers to implement the updated standards.	EFA	Appendix A of SD4 provided at the CFS detailed the assumptions and information underlying the estimated costs. Only minor revisions have been made to Appendix A in light of submissions to correct errors identified above.
The audit fees stated as potential government costs differ from proposed NSW auditing fees.	NSWFA	Noted. FSANZ revised its audit fees estimate in the DRIS in light of this information.
Non-regulatory measures		
Support development of guidance for the amended standard. Non-regulatory materials need to be developed together with industry, to assist both regulatory officers and egg producers. Specific examples of both best practice and poor practice in the food safety management of eggs and egg products should be included. An education package and training initiatives may further support the regulatory changes.	EFA Qld Health & DPI DOH-VIC & VIC DoEECA LG-CB NSW Farmers	Noted. Guidance material (to be known as 'Safe Eggs Australia') is being developed by ISFR's Egg Implementation Working Group to assist industry and regulators comply with and apply Standard 4.2.5 as amended by the approved draft variation. Training is not within FSANZ's remit.
Provide guidance and support for producers who don't solely use digital capture methods for traceability, including how best to record and store information for quick access.	NSW Farmers	Noted. Please see response above. FSANZ notes existing industry guidance material would support all producers.
A national egg ID register and SE response protocol for how laboratory results will be interpreted and responded to by government needs to be developed by industry and government.	SFP-Qld Qld Health & DPI	Noted. This is a matter for industry and regulators to consider.

Issue	*Raised by*	*FSANZ Response (including any amendments to drafting)*
There is a strong need for broad consumer education on egg food safety.	SFP-Qld NSWFA	Noted. FSANZ's position is that any broad consumer education campaign on egg food safety is a matter for industry and government to consider in the first instance. While FSANZ provides general food safety information for consumers, a broad campaign would require government endorsement and resourcing.
FSANZ notes there are gaps in current regulatory and non-regulatory measures that increase the risk of foodborne illness due to SE infection of flocks (CFS page 14). However, the CFS does not identify gaps in the non-regulatory measures, implying all current non-regulatory measures are effective and require no improvement.	SFP-Qld	Disagree. The CFS stated at page 14 that 'there are gaps in current regulatory and non-regulatory measures that increase the risk of foodborne illness due to SE infection of flocks'. As explained in the CFS, this finding was based on the fact that industry schemes are non-regulatory measures; these are voluntary and not taken up by all producers. The latter, combined with the differences in regulatory requirements between states and territories, created gaps in measures to adequately manage SE. FSANZ revised the text in SD3 to provide a clearer explanation of this point.
Implementation of the standard		
To ensure national consistency and prevent disease outbreaks, ISFR should evaluate rollout of the standard and commit to full implementation across all states and territories by December 2026.	EFA NSW Farmers	Noted. This matter is for ISFR to consider.
Continued collaboration		
Collaborate closely with industry during final development of the standard, to ensure food safety objectives are balanced with industry's economic sustainability and practical implementation.	VFF-LI EFA	Noted. FSANZ had regard to all submissions received and to input from the Egg Standards Development Advisory Group before finalising the approved draft variation. ISFR's Egg Implementation Working Group is developing guidance to assist implementation of Standard 4.2.5 as amended by the approved draft variation.
Further work is needed by the food regulatory system to create a collaborative regulatory environment at a national level. Agreed mechanisms to embed ongoing collaboration and data sharing between industry, government and consumers are needed.	SFP-Qld	Noted. These are matters is for ISFR to consider.
Industry consultation is needed on the communication strategy for an outbreak; it must have a process that does not put farmers out of business.	VFF-EG	Noted. This is a biosecurity response issue and is out of scope of this proposal. FSANZ notes the communication guidance set out in the: National Salmonella Enteritidis Response Management Plan on the Animal Health Australia website.
Funding programs for producers, especially small producers, would support investment in testing, biosecurity upgrades and record-keeping	NSW Farmers	Noted. This is not within FSANZ's remit.

Issue	Raised by	FSANZ Response (including any amendments to drafting)
technologies and benefit industry reputation and traceability.		
Data gaps and research needs		
Data gaps and research needs were identified in the submission.	NSW Farmers EFA	Noted. FSANZ's assessment acknowledged these gaps and needs. See in this regard the CFS and the DRIS attached to this report. As required by the FSANZ Act, FSANZ's assessment was based on the best available scientific evidence. See, for example, section 2.7.3 of this report
Risk assessment		
The following scenarios were raised for further consideration by the risk assessment for proposal P1060: 1. Potential of SE strains that are non-transovarian – identified through post-mortem, virulome analysis, epidemiology, or a combination of these methods. 2. Impact on environmental monitoring frequency if flocks were vaccinated. 3. Potential use of time and temperature control in supply chain to mitigate food safety risks and permit the sale of eggs from SE-infected flocks, and the predicted number of illnesses from allowing such eggs to enter community supply. 4. The additional benefit from identifying non-SE strains on-farm and the reduction of non-SE cases following intervention.	DOH-WA VFF-EG SFP-Qld	1. FSANZ has assumed the biosecurity response will follow the agreed national SE response plan on the Animal Health Australia website. Biosecurity responses will confirm if the SE detected from environmental testing has infected the layer hens and if the detected SE strain is capable of vertical transmission. 2. FSANZ understands approval of an SE vaccine may be still some time off, and then there would need to be consideration by industry as to its use. FSANZ will consider this issue in due course. 3. See answer to issue 1 above. If the biosecurity response were to change, then FSANZ could work with jurisdictions to consider alternative pathways for eggs from SE infected flocks. FSANZ will consider this issue in due course. 4. FSANZ requested additional data or evidence which has not been provided. Data may become available through the implementation of environmental testing, at which point FSANZ could further consider the benefits from detecting non-SE strains and how the egg producer or jurisdiction responds to those detections. FSANZ may consider this in due course when the data is available.
Other amendments to the standard		
Clarify the meaning of the term 'sheds' in the approval report (in the draft variation) – is it the same as 'poultry house'?	NSWFA	Not supported. At CFS, new clause 6 provided that an egg producer must ensure the presence of any animals, vermin and pests in certain areas and equipment – including 'sheds' - does not make eggs unsafe or unsuitable**.** The intent was the term 'shed' meant 'poultry house'. FSANZ amended clause 6A to remove the reference to 'sheds'. The clause refers to 'premises', which includes a poultry house.
Given egg producers can also grade eggs (see the proposed 'egg producer' definition), recommend adding 'grading floors' and 'sheds' to	NSWFA	Not supported

Issue	Raised by	FSANZ Response (including any amendments to drafting)
clause 18A. Also recommend adding 'poultry house' to the list in clause 6A. The proposed new egg cleaning requirement only applies to egg processors. Given egg producers can also be involved in egg washing activity, recommend applying the same requirement to egg producers in Division 2.		New clause 18A provides that an egg processor must ensure that the presence of any animals, vermin and pests in premises, equipment and transportation vehicles, does not make eggs unsafe or unsuitable. The reference to 'premises' captures 'grading floors' and 'sheds'. See response above in relation to new clause 6A. New clause 15A provides that an *egg processor* who cleans eggs must ensure that the cleaning does not make the eggs unsafe or unsuitable. *Egg processor* will be defined to mean a business, enterprise or activity that undertakes one or more prescribed activities in relation to eggs. These activities include 'cleaning'. As such, an *egg producer* (i.e. defined to mean a business, enterprise or activity that involves the production of eggs) which cleans eggs will also be an *egg processor* and must comply with new clause 15A.
Clause 9A, recommend removing the phrase 'to monitor bird health' in the title, because the presence of SE on farm does not necessarily affect bird health (i.e. birds can be asymptomatic). Subclause 9A(b), the term 'Salmonella' needs to be in Italics.	NSWFA	Not supported. The bird health clause in Standard 4.2.5 refers to the bird being affected by a disease or a condition that makes the eggs unsafe or unsuitable. A bird with SE colonisation is different to a bird without SE colonisation. Even if it is asymptomatic, their health status is different and eggs may contain SE. '*Salmonella*' has been italicised in clause 9A.
Replace reference to egg pulp with egg product: • Subclause 14(c), recommend amending 'egg pulp' to 'egg product that is unprocessed'. • Subclause 20(3), recommend replacing 'egg pulp' with 'egg product' as egg processors can receive egg products other than egg pulp. • Division 3 – Processing of eggs and egg pulp', recommend amending the title to 'Egg processing'.	NSWFA	Agreed. FSANZ made these amendments to the draft variation.
Clause 22 Storing and transport of eggs – recommend amending 'storing' to 'storage' to align with the title of clause 22, 9B and 22A.	NSWFA	Agreed. FSANZ made this amendment to clause 22.
Clause 1 Application – clarify the standard does not apply to the retail sale of egg product.	NSWFA	Agree. FSANZ amended clause 1 to clarify that the Standard does not apply to the retail sale of egg product.
Subclause 2(2) definitions:	NSWFA	Not supported.

Issue	Raised by	FSANZ Response (including any amendments to drafting)
• 'egg producer' – recommends amending the term 'washes' to 'cleans' for consistency with the term used in the proposed egg processor definition and new 'cleaning of eggs' requirement. • 'egg pulp' – the egg pulp definition is not clear on the difference from 'egg product'. Recommend clarifying the difference in the egg pulp definition, and if there is no difference, recommend replacing the term 'egg pulp' with 'egg product'. Suggest inserting 'added' before 'sugar or salt'.		Standard 4.2.5 defines the term *egg producer* to mean 'a business, enterprise or activity that involves the production of eggs [irrespective of] whether or not the business grades, packs, *washes*, candles or assesses for cracks, oils, pulps for supply to the processor for pasteurisation or stores or transports eggs or egg pulp.' In this context, the definition need not mirror the text of new clause 15A and refer to *cleaning* as opposed to *washes*. The definition's key criterion is *involvement in the production of eggs*. The fact that the business may engage in the other activities listed in the definition is immaterial. That list is not all-inclusive or intended as a definitive list. See also the response above in relation to the definition of *egg processor* and new clause 15A. Egg pulp is a subset of egg product for the purposes of Standard 4.2.5. The Standard defines *egg pulp* to mean 'the contents of an egg, which may contain sugar or salt. Standard 1.1.2 defines *egg product* to mean 'the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk'. It is important to retain this distinction. Standard 4.2.5 sets requirements in relation to egg pulp that differ from those that relate to egg product or to egg product that is not egg pulp (see, for example, the heat treatments listed in the table to clause 21).
Date of effect from gazettal		
Request a longer period for the date of effect from gazettal, due to significant pressures on this industry sector, the need for some jurisdictions to amend legislation and requirements to consult.	Qld Health & DPI DOH-VIC & VIC DoEECA NSW Farmers	Agreed. FSANZ amended the draft variation to provide that it shall take effect 18 months after the date of gazettal.
Evaluation of the amended Standard 4.2.5		
Recommend an evaluation check point in partnership with regulators to assess the effectiveness of the changes to the risk management of *Salmonella*.	DOH-VIC & VIC DoEECA	Noted. ISFR is undertaking work to develop an evaluation framework. It is open to ISFR to include Standard 4.2.5 as amended by the approved draft variation in that exercise.
Other issues		
NSW's egg industry must operate without restriction with SE present and the measures in the NSW Biosecurity (SE) Control Order 2024 must be permanently reflected within NSW legislation.	NSW Farmers	Noted. NSW legislation is not with FSANZ's remit.

Attachment A – Approved draft variation to the Australia New Zealand Food Standards Code

Food Standards (Proposal P1060 – Egg food safety and primary production requirements) Variation

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated [To be completed by the Delegate]

[Insert name of Delegate]
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1060 – Egg food safety and primary production requirements) Variation*.

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date that is 18 months after the date of gazettal.

Schedule

Standard 4.2.5—Primary production and processing standard for eggs and egg product

[1] Table of Provisions

Repeal the Table, substitute:

Table of Provisions

[2] Clause 1

Repeal the clause, substitute:

1 Application

This Standard does not apply to any of the following –

(a) the retail sale of eggs or egg product other than the direct sale of eggs by an egg producer to the public;
(b) catering activities other than the direct sale of eggs by an egg producer to a caterer.

[3] Subclause 2(2)

Insert in alphabetical order:

broken egg means an egg that has both -–

(a) a shell with one or more cracks; and
(b) contents that are leaking at the time of collection.

flock means all the birds that share a contained area (such as a range area or a poultry house).

poultry house means any of the following –

(a) the fixed or mobile housing where birds roost;
(b) the ground that is directly beneath fixed or mobile housing where birds roost and where bird faeces accumulate.

range area means an outside area that a flock has access to for roaming and foraging.

[4] Subclause 2(2) (definition of *cracked egg*)

Repeal the definition, substitute:

cracked egg means an egg that has –

(a) a shell with one or more cracks that are:
  (i) visible; or
  (ii) visible by candling or another equivalent method; and
(b) an intact membrane at the time of collection.

[5] Subclause 2(2) (definition of *egg processor*)

Repeal the definition, substitute:

egg processor means a business, enterprise or activity that includes any of the following activities in relation to eggs –

(a) assessing for cracks;
(b) candling;
(c) cleaning;
(d) grading;
(e) oiling;
(f) packing;
(g) processing in accordance with clause 21 of this Standard;
(h) pulping;
(i) separating;
(j) storing un-marked eggs;

(k) transporting un-marked eggs.

[6] Subclause 2(2) (definition of *food safety management statement*)

Repeal the definition.

[7] Subclause 2(2) (Editorial note to the definition of *food safety management statement*)

Repeal the Editorial note.

[8] Clause 3

Repeal the clause, substitute:

3 General food safety management

An egg producer must comply with the general food safety management requirements.

Note: The general food safety management requirements are set out in Division 2 of Standard 4.1.1.

[9] Clause 4

Omit the words 'take all reasonable measures to'.

[10] Clause 4 (Editorial note)

Repeal the Editorial note, substitute:

Note 1 Clause 2(1) provides that the definitions in Chapter 3 apply to this Standard, and the terms 'unsafe' and 'unsuitable' are defined in Standard 3.1.1.

Note 2 The term 'inputs' is defined in Standard 4.1.1 to include 'any feed, litter, water (including recycled water), chemicals or other substances used in, or in connection with, the primary production or processing activity' (which, in this case, is egg production).

[11] Clause 6 (title)

Omit 'requirements', substitute 'of personnel and visitors'.

[12] Subclause 6(2)

Omit the words 'take all reasonable measures to'.

[13] After clause 6

Insert:

6A Animals and pests

(1) An egg producer must ensure the presence of any animals, vermin and pests in any of the following does not make eggs unsafe or unsuitable –

(a) equipment;
(b) premises;
(c) range areas;
(d) transportation vehicles.

(2) An egg producer must ensure that any animal used to guard or protect a flock does not make eggs unsafe or unsuitable.

[14] After clause 8

Insert:

8A Range area

An egg producer must ensure that a range area does not make eggs unsafe or unsuitable.

[15] Clause 9

Omit " the bird is', substitute 'the birds are'.

[16] After clause 9

Insert:

9A Environmental sampling to monitor bird health

An egg producer must –

(a) take samples from each poultry house used by a flock; and
(b) test those samples for presence of *Salmonella* Enteritidis.

9B Storage and transport of collected eggs and egg pulp

An egg producer who transports or stores eggs or egg pulp or both eggs and egg pulp must ensure that the time and temperature conditions under which those activities are undertaken do not make the eggs or egg pulp unsafe or unsuitable.

[17] Subclause 10(1)

Repeal the subclause, substitute:

(1) An egg producer must not sell eggs unless each individual egg is uniquely marked to identify the egg producer.

[18] Subclause 10(4)

Repeal the subclause, substitute:

(4) In addition to subclauses (1) and (2), an egg producer must keep and maintain a record of each of the following –

(a) the number of eggs collected on each date of collection;
(b) the flock from which the eggs were collected;
(c) the number or amount of collected eggs diverted to waste or to egg pulp;
(d) the name and contact details of each person to whom eggs or egg pulp are sold or supplied (other than by direct sale of eggs to the public);
(e) the date of each sale or supply referred to in paragraph (d);
(f) the number of eggs sold or supplied to each person referred to in paragraph (d) on each date referred to in paragraph (e).

[19] Clause 11

Repeal the clause (including the Editorial note), substitute:

11 Sale or supply

(1) An egg producer must not sell or supply broken eggs for human consumption or for processing for human consumption.

(2) An egg producer must not sell or supply eggs or egg pulp for human consumption that the producer knows, ought to reasonably know or to reasonably suspect, are unacceptable.

(3) Subclause (2) does not apply to any of the following:
(a) the sale or supply of dirty eggs to an egg processor for cleaning;
(b) the sale or supply of egg product to an egg processor for processing in accordance with clause 21.

Note 'Supply' is defined in Standard 4.1.1 as including intra company transfers of product.

[20] Clause 12

Omit ‘clause 22’, substitute ‘clauses 22 and 22A’.

[21] Clause 13

Repeal the clause, substitute:

13 General food safety management

An egg processor must comply with the general food safety management requirements.

Note The general food safety management requirements are set out in Division 2 of Standard 4.1.1

[21A] Paragraph 14(c)

Omit ‘egg pulp’, substitute ‘egg product’.

[22] Clause 15

Repeal the clause (including the Editorial note), substitute:

15 Inputs

(1) An egg processor must ensure inputs do not make eggs or egg product unsafe or unsuitable.

(2) For the purposes of subclause (1), ***inputs*** includes any of the following –

(a) chemicals;
(b) packaging;
(c) salt;
(d) sugar;
(e) water (including recycled water);
(f) other inputs used in, or in connection with egg processing.

Note The term ‘inputs’ is defined in Standard 4.1.1 to also include ‘any feed, litter, water (including recycled water), chemicals or other substances used in, or in connection with, the primary production or processing activity’.

15A Cleaning of eggs

An egg processor who cleans eggs must ensure that the cleaning does not make the eggs unsafe or unsuitable.

[23] Clause 18 (title)

Omit ’requirements’, substitute ‘of personnel and visitors’.

[24] Subclause 18(2)

Omit the words ‘take all reasonable measures to’.

[25] After clause 18

Insert:

18A Animals and pests

An egg processor must ensure that the presence of any animals, vermin and pests in premises, equipment and transportation vehicles, does not make eggs unsafe or unsuitable.

[26] Clause 20

Repeal the clause, substitute:

20 Traceability

(1) An egg processor must not sell eggs unless each individual egg is uniquely marked to identify the egg producer who produced that egg.

(2) An egg processor must not sell or supply egg product unless each package or container containing the egg product is marked with both of the following –

(a) the date on which it was made; and
(b) the unique identification of the egg processor.

(3) In addition to subclauses (1) and (2), an egg processor must keep and maintain a record of each of the following –

(a) the name and contact details of each person from whom the egg processor received eggs for processing;
(b) the name and contact details of each person from whom the egg processor received egg product for processing;
(c) the number of eggs received from each person referred to in paragraph (a) and the date on which those eggs were received;
(d) the amount of egg product received from each person referred to in paragraph (b) and the date on which the egg product was received;
(e) the name and contact details of each person to whom the egg processor sold or supplied eggs or egg product (other than by direct sale to the public);
(f) the date of each sale or supply referred to in paragraph (e);
(g) the number of eggs and amount of egg product sold or supplied to each person referred to in paragraph (e) on each date referred to in paragraph (f).

[27] Clause 22

Repeal the clause, substitute:

22 Storage and transport of eggs

An egg processor must ensure that eggs are stored and transported under time and temperature conditions that will not make the eggs unsafe or unsuitable.

22A Storage and transport of egg product

(1) An egg processor must ensure that egg product is stored and transported under time and temperature conditions that will –

(a) not make the egg product unsafe or unsuitable; and
(b) control the growth of pathogenic micro-organisms.

(2) For the purposes of subclause (1), ***egg product*** includes egg product that is unprocessed and egg product that has been processed under clause 21.

Standard 2.2.2—Eggs and egg products

[28] Section 2.2.2—4

Repeal the section, substitute:

2.2.2—4 Traceability

Eggs for retail sale or for sale to a *caterer must be individually marked to identify the egg producer who produced the egg.

Attachment B – Explanatory Statement

EXPLANATORY STATEMENT

Food Standards Australia New Zealand Act 1991

Food Standards (Proposal P1060 – Egg food safety and primary production requirements) Variation

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 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

The Authority prepared proposal P1060 to consider amendments to the Code to further strengthen food safety management of eggs and egg product during primary production and processing. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft variation - the *Food Standards (Proposal P1060 – Egg food safety and primary production requirements) Variation* (the approved draft variation).

Following consideration by the Food Ministers' Meeting (FMM), section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the approved draft variation.

2. Variation is a legislative instrument

The approved draft variation is a legislative instrument for the purposes of the *Legislation Act 2003* (see section 94 of the FSANZ Act) and is publicly available on the Federal Register of Legislation (www.legislation.gov.au).

This instrument is not subject to the disallowance or sunsetting provisions of the *Legislation Act 2003.* Subsections 44(1) and 54(1) of that Act provide that a legislative instrument is not disallowable or subject to sunsetting if the enabling legislation for the instrument (in this case, the FSANZ Act): (a) facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more States; and (b) authorises the instrument to be made for the purposes of the scheme.

The FSANZ Act gives effect to an intergovernmental agreement (the Food Regulation Agreement) and facilitates the establishment or operation of an intergovernmental scheme (national uniform food regulation). For these purposes, the Act establishes the Authority to develop food standards for consideration and endorsement by the FMM. The FMM is established under the Food Regulation Agreement and the international agreement between Australia and New Zealand, and consists of New Zealand, Commonwealth and State/Territory members. If endorsed by the FMM, the food standards in Chapter 3 and 4 of the Code are on gazettal and registration incorporated into and become part of Commonwealth, State and Territory laws. These standards or instruments are then administered, applied and enforced by these jurisdictions' regulators as part of those food

laws.

3. Purpose

The purpose of the approved draft variation is to amend the Code to clarify and improve the requirements relating to food safety management of eggs and egg product during primary production and processing, and when sold by retail sale or to caterers and, thereby, better protect public health and safety.

4. Documents incorporated by reference

The approved draft variation does not incorporate any documents by reference.

5. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of proposal P1060 included one round of public consultation following an assessment, targeted communication with key stakeholders, and the preparation of a draft variation and associated assessment summary. Submissions were called for on 31 March 2025 for a 6-week consultation period. Further details of the consultation process, the issues raised during consultation and by whom, and the Authority's response to these issues are available in an approval report published on the Authority's website at www.foodstandards.gov.au.

A Standards Development Advisory Group (SDAG) was established with representatives from the industry sector, and the relevant State, Territory and federal government agencies, to provide ongoing advice to the Authority throughout the standard amendment process. The SDAG contributed a broad spectrum of knowledge and expertise covering industry, government and research.

An Egg Implementation Working Group comprised of State, Territory and federal government regulators was established by the Implementation Sub-committee for Food Regulation to work with the Authority to ensure a nationally consistent approach to implementation of the proposed amendments to the Code.

The Office of Impact Analysis (OIA) has exempted FSANZ from the need to prepare a formal Consultation Regulation Impact Statement in relation to the regulatory change proposed (reference number: OIA24-08429). The OIA was satisfied with the consultation undertaken for this proposal.

A Decision Regulation Impact Statement (DRIS) was prepared by the Authority and has been assessed by the OIA as compliant.

6. 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 44 of the *Legislation Act 2003*.

7. Variation

In this section, references to 'the variation' are references to the approved draft variation.

Clause 1 of the variation provides that the name of the variation is the *Food Standards (Proposal P1060 – Egg food safety and primary production requirements) Variation*.

Clause 2 of the variation provides that the Code is amended by the Schedule to the variation.

Clause 3 of the variation provides that the variation commences on the date that is 18 months after the date of gazettal. This means egg producers and egg processors would have 18 months to make any necessary changes to their business operations to be in a position to comply with the new requirements introduced by the variation.

Schedule to the variation

Standard 4.2.5 Primary production and processing standard for eggs and egg product

Items [1] – **[27]** of the Schedule to the variation amend Standard 4.2.5.

Standard 4.2.5 sets food safety requirements for the primary production and processing of eggs, egg pulp and other egg product for human consumption. Standard 4.2.5 applies in Australia only.

Item [1] of the Schedule repeals the Table of Provisions in Standard 4.2.5 and substitutes it with an amended Table of Provisions.

The amended Table includes amended and new headings in Standard 4.2.5 as a consequence of other amendments to the Standard (see items below).

Item [2] of the Schedule repeals clause 1 of Standard 4.2.5 and substitutes it with an amended clause 1.

Existing clause 1 provides that Standard 4.2.5 does not apply to retail sale or catering activities other than the direct sale of eggs to the public by an egg producer.

Amended clause 1 provides that Standard 4.2.5 does not apply to any of the following:

- the retail sale of eggs or egg product other than the direct sale of eggs by an egg producer to the public;
- catering activities other than the direct sale of eggs by an egg producer to a caterer.

The intent of this amendment is to clarify the operation of clause 1 and that Standard 4.2.5 applies to the direct sale of eggs by an egg producer to a caterer.

Item [3] of the Schedule inserts the definitions for each of the following terms into subclause 2(2) of Standard 4.2.5:

- ‘broken egg’,
- ‘flock’,
- ‘poultry house’,
- ‘range area’.

Subclause 2(2) provides definitions of certain terms for the purposes of Standard 4.2.5.

This amendment means that, for the purposes of Standard 4.2.5:

- A ‘broken egg’ is an egg that meets both of the following criteria: it has a shell with one or more cracks; and its contents are leaking at the time of its collection. The intent of this amendment and new definition is to make clear that the requirements imposed by Standard 4.2.5 in relation to a ‘broken egg’ apply only to eggs meeting

both of these two criteria. These requirements do not apply, for example, to a cracked egg that has been collected and then handled, and at some point during the handling and grading, the egg membrane ruptures and the egg contents then leak.

- A ‘flock’ means all the birds that share a contained area (such as a range area or a poultry house). The intent of this amendment and new definition is to clarify that a flock consists of all the layer hens that inter-mingle and have direct contact with one another, whether that is due to the sharing of the same range area or where they roost overnight. This is important for requirements imposed by Standard 4.2.5 in relation to environmental sampling and the monitoring of bird health as these birds can become infected and spread disease through direct contact with each other.

- A ‘poultry house’ means any of the following: the fixed or mobile housing where birds roost; and/or the ground directly beneath poultry houses where birds roost and where the bird faeces fall and accumulate. Standard 4.2.5 will impose a requirement to undertake environmental sampling in each area that is a ‘poultry house’. The amendment and new definition make clear such sampling must also include the ground beneath the housing where birds roost and where the bird faeces fall and accumulate on the ground.

- A ‘range area’ means an outside area that a flock can access for roaming and foraging. Standard 4.2.5 will impose a requirement that egg producers ensure that range areas do not make eggs unsafe or unsuitable (as defined in Standard 3.1.1). That is, by managing range areas to prevent hazards that could infect or contaminate the birds and eggs they produce.

Item [4] of the Schedule repeals the existing definition for a ‘cracked egg’ in subclause 2(2) and substitutes it with an amended definition for ‘cracked egg’.

The existing definition of ‘cracked egg’ states that the term means an egg which has a cracked shell which is visible, or visible by candling or other equivalent methods, and includes a broken egg.

The amended definition of ‘cracked egg’ provides that the term means an egg that has:

- a shell with one or more cracks that are:
  - visible; or
  - visible by candling or another equivalent method; and
- an intact membrane at the time of collection.

The purpose of this amendment is to clarify that a cracked egg is not a broken egg for the purposes of Standard 4.2.5. This is important as cracked eggs are ‘unacceptable eggs’ for the purposes of the Standard. The Standard permits ‘unacceptable eggs’ that have been processed in accordance with clause 21 to be sold as food (see subclause 23(2)). In contrast, ‘broken eggs’ must not be sold or processed for food and must be diverted away from the human food supply chain.

Item [5] of the Schedule repeals the definition for ‘egg processor’ in subclause 2(2) and substitutes it with an amended definition for ‘egg processor’.

The existing definition of ‘egg processor’ provides that the term means a business, enterprise or activity that involves:

- pulping, separating, grading, packing, washing, candling, assessing for cracks or oiling eggs received from an egg producer; or

- storing or transporting eggs in association with any of the activities listed in the first bullet point; or
- processing egg product under clause 21 of Standard 4.2.5.

The amended definition of 'egg processor' provides that the term means a business, enterprise or activity that includes any of the following activities in relation to eggs:

- assessing for cracks;
- candling;
- cleaning;
- grading;
- oiling;
- packing;
- processing in accordance with clause 21 of Standard 4.2.5;
- pulping;
- separating;
- storing un-marked eggs;
- transporting un-marked eggs.

The amended definition is not intended to capture a business that only receives graded, marked, retail-ready eggs, as this is a 'food business' for the purposes of Chapter 3, not Chapter 4 of the Code.

Item [6] of the Schedule repeals the definition of 'food safety management statement' in subclause 2(2).

This definition is no longer required due to the amendment to clause 3 made by **item [8]** below.

Item [7] of the Schedule to the variation repeals the Editorial note to the definition of 'food safety management statement' in subclause 2(2).

This Editorial Note is no longer required due to the amendment in **item [6]** above, which repeals the definition of 'food safety management statement'.

Item [8] of the Schedule repeals clause 3 and substitutes it with an amended clause 3 and an accompanying Note.

Existing clause 3 sets out the following general food safety management requirements, with which egg producers must comply; that is, an egg producer must:

- systematically examine all of its egg production operations to identify potential hazards and implement control measures to address those hazards,
- have evidence to show that the above systematic examination has been undertaken and that control measures for those identified hazards have been implemented, and
- operate according to a food safety management statement that sets out how the requirements of Division 2 of Standard 4.2.5 are to be or are being complied with.

Amended clause 3 requires that an egg producer must comply with the general food safety management requirements.

The Note to amended clause 3 explains to the reader that the general food safety management requirements are set out in Division 2 of Standard 4.1.1. Clause 1 of Standard 4.1.1 provides that a reference in Chapter 4 of the Code (which includes Standard 4.2.5) to

‘the general food safety management requirements’ is to the requirements set out in Division 2 of Standard 4.1.1. Subclause 4(1) of Standard 4.1.1 provides that, where a Standard in Chapter 4 of the Code provides that a person or business must comply with the general food safety management requirements, the person or business must comply with the requirements set by clauses 4 and 5 of Standard 4.1.1.

Item [9] of the Schedule omits the words ‘take all reasonable measures to’ from clause 4.

The amended clause 4 imposes a requirement that an egg producer must ensure that inputs do not make the eggs unsafe or unsuitable.

The purpose of the amendment is to take account of the provisions of the State and Territory Food Acts which apply and give effect to the Code, including Standard 4.2.5. The Food Acts generally provide that non-compliance with a requirement imposed on a person by a provision of the Code is an offence. However, the Food Act also provide it shall not be an offence if the person took all reasonable precautions and exercised all due diligence to prevent non-compliance with the relevant Code requirement. See, for example, section 26 of the *Food Act 2003* (NSW). These Food Act provisions mean that the ‘take all reasonable measures’ proviso in clause 4 is not required.

Item [10] of the Schedule repeals the Editorial note to clause 4 and substitutes that note with two new Notes.

New Note 1 explains to the reader that subclause 2(1) of Standard 4.2.5 provides that the definitions in Chapter 3 apply to this Standard (unless a contrary intention appears and subject to Standard 4.1.1), and the terms ‘unsafe’ and ‘unsuitable’ are defined in Standard 3.1.1 of the Code.

New Note 2 explains to the reader that the term ‘inputs’ is defined in Standard 4.1.1 of the Code to include ‘any feed, litter, water (including recycled water), chemicals or other substances used in, or in connection with, the primary production or processing activity’ (which, in this case, is egg production). Definitions in Standard 4.1.1 apply to all Standards in Chapter 4 of the Code – unless a contrary intention is expressed (see clause 1 of Standard 4.1.1).

Item [11] of the Schedule omits the word ‘requirements’ from the title to clause 6 and substitutes that word with the words ‘of personnel and visitors’.

The effect of this amendment is that the title to clause 6 is ‘Health and hygiene of personnel and visitors’.

The amended title is consistent with titles of clauses dealing with the same requirement in other Standards in Chapter 4 of the Code.

Item [12] of the Schedule omits the words ‘take all reasonable measures to’ from subclause 6(2).

The amended subclause imposes a requirement on an egg producer to ensure that personnel and visitors exercise personal hygiene and health practices that do not make the eggs unsafe or unsuitable.

The purpose of the amendment is to take account of the provisions of the State and Territory Food Acts which apply and give effect to the Code, including Standard 4.2.5. The Food Acts generally provide that non-compliance with a requirement imposed on a person by a provision of the Code is an offence. However, the Food Act also provide it shall not be an

offence if the person took all reasonable precautions and exercised all due diligence to prevent non-compliance with the relevant Code requirement. See, for example, section 26 of the *Food Act 2003* (NSW). These Food Act provisions mean that the 'take all reasonable measures' proviso in subclause 6(2) is not required.

Item [13] of the Schedule inserts new clause 6A into Standard 4.2.5.

The new clause is inserted after clause 6.

Clause 6A requires an egg producer to ensure the following:

- the presence of any animals, vermin and pests in any of the following does not make eggs unsafe or unsuitable:

  - equipment;
  - premises;
  - range areas;
  - transportation vehicles; and

- any animal used to guard or protect a flock does not make eggs unsafe or unsuitable.

For the definitions of 'flock' and 'range area' – see **item [3]** above.

Clause 2 of Standard 4.2.5 defines the term 'premises' to mean egg production premises or processing premises, which would include poultry houses (fixed or mobile) as these are used in the production of eggs.

As stated in **item [10]** above, subclause 2(1) of Standard 4.2.5 provides that the definitions in Chapter 3 apply to this Standard (unless a contrary intention appears and subject to Standard 4.1.1). Consequently, the definitions in Standard 3.1.1 for 'equipment' and 'pests' would apply to clause 6A.

Animals, vermin and pests are known vectors of *Salmonella* spp and their presence may contaminate eggs. New clause 6A will in effect require egg producers to have controls in place to manage their presence and the risk of contamination.

The clause recognises that egg producers may rely on guard animals to protect their flock. In this case, the egg producer must ensure that use of the animal does not make eggs unsafe or unsuitable.

Item [14] of the Schedule inserts new clause 8A into Standard 4.2.5.

The new clause is inserted after clause 8.

Clause 8A requires egg producers to ensure that a range area does not make eggs unsafe or unsuitable.

Clause 8A does not prescribe how the egg producer must ensure the above and meet this requirement. This lack of prescription provides egg producers with flexibility in how they manage food safety risks associated with the range areas and when required to respond to issues that may arise such as local flock infections with *Salmonella* Enteritidis. The requirement will in effect require egg producers to consider risk factors such as location (and adjacent land activities), design (such as drainage, restriction of access), maintenance (for example, removal or control of vermin attractants such as spilt feed) and operation (such as

when layer hens can access the area following adverse weather).

For the definition of ‘range area’ – see **item [3]** above.

As stated in **item [10]** above, clause 2(1) of Standard 4.2.5 provides that the definitions in Chapter 3 apply to this Standard (unless a contrary intention appears and subject to Standard 4.1.1) - the terms ‘unsafe’ and ‘unsuitable’ are defined in Standard 3.1.1 of the Code.

Item [15] of the Schedule to the variation omits the words ‘the bird is’ from clause 9 and substitutes these with the words ‘the birds are’.

The amended clause 9 provides that an egg producer must not obtain eggs for human consumption from birds if the proprietor, supervisor or employee of the egg producer knows, ought to reasonably know or to reasonably suspect, the birds are affected by disease or a condition that makes the eggs unsafe or unsuitable.

The ordinary meaning of ‘condition’ would apply, which includes ‘a state of health’.

This amendment corrects the grammar of the clause.

Item [16] of the Schedule inserts new clauses 9A and 9B into Standard 4.2.5.

The new clauses are inserted after existing clause 9.

Clause 9A imposes requirements on egg producers to undertake environmental sampling to monitor bird health. In particular, clause 9A requires an egg producer to:

- take samples from each poultry house used by a flock; and
- test those samples for presence of *Salmonella* Enteritidis.

The requirement focusses on *Salmonella* Enteritidis given its ability to infect the internal organs of birds and be deposited within an egg as the egg is formed.

Clause 9B requires egg producers who transport or store collected eggs or egg pulp to ensure the time and temperature conditions under which transport and storage are undertaken do not make eggs or egg pulp unsafe or unsuitable.

Clause 9B does not prescribe how the egg producer must ensure the above and meet this requirement. Nor does it prescribe a temperature or a time for storage and transport. The requirement will in effect require egg producers to be aware of and monitor the temperatures that eggs and egg pulp they transport and store are exposed to and the amount of time that the eggs and egg pulp spend in storage or being transported at such temperatures. This lack of prescription provides egg producers with flexibility in how they manage food safety risks associated with the transport and storage of eggs and egg pulp. It allows, when required, for response to issues that may arise such as local flock infections with *Salmonella* Enteritidis or periods of high temperatures requiring a different management approach.

Item [17] of the Schedule repeals subclause 10(1) in Standard 4.2.5 and substitutes it with an amended subclause 10(1).

Clause 10 sets out traceability requirements with which egg producers must comply.

Existing subclause 10(1) provides that an egg producer must not sell eggs unless each individual egg is marked with the producer’s unique identification.

Amended subclause 10(1) provides that an egg producer must not sell eggs unless each individual egg is uniquely marked to identify the egg producer.

The intent of this amendment is to clarify the requirement imposed by subclause 10(1), align the wording with that used in amended clause 20(1), strengthen traceability of eggs and facilitate rapid traceback to the egg producer where foodborne illness has been linked to an egg.

Item [18] of the Schedule repeals subclause 10(4) in Standard 4.2.5 and substitutes it with an amended subclause 10(4).

As explained above, clause 10 sets out traceability requirements with which egg producers must comply. Existing subclause 10(4) requires an egg producer to have a system to identify to whom eggs or egg pulp is sold or supplied.

Amended subclause 10(4) provides that an egg producer must keep and maintain a record of each of the following:

(a) the number of eggs collected on each date of collection;
(b) the flock from which the eggs were collected;
(c) the number or amount of collected eggs diverted to waste or to egg pulp;
(d) the name and contact details of each person to whom eggs or egg pulp are sold or supplied (other than by direct sale of eggs to the public);
(e) the date of each sale or supply referred to in paragraph (d);
(f) the number of eggs sold or supplied to each person referred to in paragraph (d) on each date referred to in paragraph (e).

The purpose of this amendment is to ensure the egg producer's traceability system contains records for each of these points to enable the system to trace forward and trace back effectively and quickly during an incident.

Item [19] of the Schedule repeals clause 11 of Standard 4.2.5 (including the Editorial note) and substitutes it with an amended clause 11 (including a new Note).

Existing clause 11 provides that an egg producer must not sell or supply eggs or egg pulp for human consumption if the egg producer knows, ought to reasonably know or to reasonably suspect, that the eggs are unacceptable. However, this requirement does not apply where the egg producer sells or supplies unacceptable eggs to an egg processor for processing in accordance with clause 21. Clause 2 of Standard 4.2.5 defines what constitutes an 'unacceptable egg' for the purposes of clause 11.

The Editorial note for clause 11 explains that 'supply' is defined in Standard 4.1.1 of the Code as including intra company transfers of product.

Amended clause 11 maintains the existing requirement for unacceptable eggs and egg pulp, but introduces a new requirement for broken eggs. Amended subclauses 11(1) and (2) provide that an egg producer must not sell or supply each of the following respectively:

- broken eggs for human consumption or for processing for human consumption;
- eggs or egg pulp for human consumption that the producer knows, ought to reasonably know or to reasonably suspect, are unacceptable.

Amended subclause 11(3) provides exceptions to the prohibition imposed by subclause 11(2). Paragraph 11(3)(a) provides that the prohibition does not apply to the sale or supply of dirty eggs to an egg processor for cleaning. Paragraph 11(3)(b) provides that the prohibition does not apply to the sale or supply of egg product to an egg processor for processing in

accordance with clause 21 of Standard 4.2.5.

The Note to amended clause 11 also explains to the reader that 'supply' is defined in Standard 4.1.1 as including intra company transfers of product.

For the definition of 'broken egg' - see **item [3]** above.

The intent of this amendment is to: prohibit an egg producer from selling or supplying broken eggs for human consumption or for processing for human consumption; and to clarity that this prohibition does not prevent the sale or supply of dirty eggs by an egg producer to an egg processor for cleaning, which is a widespread existing industry practice.

Item [20] of the Schedule omits the reference to 'clause 22' in clause 12 of Standard 4.2.5 and substitutes that reference with a reference to 'clauses 22 and 22A'.

Existing clause 12 provides that Standards 3.2.2 and 3.2.3 apply to processing under clause 21 of Standard 4.2.5 and storage and transport under clause 22 of Standard 4.2.5, but not to any other processing activities. Standard 3.2.2 sets specific requirements for food businesses and food handlers to ensure food does not become unsafe or unsuitable. Standard 3.2.3 sets requirements for food premises and equipment used by food businesses.

Existing clause 22 requires an egg processor to ensure egg product processed under clause 21 is stored or transported under time and temperature conditions that control the growth of pathogenic micro-organisms.

Clause 22 is amended by **item [27]** of the Schedule to the variation below.

New clause 22A is also inserted by **item [27]**.

The intent of the amendment in **item [20]** is that the requirements contained within Standards 3.2.2 and 3.2.3 would apply to the storage and transport requirements in both clause 22 (as amended) and new clause 22A. This amendment is required as a result of the amendments in **item [27]** (see below).

Item [21] of the Schedule repeals clause 13 of Standard 4.2.5 and substitutes it with an amended clause 13.

Existing clause 13 sets out general food safety management requirements for egg processors - it provides that an egg processor must:

- systematically examine all of its processing operations to identify potential hazards and implement control measures to address those hazards;
- have evidence to show that a systematic examination has been undertaken and that control measures for those identified hazards have been implemented; and
- operate according to a food safety management statement that sets out how the requirements of Division 3 of the Standard are to be or are being complied with.

Amended clause 13 simply provides that an egg processor must comply with the general food safety management requirements.

The Note to this clause explains to the reader that the general food safety management requirements are set out in Division 2 of Standard 4.1.1. Clause 1 of Standard 4.1.1 provides that a reference in Chapter 4 of the Code (which includes Standard 4.2.5) to 'the general food safety management requirements' is to the requirements set out in Division 2 of

Standard 4.1.1 (unless a contrary intention appears). Subclause 4(1) of Standard 4.1.1 provides that, where a Standard in Chapter 4 of the Code provides that a person or business must comply with the general food safety management requirements, the person or business must comply with the requirements set by clauses 4 and 5 of Standard 4.1.1.

Item [21A] of the Schedule omits 'egg pulp' in paragraph 14(c) of Standard 4.2.5 and substitutes that with 'egg product'.

Clause 14 provides that an egg processor must not receive unacceptable eggs for human consumption unless an exemption listed in that clause applies. Clause 2 of Standard 4.2.5 defines an 'unacceptable egg' to mean: a cracked egg, a dirty egg; egg product which has not been processed in accordance with clause 21; or egg product which contains a pathogenic micro-organism. Standard 1.1.2 defines 'egg product' to mean the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.

Paragraph 14(c) provides an exemption for egg pulp that is to be processed in accordance with clause 21 of Standard 4.2.5.

The purpose of the amendment is to broaden the exemption provided by paragraph 14(c) to include egg product has not yet been processed in accordance with clause 21 and egg product containing a pathogenic micro-organism. The amendment will allow an egg processor to receive this egg product for human consumption provided it will be processed in accordance with clause 21.

Item [22] of the Schedule repeals clause 15 of Standard 4.2.5 (including the Editorial note) and substitutes it with an amended clause 15 (with a new Note) and a new clause 15A.

Existing clause 15 requires an egg producer to take all reasonable measures to ensure inputs do not make the eggs or egg product unsafe or unsuitable. The requirement in effect requires egg producers to consider and then manage risk factors associated with assessment, selection, storage, handling and use of inputs.

The Editorial note to this clause refers the reader to Standard 4.1.1 for the definition of 'inputs'.

Amended clause 15 contains two subclauses.

Subclause 15(1) requires an egg producer to ensure that inputs do not make eggs or egg product unsafe or unsuitable. There is no longer a reference to 'take all reasonable measures'.

The purpose of the amendment is to take account of the provisions of the State and Territory Food Acts which apply and give effect to the Code, including Standard 4.2.5. The Food Acts generally provide that non-compliance with a requirement imposed on a person by a provision of the Code is an offence. However, the Food Act also provide it shall not be an offence if the person took all reasonable precautions and exercised all due diligence to prevent non-compliance with the relevant Code requirement. See, for example, section 26 of the *Food Act 2003* (NSW). These Food Act provisions mean the 'take all reasonable measures' proviso in subclause 15(1) is not required.

Subclause 15(2) provides that for the purposes of subclause (1), 'inputs' includes any of the following:

- chemicals;
- packaging;

- salt;
- sugar;
- water (including recycled water);
- other inputs used in, or in connection with egg processing.

The Note to amended clause 15 explains that the term 'inputs' is defined by clause 1 of Standard 4.1.1 of the Code to also include 'any feed, litter, water (including recycled water), chemicals or other substances used in, or in connection with, the primary production or processing activity'.

These definitions of 'input' are inclusive.

The purpose of the amendment is to clarify what constitutes 'an input' for the purposes of the requirement for egg producers to ensure that inputs do not make eggs or egg product unsafe or unsuitable.

New clause 15A sets out a requirement for egg processors who clean eggs. The new clause requires an egg processor who cleans eggs to ensure that cleaning does not make the eggs unsafe or unsuitable. The new clause does not prescribe how the egg processor must ensure the latter and meet this requirement. This lack of prescription provides egg processors with flexibility in how they manage the food safety risks associated with cleaning eggs.

Item [23] of the Schedule omits the word 'requirements' from the title of clause 18 of Standard 4.2.5 and substitutes that word with the words 'of personnel and visitors'.

The amended title of clause 18 is 'Health and hygiene of personnel and visitors'.

The intent of this amendment is to align the title for this clause with other similar clauses in recent Standards in Chapter 4 of the Code.

Item [24] of the Schedule omits the words 'take all reasonable measures to' from subclause 18(2) of Standard 4.2.5.

The amended clause requires an egg processor to ensure that personnel and visitors exercise personal hygiene and health practices that do not make the eggs or egg product unsafe or unsuitable.

The purpose of the amendment is to take account of the provisions of the State and Territory Food Acts which apply and give effect to the Code, including Standard 4.2.5. The Food Acts generally provide that non-compliance with a requirement imposed on a person by a provision of the Code is an offence. However, the Food Acts also provide it shall not be an offence if the person took all reasonable precautions and exercised all due diligence to prevent non-compliance with the relevant Code requirement. See, for example, section 26 of the *Food Act 2003* (NSW). These Food Act provisions mean that the 'take all reasonable measures' proviso in clause 18 is not required.

Item [25] of the Schedule inserts a new clause 18A into Standard 4.2.5

The new clause is inserted after existing clause 18.

Clause 18A provides that an egg processor must ensure that the presence of any animals, vermin and pests in premises, equipment and transportation vehicles, does not make eggs unsafe or unsuitable.

Animals, vermin and pests are known vectors of *Salmonella* spp and their presence may contaminate eggs. New clause 18A will in effect require egg processors to have controls in place to manage their presence and the risk of contamination.

Item [26] of the Schedule repeals clause 20 of Standard 4.2.5 and substitutes it with an amended clause 20.

Existing clause 20 sets out traceability requirements with which egg processors must comply; that is, egg processors must:

- not sell eggs unless each individual egg is marked with the unique identification of the processor or of the egg producer; and
- not sell or supply egg product unless each package or container containing the egg product is marked with the processor's or the producer's unique identification; and
- have a system to identify:
  - from whom eggs or egg pulp was received; and
  - to whom eggs or egg product was supplied.

Amended clause 20 provides that egg processors must:

- not sell eggs unless each individual egg is uniquely marked to identify the egg producer who produced that egg (see also the amendment to subclause 10(1) in **item [17]** above) (amended subclause 20(1)); and
- must not sell or supply egg product unless each package or container containing the egg product is marked with both of the following:
  - the date on which it was made; and
  - the unique identification of the egg processor (amended subclause 20(2)); and
- keep and maintain a record of each of the following:
  (a) the name and contact details of each person from whom the egg processor received eggs for processing;
  (b) the name and contact details of each person from whom the egg processor received egg product for processing;
  (c) the number of eggs received from each person referred to in paragraph (a) and the date on which those eggs were received;
  (d) the amount of egg product received from each person referred to in paragraph (b) and the date on which the egg product was received;
  (e) the name and contact details of each person to whom the egg processor sold or supplied eggs or egg product (other than by direct sale to the public);
  (f) the date of each sale or supply referred to in paragraph (e);
  (g) the number of eggs and amount of egg product sold or supplied to each person referred to in paragraph (e) on each date referred to in paragraph (f) (amended subclause 20(3)).

The purpose of this amendment is to ensure that the egg processor's traceability system contains records for each of the above. This to enable the regulatory system to trace forward and trace back effectively and quickly during an incident.

Item [27] of the Schedule repeals clause 22 of Standard 4.2.5 and substitutes it with an amended clause 22 and a new clause 22A.

Existing clause 22 provides that an egg processor must ensure that egg product processed under clause 21 is stored or transported under time and temperature conditions that control the growth of pathogenic micro-organisms. Clause 21 sets out requirements for processing egg product.

Amended clause 22 is entitled ‘Storage and transport of eggs’ and provides that an egg processor must ensure that eggs are stored and transported under time and temperature conditions that will not make the eggs unsafe or unsuitable.

New clause 22A is entitled ‘Storage and transport of egg product’ and contains two subclauses.

Subclause 22A(1) provides that an egg processor must ensure that egg product is stored and transported under time and temperature conditions that will:

- not make the egg product unsafe or unsuitable; and
- control the growth of pathogenic micro-organisms.

Subclause 22A(2) provides that, for the purposes of subclause 22A(1), ‘egg product’ includes egg product that is unprocessed and egg product that has been processed under clause 21.

Amended clause 22 and new clause 22A do not prescribe how an egg processor must ensure the above and meet the requirements each imposes. Nor does each prescribe a temperature or a time for storage and transport. The requirement will in effect require egg processors to be aware of and monitor the temperatures that eggs or egg product are exposed to during storage and transport and the amount of time that the eggs and egg product spend in storage or being transported at such temperatures. This lack of prescription provides egg processors with flexibility in how they manage food safety risks associated with the transport and storage of eggs and egg product. It provides flexibility to respond to issues that may arise such as periods of high temperatures, local flock infections with *Salmonella* Enteritidis, and the risk posed by growth of pathogenic micro-organisms during storage or transport of egg product.

Standard 2.2.2 – Eggs and egg products

Item [28] of the Schedule amends Standard 2.2.2. Standard 2.2.2 applies in Australia only and imposes requirements for sale of eggs and egg product at retail sale and sale to caterers.

I**tem [28]** repeals section 2.2.2—4 and substitutes it with an amended section 2.2.2—4. Existing section 2.2.2—4 provides that eggs for retail sale or for sale to a caterer must be individually marked with the egg producer’s or egg processor’s unique identification.

Amended section 2.2.2—4 provides that eggs for retail sale or for sale to a caterer must be individually marked to identify the egg producer who produced the egg.

The term ‘caterer’ is defined in section 1.1.2—2 of the Code.

The intent of this amendment is to align this requirement applying at retail sale and sale to caterers with the amended traceability requirements in clauses 10 and 20 in Standard 4.2.5 applying during egg production and processing (see **items [17]** and **[26]** above).

Attachment C – Draft variation to the *Australia New Zealand Food Standards Code* (call for submissions)

FOOD STANDARDS Australia New Zealand
Te Mana Kounga Kai – Ahitereiria me Aotearoa

Food Standards (Proposal P1060 – Egg food safety and primary production requirements) Variation

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated [To be completed by the Delegate]

[Insert name of Delegate]
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1060 – Egg food safety and primary production requirements) Variation*.

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date that is 12 months after the date of gazettal.

Schedule

Standard 4.2.5—Primary production and processing standard for eggs and egg product

[12] Table of Provisions

Repeal the Table, substitute:

Table of Provisions

[2] Clause 1

Repeal the clause, substitute:

1 Application

This Standard does not apply to any of the following –

(a) the retail sale of eggs other than the direct sale of eggs by an egg producer to the public;
(b) catering activities other than the direct sale of eggs by an egg producer to a caterer.

[3] Subclause 2(2)

Insert in alphabetical order:

broken egg means an egg that has both -–

(c) a shell with one or more cracks; and
(d) contents that are leaking at the time of collection.

flock means all the birds that share a contained area (such as a range area or a poultry house).

poultry house means any of the following –

(c) the fixed or mobile housing where birds roost;
(d) the ground that is directly beneath fixed or mobile housing where birds roost and where bird faeces accumulate.

range area means an outside area that a flock has access to for roaming and foraging.

[4] Subclause 2(2) (definition of *cracked egg*)

Repeal the definition, substitute:

cracked egg means an egg that has –

(a) a shell with one or more cracks that are:
  (i) visible; or
  (ii) visible by candling or another equivalent method; and
(b) an intact membrane at the time of collection.

[5] Subclause 2(2) (definition of *egg processor*)

Repeal the definition, substitute:

egg processor means a business, enterprise or activity that includes any of the following activities in relation to eggs –

(a) assessing for cracks;
(b) candling;
(c) cleaning;
(d) grading;
(e) oiling;
(f) packing;
(g) processing in accordance with clause 21 of this Standard;
(h) pulping;
(i) separating;
(j) storing un-marked eggs;
(k) transporting un-marked eggs.

[6] **Subclause 2(2) (definition of *food safety management statement*)**

Repeal the definition.

[7] **Subclause 2(2) (Editorial note to the definition of *food safety management statement*)**

Repeal the Editorial note.

[8] **Clause 3**

Repeal the clause, substitute:

3 General food safety management

An egg producer must comply with the general food safety management requirements.

Note: The general food safety management requirements are set out in Division 2 of Standard 4.1.1.

[9] **Clause 4**

Omit the words 'take all reasonable measures to'.

[10] **Clause 4 (Editorial note)**

Repeal the Editorial note, substitute:

Note 1 Clause 2(1) provides that the definitions in Chapter 3 apply to this Standard, and the terms 'unsafe' and 'unsuitable' are defined in Standard 3.1.1.

Note 2 The term 'inputs' is defined in Standard 4.1.1 to include 'any feed, litter, water (including recycled water), chemicals or other substances used in, or in connection with, the primary production or processing activity' (which, in this case, is egg production).

[11] **Clause 6 (title)**

Omit 'requirements', substitute 'of personnel and visitors'.

[12] **Subclause 6(2)**

Omit the words 'take all reasonable measures to'.

[13] **After clause 6**

Insert:

6A Animals and pests

(1) An egg producer must ensure the presence of any animals, vermin and pests in any of the following does not make eggs unsafe or unsuitable –

(a) equipment;
(b) grading floors;
(c) premises;
(d) range areas;
(e) sheds;
(f) transportation vehicles.

(2) An egg producer must ensure that any animal used to guard or protect a flock does not make eggs unsafe or unsuitable.

[14] **After clause 8**

Insert:

8A Range area

An egg producer must ensure that a range area does not make eggs unsafe or unsuitable.

[15] Clause 9

Omit " the bird is', substitute 'the birds are'.

[16] After clause 9

Insert:

9A Environmental sampling to monitor bird health

An egg producer must –

(a) take samples from each poultry house used by a flock; and
(b) test those samples for presence of Salmonella Enteritidis.

9B Storage and transport of collected eggs and egg product

An egg producer who transports or stores eggs must ensure that the time and temperature conditions under which those activities are undertaken do not make eggs unsafe or unsuitable.

[17] Subclause 10(1)

Repeal the subclause, substitute:

(1) An egg producer must not sell eggs unless each individual egg is uniquely marked to identify the egg producer.

[18] Subclause 10(4)

Repeal the subclause, substitute:

(4) In addition to subclauses (1) and (2), an egg producer must keep and maintain a record of each of the following –

(a) the number of eggs collected on each date of collection;
(b) the flock from which the eggs were collected;
(c) the number or amount of collected eggs diverted to waste or to egg product;
(d) the name and contact details of each person to whom eggs or egg pulp are sold or supplied (other than by direct sale of eggs to the public);
(e) the date of each sale or supply referred to in paragraph (d);
(f) the number of eggs sold or supplied to each person referred to in paragraph (d) on each date referred to in paragraph (e).

[19] Clause 11

Repeal the clause (including the Editorial note), substitute:

11 Sale or supply

(1) An egg producer must not sell or supply broken eggs for human consumption.

(2) An egg producer must not sell or supply eggs or egg pulp for human consumption that the producer knows, ought to reasonably know or to reasonably suspect, are unacceptable.

(3) Subclause (2) does not apply to an egg producer that sells or supplies unacceptable eggs to an egg processor for processing in accordance with clause 21.

Note 'Supply' is defined in Standard 4.1.1 as including intra company transfers of product.

[20] Clause 12

Omit 'clause 22', substitute 'clauses 22 and 22A'.

[21] Clause 13

Repeal the clause, substitute:

13 General food safety management

An egg processor must comply with the general food safety management requirements.

Note The general food safety management requirements are set out in Division 2 of Standard 4.1.1

[22] Clause 15

Repeal the clause (including the Editorial note), substitute:

16 Inputs

(1) An egg processor must ensure inputs do not make eggs or egg product unsafe or unsuitable.

(2) For the purposes of subclause (1), ***inputs*** includes any of the following –

(a) chemicals;
(b) packaging;
(c) salt;
(d) sugar;
(e) water (including recycled water);
(f) other inputs used in, or in connection with egg processing.

Note The term 'inputs' is defined in Standard 4.1.1 to also include 'any feed, litter, water (including recycled water), chemicals or other substances used in, or in connection with, the primary production or processing activity'.

15A Cleaning of eggs

An egg processor who cleans eggs must ensure that the cleaning does not make the eggs unsafe or unsuitable.

[23] Clause 18 (title)

Omit 'requirements', substitute 'of personnel and visitors'.

[24] Subclause 18(2)

Omit the words 'take all reasonable measures to'.

[25] After clause 18

Insert:

18A Animals and pests

An egg processor must ensure that the presence of any animals, vermin and pests in premises, equipment and transportation vehicles, does not make eggs unsafe or unsuitable.

[26] Clause 20

Repeal the clause, substitute:

20 Traceability

(1) An egg processor must not sell eggs unless each individual egg is uniquely marked to identify the egg producer who produced that egg.

(2) An egg processor must not sell or supply egg product unless each package or container containing the egg product is marked with both of the following –

(a) the date on which it was made; and
(b) the unique identification of the egg processor.

(3) In addition to subclauses (1) and (2), an egg processor must keep and maintain a record of each of the following –

(a) the name and contact details of each person from whom the egg processor received eggs for processing;
(b) the name and contact details of each person from whom the egg processor received egg pulp for processing;
(c) the number of eggs received from each person referred to in paragraph (a) and the date on which those eggs were received;
(d) the amount of egg pulp received from each person referred to in paragraph (b) and the date on which the egg pulp were received;
(e) the name and contact details of each person to whom the egg processor sold or supplied eggs or egg pulp (other than by direct sale to the public);
(f) the date of each sale or supply referred to in paragraph (e);
(g) the number of eggs and amount of egg pulp sold or supplied to each person referred to in paragraph (e) on each date referred to in paragraph (f).

[27] Clause 22

Repeal the clause, substitute:

22 Storage and transport of eggs

An egg processor must ensure that eggs are stored and transported under time and temperature conditions that will not make the eggs unsafe or unsuitable.

22A Storage and transport of egg product

(1) An egg processor must ensure that egg product is stored and transported under time and temperature conditions that will –

(a) not make the egg product unsafe or unsuitable; and
(b) control the growth of pathogenic micro-organisms.

(2) For the purposes of subclause (1), ***egg product*** includes egg product that is unprocessed and egg product that has been processed under clause 21.

Standard 2.2.2—Eggs and egg products

[28] Section 2.2.2—4

Repeal the section, substitute:

2.2.2—4 Traceability

Eggs for retail sale or for sale to a *caterer must be individually marked to identify the egg producer who produced the egg.