November 2006

Submission from the Dietitians Association of Australia
Application 552 - Cadmium in Peanuts

The Dietitians Association of Australia (DAA) has the following comments to make on this application.

In 1997, a decision was made to increase the ML for cadmium in peanuts from 0.05 mg/kg to 0.1 mg/kg in Australia. The reason for this was that this level would be less of a barrier to trade and would not increase the risk in relation to public health and safety. The decision was based on data from the 1995 and 1997 Australian and New Zealand National Nutrition surveys. However, since this last review, there has been no new data and the dietary modeling to be undertaken for presentation at Draft Assessment will assess dietary exposure to cadmium for the Australian and New Zealand populations using the same data used in the previous revision of ML for cadmium in peanuts.

The DAA is of the understanding that the ML for cadmium in peanuts set in 1997 was calculated to be consistent with public health and safety. The DAA is also of the understanding that this level of cadmium in peanuts is achievable from sound production and natural resource management practices. Whilst consideration should be given to Australia's and New Zealand's international trade obligations under the World Trade Organization's Sanitary and Phytosanitary Agreement and Technical Barrier to Trade Agreement, the promotion of trade should not be at the expense of public health and safety and good agricultural practice.

This application has been progressed on the basis that peanuts are a minor contributor to the overall cadmium intake. The last nutrition survey suggested that peanuts contributed approximately 1 - 2% of cadmium to the diet of Australians and New Zealanders. However, more than 10 years have elapsed since this national nutrition survey and these calculations may not represent current intakes. In recent years, there have been many nutrition education programs promoting the health benefits of nuts so peanut consumption may have increased significantly since the last nutrition survey. In addition, there are indicators that the food supply and consumption patterns have changed over the past decade. There has been significant growth in the range of new products since the early nineties (particularly in the snack food sector) and there are indications of increased energy intake across the population.

Any assessment of the public health risk associated with exposure to a contaminant needs to consider total dietary exposure rather than exposure from a single food. Foods which provide a significant contribution to the total dietary exposure can only be ascertained on the basis of up-to-date dietary intake data and toxicological data. Given the fact that this data is not available, the DAA believes that the precautionary principle should be applied to foods containing contaminants which pose a risk to human health, especially as there are growers both local and overseas able to meet the existing ML.

Consumers may be concerned by this application as it seeks a loosening of regulations and may interpret any increase in the ML for cadmium in peanuts as giving preference to trade considerations above the protection of public health and safety. This has the potential to undermine public confidence in the safety of the food supply.

FSANZ has identified three regulatory options for this Application and the DAA would like to make the following comments on these options:

Option 1 – Retain the ML for cadmium in peanuts of 0.1 mg/kg (Status quo)

Maintaining the status quo would not cause a greater exposure of cadmium to the population and would therefore not expose consumers to greater risk. However, with this option, there may be some limitation on the availability of peanuts and which could result in peanut products having a higher price. Currently peanuts are the cheapest "nut" available and are within the budget of most sections of the population but a reduction in price could encourage greater consumption.

It should be taken into consideration that the incidence of peanut allergy is increasing in the population. Since peanut allergy can cause life-threatening anaphylactic events, it may be inadvisable to reduce the cost because this will encourage manufacturers to increase the use of peanuts and peanut derivatives in products making avoidance more difficult for those consumers with peanut allergy.

Could the applicant please supply information on whether there would be any reduction in the cost of peanuts and peanut containing products as a result of increasing the ML and would this be significant enough to alter usage by manufacturers and consumption patterns in the population?

Option 2 – Harmonise with Codex and remove the ML for cadmium in peanuts;

Currently CODEX does not have a limit for cadmium in peanuts. Codex has set levels for cereals, pulses and legumes of 0.1 mg per kg. This is the same as the current level in Australia for peanuts, a legume. Other foods that have ML set by Codex all have MLs at 0.2 mg/kg or less.

Codex Standard 200-1995 is as follows :

> **CONTAMINANTS**[1]
> 4.1 **Heavy Metals**
> The products covered by the provisions of this standard shall be free from heavy metals in amounts which may represent a hazard to human health.

The DAA would like to know what the maximum level of cadmium could be in peanuts from national and international sources before this option is considered to be sure that removal of the ML will not expose high consumers to excessive intakes of cadmium. Current data on the amount of peanuts consumed throughout Australia and New Zealand and data on maximum intakes is needed to calculate exposure. Unfortunately, current national nutrition data is out of date and likely to underestimate the quantity of nuts being consumed in Australia and New Zealand. An alternative may be to use food disappearance data combined with data on the previous distribution of consumption in the population to estimate maximum intakes in subgroups.

Option 3 – Establish a higher ML for cadmium in peanuts.

The establishment of a higher ML for cadmium in peanuts would have the advantage of increasing the number of sources for peanuts sold in Australia. This would allow importers and manufacturers to source cheaper peanuts and these savings may be passed on to the consumer. However, this must be offset by the possible increase in risk to the consumer not only from increased intakes of cadmium, but also from increased risk of peanut protein exposure in those people with anaphylaxis to peanuts.

Could the applicant estimate the minimum increase in the ML of cadmium in peanuts that manufacturers and importers would require to provide industry with sufficient choice of supply to meet demand at a reasonable price?

Summary

The DAA would like to see data on the maximum level of cadmium likely to be found in peanuts imported into Australia and New Zealand and the minimum increase in the ML of cadmium in peanuts required by manufacturers to increase their choice of supply. The DAA would also like to know the maximum possible exposure and which subgroups of the community have the highest intakes.

Peanuts are an excellent source of energy, essential fatty acids, protein, carbohydrate and fibre. If retaining the status quo will lead to a situation where availability is limited, and provided that option 2 or 3 do not increase the risk of harm from excessive cadmium intakes or greater exposure to peanut protein in susceptible groups, then DAA may support a lifting of the current limits for cadmium. However DAA considers that there is insufficient information available in the IAR to recommend an option at this point in time and looks forward to reviewing the DAR.

Food Standards Advisory Committee
Dietitians Association of Australia