

16 November 2012

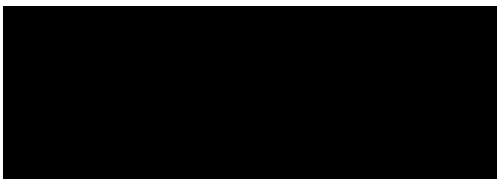
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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the Call for Submissions for **Proposal P1017** *Criteria for Listeria monocytogenes – Microbiological Limits for Foods*.

Yours sincerely



Katherine Rich  
**Chief Executive**

**Food Standards Australia New Zealand**  
**PROPOSAL P1017 CRITERIA FOR LISTERIA MONOCYTOGENES –**  
**MICROBIOLOGICAL LIMITS FOR FOODS**

**Call for Submissions**

**16 November 2012**

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to make a submission on *Proposal P1017 Criteria for Listeria monocytogenes – Microbiological Limits for Foods*.

**New Zealand Food & Grocery Council**

The NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. Collectively this sector generates \$28.7 billion in the New Zealand domestic retail food, beverage and grocery products market and \$26.3 billion in export revenue from exports to 183 countries. Food and beverage manufacturing is the largest manufacturing sector in New Zealand representing 46% of total manufacturing income and 34% of all manufacturing salaries and wages.

Food and beverage manufacturing and wholesaling in New Zealand directly employs 104,160 people (5% total employment) and, when taking the wider food and beverage value chain (including farming and food retailing/foodservice) into account, employment soars to 344,820 in 85,252 enterprises. This represents around one in five people employed in our country.

No matter how you look at it, the New Zealand food, beverage and grocery sector makes a substantial contribution to the New Zealand domestic economy, to our exports and to the general economic well-being of the country.

**Proposal P1017**

The NZFGC understands that the limits for *Listeria monocytogenes* in Standard 1.6.1 in the Australia New Zealand Food Standards Code (Food Standards Code) were developed in the late 1990s. In both Australia and New Zealand and internationally, work has progressed on the approach taken to *L. monocytogenes* to the extent that the provisions in Standard 1.6.1 now warrant review. Food Standards Australia New Zealand (FSANZ) sets out three options for comment. The options are:

- 1) Include limits in Standard 1.6.1 for *L. monocytogenes* on the basis of whether the food is ready-to-eat (RTE) and can or cannot support growth;
- 2) Delete the limits for *L. monocytogenes* and establish reference criteria for *L. monocytogenes* in RTE food on the basis of whether it can or cannot support growth;
- 3) Make no changes – status quo.

## Comments

NZFGC strongly supports a comprehensive review of Standard 1.6.1 to reflect recent work undertaken by Codex. All microbiological criteria should follow a risk based approach to the control of microbiological hazards in food. The criteria should be applied horizontally (across categories of food) and be risk based, rather than be applied vertically (commodity based).

NZFGC therefore considers that Proposal P1017 needs to be set within the context of a broader review and seen as one of a series of reviews that will update Standard 1.6.1 in its entirety.

Proposal P1017 raises issues of consistency of regulatory measures across the food supply, currency of requirements, international harmonisation and the through-chain approach to food safety. NZFGC supports all these aspects being applied coherently and therefore the status quo is not an option.

NZFGC notes that the New Zealand Food Safety Authority and latterly the New Zealand Ministry for Primary Industries (MPI) set a target of no increase in the level of *Listeria* cases over a 5 year period. This project has resulted in considerable research and analysis of infection pathways, attribution and control options. This work has been conducted in close collaboration with industry. Reference to this work is noted in relation to Option 1 but further reference will be important as both this review by FSANZ and the MPI project progresses.

NZFGC supports a combination of Options 1 and 2 on the basis that both regulatory limits (in a standard) and reference criteria (in guidance documents) can be applied, *together with* a suite of tools/approaches including GHP, HACCP etc through the food chain.

## Comment on Regulatory Elements and Options

### Definition of ready-to-eat (RTE) food

NZFGC considers a definition of RTE should be developed that is specific to the management of *L.monocytogenes*. Such a development will need to consider not only the two definitions noted (Codex and the definition in Chapter 3 of the Food Standards Code) but also other RTE definitions applied in New Zealand. Importantly, the definition (unlike the Codex definition) should be explicit about whether a food supports (or not) the growth and survival of *L. monocytogenes*. On this basis, the definition of RTE should provide for the exclusion of categories of food where the survival of *Listeria monocytogenes* is highly unlikely. This would greatly assist industry to target testing where it can most effectively contribute to *Listeria* management.

In defining RTE foods, it will also be important that foods intended for consumption by vulnerable sectors of the community are targeted. This could mean having a separate category of food intended for infants and possibly other vulnerable groups. Such group(s) would then have criteria specific to their needs and separate from criteria for the general food supply.

### Analytical methods

When testing is for purposes of determining compliance against the standard, the method should be an ISO/AOAC based method or another appropriately validated method. There should, however, be the opportunity for industry to seek approval from the regulator, where necessary, of alternative methods that are the more suitable for routine use in their situation. Recognising this need future –proofs the provisions against developments that may occur of that are already in train for specific contexts.

### **Option 1 – Amend the limits for *L. Monocytogenes* in Standard 1.6.1**

NZFGC believes that all food operators should aim for an absence of *L. monocytogenes* at the end of manufacturing and should have in place robust GHP systems for this purpose.

For this reason, effective *Listeria* management requires producers of RTE foods (especially those foods that support the growth of *Listeria* or where there is a high risk of contamination occurring) to actively manage and reduce the risk of contamination occurring. As a result, a combination of regulatory limits (criteria) in a standard and reference criteria in guidance documents should be applied. These should be supplemented by tools/approaches including GHP, HACCP etc through the food chain.

Reliance on regulatory limits alone does not provide assurance of safe food. NZFGC considers that regulatory limits might be usefully applied at the border to provide a level of assurance of the safety of imported foods, in addition to assurances from other country competent authorities.

In general, NZFGC supports alignment of microbiological limits with Codex. However, consideration will need to be given to certain foods where differences in New Zealand have been made:

- impact of the removal of the current limit of 100 cfu/g for RTE processed finfish including cold smoked salmon
- alternative limits for products such as bagged RTE salads.

### **Option 2 – No limits in Standard 1.6.1 – Reference criteria as the alternate**

In applying microbiological criteria for *L. monocytogenes* according to the properties of the food to support the growth/no-growth, the default criteria should be absence of *L. monocytogenes* where the food manufacturer is unable to provide evidence that their food product does not support growth.

NZFGC considers that separate reference criteria should be established for food intended for vulnerable groups. The EC Regulation 2073/2005 on microbiological criteria for foodstuffs contains the following:

- RTE foods intended for infants and for special medical purposes:  $n = 10$  and  $c = 0$
- For other RTE foods able to support growth of *L. monocytogenes*, other than those intended for infants and for special medical purposes:  $n = 5$  and  $c = 0$ .

The Commission Regulation applies a more extensive sampling plan to foods intended for 'at risk' consumers, a concept that should be considered.

### **Option 3 – Status quo**

NZFGC considers the status quo is untenable.

### **Conclusion**

The NZFGC suggests that a combination of Options 1 and 2 is appropriate for the management of *L. Monocytogenes* in the future. This would reflect world best practice and alignment with Codex and would provide on-going confidence in the food supply for consumers.