Ministry for Primary Industries
Manatū Ahu Matua

16 November 2012

Project Officer Proposal P1017
Food Standards Australia New Zealand
PO Box 10559
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WELLINGTON 6036

FS350-118-1017

Dear Sir/Madam

Proposal P1017 Criteria for Listeria monocytogenes – Microbiological Limits for Foods– Call for Submissions

Thank you for the opportunity to comment on this proposal. The Ministry for Primary Industries (MPI) has the following comments to make.

General comments on the Standard 1.6.1 review:

MPI strongly supports the view that Standard 1.6.1 should be subject to a comprehensive review and should reflect the recent international work carried out by Codex. 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 risk based, rather than vertically (commodity based).

As there is useful background to the review of standard 1.6.1 on the FSANZ website, it would be helpful to reference this work in the next stage of the proposal process (including a link to the FSANZ website where the information is located). MPI requests that as further work on the standard 1.6.1 review progresses, that any 'new thinking' is applied to the further work on proposal P1017.

Specific comments on Proposal P1017 – Criteria for *Listeria monocytogenes* (*L. monocytogenes*):

MPI thus supports the review of the microbiological criteria for *L. monocytogenes.*

MPI supports option 1, that is to amend the limits for *L. monocytogenes* in Standard 1.6.1. However, MPI has the following comments:

- Effective *Listeria* management requires producers of Ready to eat (RTE) foods, especially those foods that support the growth of *Listeria* and/or where there is a high risk of contamination occurring, to

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actively manage and reduce the risk of contamination occurring. Therefore, a combination of 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. Reliance on regulatory limits alone does not provide assurance of safe food. Regulatory limits can, however, usefully be applied at the border to provide some assurance of the safety of imported foods.

- All food operators should aim for absence of *L. monocytogenes* at the end of manufacturing and should have in place excellent GHP (This is stated as a target in the draft MPI document *Guidance for the Control of Listeria monocytogenes in Ready-to-Eat Foods).*

- Consideration should be given to separate reference criteria for food intended for vulnerable groups. The EC Regulation 2073/2005 on microbiological criteria for foodstuffs has; n = 10 and c = 0 for Ready To Eat (RTE) foods intended for infants and RTE foods for special medical purposes; and n = 5 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. While these EU groupings do not exactly align with vulnerable groups in terms of susceptibility to *Listeria (*except for the infant group) the concept of a more extensive sampling plan for RTE foods intended for certain at risk consumers is the same. The Commission Regulation applies the tighter sampling plan to all foods intended for this group.

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

- MPI notes that by adopting Codex microbiological limits will remove the current limit of 100 cfu/g for RTE processed finfish. This may require further consideration at the next stage of the proposal process to ensure this is appropriate for all RTE processed finfish including cold smoked salmon. A recent MPI survey is awaiting publishing.

- Other foods where there is no Critical Control Point that removes *L.monocytogenes* include bagged RTE salads. Further consideration should be given to alternative limits for these foods.

- Definition of RTE foods

  MPI notes the comment in section 3.2.1.1 of the Proposal that states 'the definition of RTE applied to any microbiological criteria will take into account existing definitions'. MPI agrees that a definition of RTE should be developed that is specific to the definition and criteria for *L.monocytogenes* regulation. This is important, as there are other RTE definitions in New Zealand legislation that are applied on a case by case basis. Furthermore, as noted by FSANZ, there are definitions in the Food Standards Code.

  MPI considers that the RTE definition for this Proposal should be in relation to whether a food supports (or not) the growth and survival of *L. monocytogenes.*

  It would be preferable that either the RTE definition or the application of the microbiological criteria allows for the exclusion of categories of food that the criteria would not apply to i.e. foods where the survival of *Listeria monocytogenes* is highly unlikely. This would help clarify for industry and enforcement agencies where testing should be focussed and where testing can contribute to *Listeria* management.

  In defining these foods it is important that foods that are 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. This group(s) would then have separate criteria from those for the general categories as defined in Option 1.

- Defining growth
  It would appear that there are a number of tools available for assessing growth e.g. predictive models but these may not be applicable to all food matrices. The alternative is challenge testing, which is an expensive option for small operations. Guidance material for industry and enforcement agencies on the appropriate use of the available tools to evaluate growth potential would be important. Recommended protocols for undertaking challenge studies should also be identified. MPI has conducted work in this area and is developing guidance for food operators and regulators/enforcement bodies.

  It will also be very important to define 'growth' as is done in Codex i.e. the variation between two laboratory counts or estimated numbers from modelling that are within the limits of the detection or estimation methods applied.

- Analytical methods.
  When testing is for purposes of determining compliance against the standard, then the method should be an ISO/AOAC based method or another appropriately validated method. Industry should however be encouraged to identify, and where necessary seek approval from the regulator, of alternative methods that are the most suitable for routine use in their situation.

- Are regulatory limits needed or are reference criteria adequate.
  Please refer to our comments earlier in the submission.

- Point of application of the criteria.
  In indentifying Option 1 as the preferred option, MPI would recommend that the standard acknowledges that the point of application of the standard is in effect the entire shelf-life of the food, as identified by the date mark (as the food should be safe and suitable for sale, from the point of production through the end of the shelf life).

Yours sincerely

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Manager Food Science and Risk Assessment