3 May 2019

Information paper – review of Food Standards Code chapters 3 and 4—Food Safety Management requirements

(Australia only)

FSANZ is reviewing chapters 3 and 4 of the Australia New Zealand Food Standards Code (the Code) to ensure a consistent and current approach to through-chain food safety management in Australia. Chapter 3 contains food safety standards for food businesses and chapter 4 contains primary production and processing standards for primary producers. Requirements in chapters 3 and 4 only apply in Australia.

This information paper outlines the background to the review, the issues that FSANZ will consider, the process and anticipated timelines.

FSANZ will investigate the consistency and currency of the standards in chapters 3 and 4 and will consider:

- requirements for food safety management in the food service sector and closely related retails sector
- potential development of a primary production and processing (PPP) standard for high-risk horticulture products to introduce requirements to manage food safety on-farm, including requirements for traceability.

As part of the review, FSANZ will consider new technologies that have developed since the original standards were developed. FSANZ is expecting to prepare a number of proposals to make amendments to the Code. These are anticipated to commence mid-2019. The Implementation Subcommittee on Food Regulation (ISFR) Integrated Model for Standards Development and Consistent Implementation will be used for each proposal to ensure any amendments to the Code are consistently implemented at the national level.

This paper provides an opportunity for stakeholders to provide general comment on the proposed scope and approach to the review. An opportunity to provide feedback on specific issues related to each area of work will occur during the proposal processes in accordance with the *Food Standards Australia New Zealand Act 1991*. In addition to statutory consultation processes, FSANZ will engage with regulators, industry and consumers through both broad and targeted consultations.

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1 Overview / introduction

1.1 What is the problem we are trying to solve?

Overall, Australia has a strong food safety management system in place which ensures provision of a safe food supply. Despite this, foodborne illness continues to be a problem.

In April 2017, the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum) agreed the food regulation system is producing strong food safety outcomes overall, and identified three priority areas for 2017–2021 to further strengthen the system. One of these priorities is to reduce foodborne illness, particularly related to *Campylobacter* and *Salmonella*, with a nationally-consistent approach. This approach is outlined in *Australia's Foodborne Illness Reduction Strategy 2018-21+* and identifies short and medium term activities, including food safety management in the horticulture and food service sectors as priority focus areas.

Food safety is covered by several standards in the Australia New Zealand Food Standards Code (the Code). These standards aim to lower the incidence of foodborne illness by strengthening food safety and traceability throughout the food supply chain, from paddock to plate. The standards are:

- Chapter 3 — Food Safety Standards (Australia only).
- Chapter 4 — Primary Production and Processing Standards (Australia only)
- Standard 1.6.1 — Microbiological Limits for Food

The food safety standards have not been reviewed since their development in 2000. These standards provide a solid foundation of requirements to support the production of safe food.

Foodborne illness is managed locally by state and territory governments through various means. The food Acts in the jurisdictions (which require that food for sale is safe and suitable) are one management tool. The Forum has asked FSANZ to consider whether, and how, the food laws could be better supported by standards (regulatory measures) or non-regulatory measures.

In particular, the Forum asked FSANZ to:

- reassess regulatory and non-regulatory measures to address food safety in high-risk horticulture products (ready-to-eat, minimally processed fruits and vegetables; fresh leafy green vegetables; melons; berries; and sprouts)

- consider the proposals made by the Food Regulation Standing Committee (FRSC)/ISFR Working Group on Food Safety Management (FSM WG) in 2018.

These proposals included the following regulatory measures for implementation at the national level:

- food safety supervisor arrangements
- requirements for evidence to be provided by food businesses to demonstrate that key activities or control processes are being managed
- mandatory training for all food handlers.

And the following non-regulatory measures:

- food safety culture initiatives specific to the eight food business sectors
- a comprehensive and integrated support and education package to guide both food businesses and local government as key regulatory partners.

1.2 Scope

This is a preliminary information paper outlining FSANZ's proposed work on its review of chapters 3 and 4 of the Code.

1.2.1 What is being reviewed

FSANZ is considering a program of work to review chapters 3 and 4 of the Code to ensure consistency and currency in approach to through-chain food safety management. In particular, FSANZ will address the requests from Forum including:

- requirements for specific food businesses[1] to have:
  - a food safety supervisor
  - evidence to demonstrate that key activities or control processes are being managed
  - mandatory training for all food handlers.

- further consideration of the development of a primary production and processing standard for high-risk horticulture to introduce requirements to manage food safety on-farm, including requirements for traceability.

1.2.2 What is not being reviewed

FSANZ will primarily consider regulatory measures requiring variations to the Code. Any non-regulatory solutions identified will be considered in the cost benefit analysis and referred to the wider food regulatory system for consideration and implementation.

1.3 Existing legislation and policy

The Code is a collection of food regulatory measures given effect by state, territory or other Commonwealth law. These instruments generally rely on provisions that rely on compliance with requirements of the Code.

1.3.1 Food Standards Code

Food Safety Standards

The food safety standards in the Code establish a minimum set of requirements for food businesses for compliance with food Acts. However, these standards have not been reviewed since their development in 2000 and there is a lack of associated measures to integrate these requirements into Australia's current risk-based food regulatory system.

Primary Production Standards

Primary production and processing (PPP) standards have been developed for seafood, poultry meat, meat and meat products, dairy, eggs and egg products and sprouts. The PPP standards do not present a consistent approach to managing risk because they provide a

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[1] Applicable to those food businesses captured under the Policy Guideline on Food Safety Management for General Food Service and Closely Related Retail Sectors

range of food safety management provisions depending on the sector. This inconsistency has arisen because the standards were developed iteratively over time by commodity.

Food safety in high-risk horticulture

With the exception of seed sprouts, the Code does not include specific food safety requirements for high-risk horticulture.

FSANZ previously examined food safety management in the horticulture sector under Proposal P1015 – Primary Production and Processing Standard for Horticulture[2] (refer to section 3.3.2). Following consultation on the proposal, FSANZ decided that a strategy for maximising food safety in horticultural produce without introducing regulatory measures in the Code was preferred. This strategy included use of existing regulatory and non-regulatory systems, as well as creating a joint industry-government body for collating information, responding to incidents and monitoring food safety in horticulture.

1.3.2   FSANZ Act requirements

In considering whether to make amendments to the Code, FSANZ must consider whether variations address the three primary objectives of standards development under subsection 18(1) of the FSANZ Act. These are:

- The protection of public health and safety.
- The provision of adequate information relating to food to enable consumers to make informed choices.
- The prevention of misleading or deceptive conduct.

Further, under subsection 18(2), FSANZ must also have regard to:

- The need for standards to be based on risk analysis using the best available scientific evidence.
- The promotion of consistency between domestic and international food standards.
- The desirability of an efficient and internationally competitive food industry.
- The promotion of fair trading in food.
- Any written policy guidelines formulated by the Forum on Food Regulation.

When assessing the development or variation of any food regulatory measure, FSANZ has to have regard to the following matters in section 59 of the FSANZ Act:

- Whether costs that would arise from a food regulatory measure developed or varied as a result of the proposal outweigh the direct and indirect benefits to the community, Government or industry that would arise from the development or variation of the food regulatory measure.
- There are no other measures that would be more cost-effective than development of or a variation to a standard that could achieve the same end.
- Any relevant New Zealand standards.
- Any other relevant matters.

1.3.3   Policy Guidelines

Three policy guidelines apply to FSANZ's standard development work for chapters 3 and 4 of the Code:

- Ministerial Policy Guidelines on Food Safety Management in Australia: Food Safety Programs (endorsed December 2003).
- Policy Guideline on Food Safety Management for General Food Service and Closely Related Retail Sectors (endorsed November 2011).
- Overarching Policy Guideline on Primary Production and Processing Standards (endorsed June 2002, revised May 2006).

2   A nationally consistent approach to managing foodborne illness

2.1   State and territory implementation

The standards in the Code are implemented by each state and territory jurisdiction through relevant state and territory food Acts. The food laws provide the basis for consistent application and implementation of regulatory requirements nationally.

Modernisation of chapters 1 and 2 of the Code occurred under Proposal P1025 – Code Revision and came into effect in early 2016. However, a review of chapters 3 and 4 was deferred. In the absence of this review, some jurisdictions developed food safety instruments in their food Acts to address specific issues, such as the requirement for a mandatory food safety supervisor. This has led to national inconsistency in the food safety regulatory requirements placed on food businesses in Australia.

PPP standards were developed over time commodity by commodity. This has resulted in some inconsistency in approach both within the chapter 4 standards and between chapter 3 and 4 standards. This may have led to inconsistencies in implementation of the PPP standard requirements by jurisdictions.

Foodborne illness continues to be associated with the food service and horticulture product sectors. Since 2014, foodborne illness outbreaks in Australia have been associated with consumption of berries, pre-packaged lettuce, mung bean sprouts, rockmelons and pomegranate arils. There is a clear need to ensure consistent food safety requirements for high-risk horticulture products across all jurisdictions.

3   Issues

3.1   Code revision

A review of the legal efficacy of the Code was undertaken by FSANZ under Proposal P1025 – Code Revision, with amendments to the Code coming into effect in March 2016. The scope of that proposal was restricted to chapters 1 and 2, with a review of chapters 3 and 4 to follow. Initial scoping for a review of chapters 3 and 4 commenced in early 2018. Some issues identified included:

- Technical issues including removing the duplication of definitions in Standard 3.1.1 – Interpretation and Application and the Model Food Provisions.
- Conflict between alternative means of compliance in clause 25 of standard 3.2.2 and state and territory legislation.
- Lack of clarity regarding how food safety program references in standard 3.2.2 interrelate with standard 3.2.1.
- Inconsistent approach to use of the terms "food safety program", "food safety management statement", and "taken to comply arrangements".
- Conflict of terms between those used in the Code and the Model Food Act including:

"unsuitable" and "unacceptable" in chapter 4 of the Code; and "unsafe" and "unsuitable" in the Model Food Provisions.

- The current definition of primary food production applies based on where activities occur (e.g. on farm and therefore subject to chapter 4 requirements). Some of these activities may include food handling activities such as packing or washing which would normally be undertaken by food businesses and covered by chapter 3 requirements.

These issues will be considered and an opportunity to comment will be provided during the proposal processes.

3.2   Food service

3.2.1   Background

One of the aims of the food safety standards in the Code is to lower the incidence of foodborne illness by placing obligations on food businesses to ensure food is safe and suitable. Since their development, some jurisdictions have amended their food Acts to include additional food safety management provisions.

Standard 3.2.1 – Food Safety Programs was gazetted in 2000. *The Policy Guideline on Primary Production and Processing Standards* (2002); *Policy Guideline – Food Safety Management* (2003), and the *Policy Guideline on Food Safety Management for General Food Service and Closely Related Sectors* (2011) were released after the standard was published.

The 2003 *Ministerial Policy Guidelines on Food Safety Management in Australia: Food Safety Programs* identified high risk food businesses that should be required to have a food safety program (FSP) to manage risks. The identification was based on the *National Risk Validation Project* using epidemiological data primarily from the 1990s. The four high risk sectors included: food service to vulnerable populations, raw oysters and other bivalves, manufactured and fermented meat, and catering operations to the general public. Standards have been gazetted requiring FSPs in all sectors except the catering sector.

In 2004, FSANZ initiated Proposal P290 – Food Safety Programs for Catering Operations to the General Public to implement the 2003 guidelines in the catering sector. The proposal highlighted the difficulties associated with applying a FSP to this sector and the need for alternative tools to manage food safety risks. A jurisdictional Food Safety Management Working Group (FSM WG) was convened to consider and address these issues and the proposal was put on hold.

In the absence of an agreed national approach, and given the high level of food safety risk within this sector, several jurisdictions implemented additional food safety requirements for this sector in their foods Acts. Currently four jurisdictions have implemented requirements for food safety supervisors, while mandatory training of all food handlers has not been applied in any jurisdiction.

In 2011, Forum endorsed the *Ministerial Policy Guideline on Food Safety Management for General Food Service and Closely Related Retail Sectors* (Policy Guideline) to provide revised policy guidance for the catering sector. The 2011 guideline promotes the use of a range of food safety management options, proportionate to risk, for Priority 1 and Priority 2 food businesses including additional food safety management tools between the baseline requirements of Standards 3.2.2 and 3.2.3 and a food safety program. The FSM WG was tasked with implementing the revised policy advice.

Since 2011, the FSM WG has considered:

- How to implement the outcomes from the 2011 policy guidelines, including a tiered approach for food safety management based on risk.
- The work of Codex Alimentarius and the revised General Principles of Food Hygiene to form the basis for enhanced measures.
- Feedback from the jurisdictions who have implemented regulatory requirements, such as a requirement to food safety supervisors.

3.2.1.2 Working group recommendations

The FSM WG have identified the need for additional food safety management tools to complement Standard 3.2.2 for Priority 1 and Priority 2 businesses. These businesses are described in The Risk Profiling Framework[3] and include:

General food service sector
- on and off-site catering
- eating establishments

Closely related retail sectors
Retailers of ready-to-eat:
- potentially hazardous bakery products (including processors)
- delicatessen products
- processed seafood products
- perishable packaged foods (e.g. sandwiches)

The food safety management tools identified by the FSM WG include:
- evidence of skills and knowledge (acquired via competency-based training) and documented record keeping for Priority 1 food businesses within the scope of the Policy Guideline
- evidence of skills and knowledge (acquired via competency and non-competency based training) for Priority 2 food businesses within the scope of the Policy Guideline.

3.2.2 Codex General Principles for Food Hygiene

The Codex Committee for Food Hygiene (CCFH) is currently reviewing the General Principles for Food Hygiene (CAC/RCP1) to consider the concept of additional measures that are not critical control points (as defined within the Hazard Analysis and Critical Control Point (HACCP) system), but are more than Good Hygienic Practice (GHP). These 'enhanced food safety control measures' may include practices and processes (e.g. cleaning) identified as needed to manage a specific hazard/s. Documented procedures and record keeping (e.g. monitoring records) would be expected for these controls.

The Codex consideration represents a new approach to determining the hazards associated with a food and its production and the application of appropriate control measures based on risk. This concept of a tiered approach could be considered in the review of chapter 3.

3.2.3 Discussion

The 2011 policy guideline recognises that sector-specific regulatory and non-regulatory measures may be required to manage food safety risks in eight sectors (Priority 1 and Priority 2 businesses classified under the national risk-classification system). They also recognise the strong foundation provided by standards 3.2.2 and 3.2.3 and by state and

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[3] The Risk Profiling Framework is a risk assessment tool used to classify and prioritise food businesses in different sectors.

territory food Acts.

Significant consultation has been undertaken with the catering/retail sector and food regulators. The information gained from these consultations will assist in this work.

FSANZ will review Standard 3.2.1 – Food Safety Programs to consider a range of risk management tools (for inclusion across chapters 3 and 4), that can be applied either to specific business types defined in the Code or those identified based on a risk/priority classification system.

When reviewing standard 3.2.2, FSANZ will consider the skills and knowledge requirement for food safety supervisors and mandatory training for all food handlers.

FSANZ will assess the proposed requirement for P1 and P2 businesses to provide evidence that high risk activities and processes are being controlled. This could include having operating procedures and monitoring activities that demonstrate that a business understands the food safety risks associated with its food handling operations and that the risks are being managed.

The following four broad areas of process control were identified by the FSM WG:

- food handling (including 2/4 hour rule)
- temperature control (including receipt of foods, cooking, hot holding, cooling and storage)
- cleaning and sanitising
- calibration and maintenance of equipment.

Consultation has identified that the Code should not set procedural requirements or request verification but rather, ask businesses to record what they are already monitoring and be able to provide evidence of these activities upon request.

To ensure consistent national implementation, the ISFR Integrated Model for Standards Development and Consistent Implementation will be employed to give effect to the identified measures.

FSANZ will prepare a proposal to examine possible regulatory measures for food service and retail sector Priority 1 and Priority 2 businesses relating to:

- mandatory food safety supervisor requirements (competency based)
- mandatory training requirements for all food handlers (non-competency based)
- evidence that high risk activities and processes are being controlled.

In addition, FSANZ will consider the demarcation between chapter 3 and 4 of the Code that is currently made by application of the definitions of Food Business and Primary Production, respectively, in standard 3.1.1.

3.3   High-risk horticulture

3.3.1   Background

Outbreaks of foodborne illness continue to be associated with horticulture products in Australia and elsewhere. In 2011, FSANZ prepared a proposal to examine food safety management in horticulture under Proposal P1015 – Primary Production and Processing Standard for Horticulture[4]. This proposal was abandoned in 2014 in favour of non-regulatory

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[4] http://www.foodstandards.gov.au/code/proposals/Pages/proposalp1015primary5412.aspx

measures. At the time, it was estimated 70-80% of horticultural produce in Australia was grown under a food safety scheme.

Following the FSANZ proposal, jurisdictional food regulators consulted with stakeholders in the horticulture sector about food safety risks. A number of key themes emerged including:

- Engagement and information sharing – The need for ongoing, regular engagement and conversations between regulators and industry about food safety and why it matters. A key challenge identified was the large number of peak bodies in the fresh produce sector and the lack of a single collective industry voice.
- Awareness and education – Greater attention is required to the awareness, education and skills development of workers along the supply chain about food safety risk.
- Traceability and supply chain – Difficulties exist in quickly identifying and quantifying the supply chain, including tracing product, which is particularly important during incident management.
- Government monitoring – An expectation exists that government will monitor the fresh produce sector to verify effective management of food safety.

Since 2014, there have been several food incidents involving fresh produce in Australia:

- Hepatitis A in frozen berries (2015)
- *Salmonella* in pre-packed lettuce (2016)
- *Salmonella* in mung bean sprouts (2016)
- *Salmonella* in rockmelons (2016)
- Hepatitis A in frozen berries (2017)
- *Listeria monocytogenes* in rockmelons (2018)
- Hepatitis A in pomegranate arils (2018)

The impact of these incidents can be significant. For example, the 2018 outbreak of *Listeria* associated with rockmelons resulted in 22 cases (including at least 7 deaths) across four jurisdictions. In addition, the outbreak temporarily closed an export market and impacted the domestic market with losses to growers estimated to be $15 million.

Investigations into some of the more recent outbreaks have indicated that food safety schemes were in place, but had not been effective to avoid an outbreak. This suggests that the level of assurance provided by such schemes does not provide the necessary assurance to support confidence in the safety of food.

Noting the recent increase in the number and severity of foodborne illness outbreaks associated with high-risk horticulture products, Forum agreed on the need to reassess the measures to control food safety risk. Five high-risk horticulture sectors were noted including ready-to-eat and minimally processed fruits and vegetables, fresh leafy green vegetables, melons, berries, and seed sprouts. These sectors reflect those identified in the annexes to the Codex Alimentarius Code of Hygienic Practice for Fresh Fruits and Vegetables (CoHP FFV) (see section 3.3.3).

Forum also recommended consideration be given to food safety culture to encourage behaviour changes as recent outbreaks have had root-causes in line with issues identified previously in P1015:

- water – pre and post-harvest
- inputs – fertilisers, pesticides, etc
- environmental factors
- equipment
- handling.

Activities or initiatives to improve food safety culture in the horticulture sector may be considered non-regulatory measures. There are a number of initiatives to examine food safety culture currently included under the National Foodborne Illness Strategy. Should additional initiatives or activities be identified, these will be referred to jurisdictional food regulators for consideration.

3.3.2   P1015 – Primary Production and Processing Standard for Horticulture

The FSANZ proposal P1015 – Primary Production and Processing Standard for Horticulture (P1015), abandoned in 2014, aimed to examine the hazards associated with horticulture products, existing risk management measures and possible measures that could be introduced into the horticulture sector.

The scope of the project included fresh horticulture produce: fruit, vegetables (including mushrooms and microgreens), herbs and nuts that are provided for sale in the raw state; and through chain activities involved in their production from on farm through to sale.

A significant body of work was undertaken during the proposal to review foodborne illness associated with selected fresh ready-to-eat horticultural produce, as well as a review of current food safety systems in place for this sector. These reports are available as Supporting Documents 2 and 3 to P1015 respectively[5].

The review of foodborne illness reaffirmed the assumptions identifying the commodities and production activities most likely to result in produce contamination and outbreaks of foodborne illness. However, it also noted that the findings should not preclude the potential that other commodities and/or production activities may be implicated in future horticultural-associated foodborne illness outbreaks.

The food safety system review assessed nine food safety systems, believed at the time to be the most widely accepted third-party audited systems. The work identified that about 70-80% of horticultural produce for sale in Australia was produced under a food safety scheme that contained measures to control identified risk factors.

A key finding of the proposal work was that enforcement of regulatory requirements for horticulture would be challenging due to the horticulture industry consisting of a large proportion of small businesses, the diversity and changeability of commodities and the large geographical spread involved. Given the diverse and unknown nature of some parts of the sector, a "one size fits all" regulatory approach was considered problematic to develop and deliver.

FSANZ concluded that a regulatory approach did not present the most effective approach to risk mitigation and that a strategy cooperatively developed by industry and state and territory governments to address food safety, without establishing specific requirements in the Code, was preferable.

FSANZ has now been asked to reconsider that finding and to investigate whether the non-regulatory efforts of industry and regulators require supplementation through regulation that adds to the basic requirement that food for sale must be safe and suitable.

3.3.3   Codex Code of Hygiene Practice for Fresh Fruits and Vegetables

The Codex Alimentarius *Code of Hygiene Practice for Fresh Fruits and Vegetables* (CoHP FFV) provides a general framework of recommendations that can be uniformly

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[5] http://www.foodstandards.gov.au/code/proposals/Pages/proposalp1015primary5412.aspx

applied across the horticulture sector. The Code covers general hygienic practices from primary production to consumption of fresh fruits and vegetables and in particular for those intended to be consumed raw. The CoHP FFV applies to fresh fruits and vegetables grown in open or protected systems and focusses on the prevention and control of microbiological hazards.

The CoHP FFV contains Annexes for *Ready-to-eat, Fresh, Pre-cut fruits and vegetables (Annex I), Sprout Production (Annex II), Fresh Leafy Vegetables (Annex III), Melons (Annex IV)* and *Berries (Annex V).* These Annexes include additional recommendations.

The Annexes cover:

- Ready to eat fresh fruits and vegetables – any fruit or vegetable that is normally eaten in its raw state, intended for direct human consumption without any further microbiocidal steps. This may include any fruit or vegetable that has been washed, peeled, cut or otherwise physically altered from its original form but remains in the fresh state.
- Sprouts - applies to primary production of seeds for sprouting and the production of sprouts for human consumption.
- Fresh leafy vegetables – include all vegetables of a leafy nature where the leaf is intended to be consumed, including, but not limited to, all lettuce, spinach, cabbage, chicory, endive, radicchio and fresh herbs such as coriander, cilantro, basil, betel leaf, curry leaf, fenugreek leave, Colocasia leaves and parsley.
- Melons – whole and/or pre-cut cantaloupe (also known as muskmelons and rockmelons), watermelon and honeydew and other varieties of melons.
- Berries - all edible varieties of berries, including, but not limited to: strawberries, raspberries, blackberries, mulberries, blueberries, currants, gooseberries and ground cherries. For wild-berries – only the measures for handling and post-harvest activities apply.

The CoHP FFV and its annexes were informed by a risk ranking approach (published in 2008) that grouped fresh fruits and vegetables into three priority areas:

- Priority 1: leafy green vegetables.
- Priority 2: berries, green onions, melons, sprouted seeds, tomatoes.
- Priority 3: carrots, cucumbers, almonds, baby corn, sesame seeds, onion and garlic, pawpaw, celery and maimai.

3.3.4   Discussion

The CoHP FFV and P1015 provide a baseline for the new work on high-risk horticulture. FSANZ will review all previous work for relevance and currency and fill any gaps relevant to the scope of high-risk horticulture.

Proposal P1015 considered all fresh horticultural produce in the raw state including all fruit and vegetables – including microgreens, mushrooms, herbs and nuts. The scope of P1015 assessment work was broader than the commodities reflected in the CoHP FFV annexes.

In targeted consultations, food regulators have recommended that FSANZ develop requirements to manage food safety risks in the primary production and processing sector for all high-risk horticulture commodities as reflected in the CoHP FFV. This request relates to the very broad range of products included in the CoHP FFV and an equally broad range of associated production activities. For this reason, a reduction in scope, based on risk, may be necessary. Consideration may also be given to staging the work. FSANZ does not consider it practical to undertake a consultation that assumes a homogenous class of high-risk horticulture products.

In relation to sprouts as a high-risk horticulture product, it should be noted that the Codex Annex provides commentary in relation to seed production; an area that was explicitly excluded from the Code provisions. Standard 4.2.6 – Primary Production and Processing Standard for Seed Sprouts applies requirements for traceability and processing activities to sprout processors, whose activities present the most effective point for risk mitigation for food for sale. Requirements in the food safety standards (3.2.2 and 3.2.3) also apply because sprout processors are food businesses. FSANZ will consider if any amendments to Standard 4.2.6 are required.

FSANZ will review key differences between the CoHP FFV and the Code including:

- the definition of primary food producer and ready-to-eat food
- post-harvest activities
- in the CoHP FFV, primary production ends once the harvested product is field-packed and transported to a packing shed
- ready-to-eat food is anything intended to be eaten without further microbiocidal steps and within Codex, washing is specifically mentioned as a process that may render a food ready-to-eat.

FSANZ will also consider the issues and possible risk management associated with supply chain vulnerabilities, the role of traceability and use of new technologies.

To ensure consistent national implementation, the ISFR Integrated Model for Standards Development and Consistent Implementation will be employed.

An engagement and consultation strategy will also be developed for both broad and targeted consultation with the affected industries.

4   Legislative approaches

4.1   Regulatory measures

The FSANZ Act empowers FSANZ to develop two types of instruments, standards and codes of practice. A standard is a formal regulatory response although not enforceable by itself. Standards are given effect by state, territory or other Commonwealth law, which generally rely on provisions that rely on compliance with requirements of the Code. Codes of practice can be used to provide additional context to assist compliance with a standard. A code of practice is not a standard and is not given effect by jurisdictional food laws. A code of practice could have a broader reach because it has a lower regulatory impact.

Primary production and processing standards are incorporated into Chapter 4 of the Code and are Australia-only standards. Along with other standards in the Code, these standards provide an approach to managing food safety in Australia that extends from production on the farm through to sale to the consumer. The process for developing such standards takes into account existing food safety requirements implemented by the sector, including any existing regulations (e.g. state/territory legislation), industry codes of practice or guidelines, and accredited food safety systems.

With the exception of seed sprouts, there are currently no food safety requirements in the Code applying specifically to horticultural produce.

Chapter 3 standards apply to all food businesses including those that handle or sell horticultural produce. Some requirements in these standards can apply to activities such as transport and pack house activities (as long as they are not "primary food production"). Some

elements of traceability are provided through the food receipt and recall provisions of standard 3.2.2, along with labelling requirements under standard 1.2.2.

4.2 Non-Regulatory measures

Where non-regulatory approaches are identified and considered appropriate, FSANZ will refer these recommendations to the wider food regulatory system for consideration, development and implementation.

5 Way forward

FSANZ anticipates preparing three proposals to address the work:

- A proposal to consider development of a Primary Production and Processing Standard for high-risk horticulture. Proposed high-risk horticulture includes leafy green vegetables, melons, berries, sprouts and ready-to-eat minimally processed fruits and vegetables.

  - FSANZ is proposing to progress this proposal under the major assessment procedure with two rounds of public consultation to allow adequate identification and consultation with affected industries on the risk management measures required, the cost benefit assessment and the drafting.

  - Anticipated commencement mid-2019.

- A proposal to address food safety management in the catering and retail sectors.

  - FSANZ is proposing to progress this proposal under the general assessment procedure with one round of public consultation as both the necessary requirements and cost benefit work have already been substantially progressed by food regulators.

  - Anticipated commencement mid-2019

- A third proposal may need to be raised to address any remaining Chapter 3 and 4 general amendments or gaps that are identified during the process of the first two proposals and are considered out of scope.

The ISFR Integrated Model for Standards Development and Consistent Implementation will be used for each proposal to ensure consistent implementation at the national level.

6 Consultation

FSANZ has consulted extensively with food regulators to address the scope and approach for progressing this work. In addition, extensive consultation for food safety management in the catering sector has also been undertaken over a number of years. Where existing consultation and engagement mechanisms have been established, these will continue to be used.

While this is an information paper, FSANZ welcomes broad comment on the proposed scope and approach to the review of chapter 3 and 4 standards, including potential requirements for food safety management in the food service and high-risk horticulture sectors.

For information about making comments, visit the FSANZ website at information for submitters.

Deadline for comments is: 31 May 2019

Comments can be made in writing; be marked clearly with the words 'Comments on chapter 3 and 4 review'. Please send any comments you may have to submissions@foodstandards.gov.au.

For those wishing to submit comments in hard copy form, please send them to the following address:

Food Standards Australia New Zealand
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KINGSTON ACT 2604
AUSTRALIA
Tel +61 2 6271 2222

We have not sought feedback on specific issues related to each area of work, as there will be opportunity for this during the proposal processes. FSANZ, in accordance with the FSANZ Act, will continue to engage in public consultation during the assessment stages for each of the proposed proposals. In addition to the FSANZ statutory consultation processes, FSANZ will engage with regulators, industry and consumers on an ongoing basis through both broad and targeted consultations.