

**Proposal P1004**  
**Primary Production & Processing Standard**  
**for Seed Sprouts - Consultation Paper**  
**First Assessment Report**

6 August 2009

Project Manager – P1004  
Food Standards Australia New Zealand  
PO Box 7186  
Canberra BC ACT 2610

Dear Sir/Madam  
Submission – Proposal P1004  
Primary Production and Processing Standard for Seed Sprouts  
First Assessment Report

The NSW Food Authority (the Authority) provides the following information and comments in response to the First Assessment Report released by FSANZ on 15 July 2009.

**1. Regulatory Options**

The Food Authority supports Risk Management Option 3 for seed sprout production providing that the proposed regulatory measures are clearly stated (eg food safety programs in accordance with Standard 3.2.1). Option 3 aligns most closely with the regulatory requirements for sprout producers in NSW.

In 2005, based on the findings of its positive public benefit analysis, the Authority introduced Food Safety Scheme requirements for NSW sprout producers to implement audited food safety programs in accordance with HACCP or Standard 3.2.1 *Food Safety Programs* of the Food Standards Code (the Code).

The Authority also observes that the Guidelines produced by the Australia and New Zealand Sprout Grower's Association states members need to implement externally audited HACCP programs. The food safety measures required by the Association provides this process with a clear direction as to the appropriateness of food safety programs (for sprout producers) as an appropriate risk management measure.

2. **The scope of the NSW regulatory measures.** Only seed sprout production is subject to the NSW Plant Products Food Safety Scheme requirements. However, snowpea sprouts are the only sprout type not captured under the Regulation. The Food Safety Scheme does not apply to primary production processes such as growing, harvesting, cleaning, storing and transporting seed used for growing sprouts. Primary production is also not subject to the minimum food safety and hygiene requirements as set out in Chapter 3 of the Code. Any proposed regulatory measures for the primary production sector, needs to be guided in future by risk assessment work. FSANZ must be able demonstrate the efficacy of any proposed regulatory measures and that the benefits of implementing those measures clearly outweigh the costs
3. **Refining the definition of seed sprouts for the application of Standard.** The Authority observes that the definition of seed sprouts footnoted on page 3 states that 'seed sprouts... are generally consumed as a salad vegetable.' It is our understanding, that mung bean sprouts are often served lightly cooked.
4. **Scientific justification.** The Authority has provided FSANZ with its scoping study on the Risk of Plant Products (2000)<sup>1</sup> report. The report classifies the production of seed sprouts with a high microbiological risk rating. This report, in conjunction with foodborne illness data, provided the scientific justification for introducing mandatory food safety programs for sprouts producers in NSW.
5. **Parties affected by the proposed Standard.** The Authority observes that, in NSW, any change from the status quo may require implementation and enforcement costs associated with regulatory measures for the primary production sectors of the chain such as; seed growing, harvesting, cleaning, storage and transport.
6. **A suite of risk management measures is available to manage the safety of sprout production, their efficacy is variable.** The Authority agrees with FSANZ' identification and assessment of sprout production control measures and their likely efficacy. The Authority looks forward to learning the outcomes of the jointly funded research project into the efficacy of different but comparable seed disinfection processes.
7. **Clarifying costs and benefits of the proposed risk management options.** At this time, the Authority believes it is difficult for submitters to provide informed comment on the costs and benefits of the proposed risk management options as they have not yet been clearly defined. In relation to Option 3, unlike in NSW, the Authority notes that the scope of the proposed measures may extend to all primary production and processing activities. Additionally, the effectiveness and cost of any proposed regulatory measure needs further clarification.

In relation to sprout production, the Authority was able to demonstrate a positive benefit to cost ratio for the introduction of the Plant Products Food Safety Scheme (2005). The Scheme requires plant products businesses, including sprout producers, to introduce audited food safety programs in accordance with Standard 3.2.1. The Authority (then SafeFood NSW) prepared a Regulatory Impact Statement (2004). Copies are available upon request.

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**Approved by:** Craig Sahlin

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<sup>1</sup> Final Report – Scoping study on the Risk of Plant Products (October, 2000) prepared for the NSW Food Authority (the then SafeFood NSW) by Food Science Australia.

**The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.**