

## **Proposal 1052**

### **Primary Production and Processing Requirements for Horticulture (Berries, Leafy Vegetables and Melons)**

#### **2nd Call for submissions**

#### *Summary*

NSW appreciates the opportunity to comment on the 2<sup>nd</sup> call for submissions for Proposal 1052 – Primary Production and Processing Requirements for Horticulture (Berries, Leafy Vegetables and Melons).

NSW supports option 3, the combination of regulatory and non-regulatory measures proposed as representing the most cost-effective way to reduce foodborne illness in each of the three relevant sectors. NSW supports inclusion of the three proposed standards drafted by FSANZ for berries, leafy vegetables and melons into Chapter 4 of the Australia New Zealand Food Standards Code (the Code). The segregated risk management approach applied to the commodities is commensurate with their level of risk.

NSW acknowledges some businesses participate in voluntary food safety schemes. NSW commits to exploring recognition of GFSI benchmarked voluntary food safety schemes as a means of demonstrating compliance with the proposed standards.

#### *Risk management in the berry, melon and leafy vegetable sectors*

NSW considers introduction of the proposed PPP standards will better align domestic food safety management for these commodities with measures outlined in the Codex Code of Practice for the hygienic production of fruits and vegetables, where berries, leafy vegetables and melons are subject to commodity specific food safety management annexes.

NSW supports the extensive risk assessment conducted by FSANZ (SD 2) in reviewing these 3 commodities and does not have additional information to provide FSANZ to further enhance its risk assessment outcomes. NSW considers the proposed risk management measures in the draft FSANZ standards adequately reflect the evidence gathered through the risk assessment process.

NSW notes that foodborne illness outbreaks have occurred in domestically produced leafy vegetable and melon industries despite the existence of industry led food safety schemes. Foodborne illness have also been associated with imported berries.

The voluntary nature of these schemes results in less than full coverage of relevant businesses participating in a food safety scheme. In addition, there have been outbreaks linked to businesses that are covered by these voluntary schemes, indicating regulatory oversight of these industries is needed to further reduce foodborne illness. The safety of these commodities begins with on-farm management of inputs and responding to changes in the growing environment that could increase the likelihood of contamination. NSW notes the findings from the FSANZ risk assessment (SD 2), particularly the increased risk arising from weather damaged fruit and vegetable product. This risk is particularly serious as these foods are consumed raw, ready to eat products without a microbiological 'kill' step. Given this supply and

food safety risk context, a through chain approach to food safety management, beginning on-farm is required to minimise food safety risk in foods produced for human consumption.

NSW supports the segregated risk management approach applied to the 3 commodities considered in P 1052, namely the inclusion of the food safety management statement for leafy vegetables and melons and the exclusion of this approach for the berries sector. The food-borne illness data presented in Table 1, SD 2 provides a clear evidence and performance basis for this separation. However, the FSANZ risk assessment clearly indicates the lack of food borne illness outbreaks attributed to Australian grown berries does not equate to absence of food safety risk. FSANZ's proposed approach to regulation for the berry industry will improve traceability, focus businesses on key food safety risks and most importantly mandate a notification requirement for these businesses with the regulatory authority. Strengthening traceability measures in the berry sector was identified in previous reviews of the berry sector<sup>1</sup>.

NSW notes that the proposed standards introduce nationally consistent requirements that will create a level playing field for all producers and primary processors operating in these sectors. NSW considers that a common, operating platform for food safety management in these sectors will further enhance existing consumer confidence in the safety of these products.

#### *Compliance with the proposed standards*

NSW as a member of the ISFR Horticulture Implementation Working Group (HIWG) and the FSANZ Standards Development and Advisory Group (SDAG) supports a nationally consistent approach to the implementation of the proposed FSANZ standards. NSW acknowledges the considerable food safety efforts of some businesses through the use of GFSI benchmarked voluntary food safety schemes (FSS). NSW considers the proposed standards are unlikely to add significant additional burden to businesses already operating a GFSI-benchmarked FSS.

The ISFR HIWG have committed to exploring recognition of existing GFSI FSS as a means of demonstrating compliance with the food safety requirement of the proposed FSANZ standards.

This arrangement aspires to reduce duplication and regulatory burden on these businesses by using their existing food safety investments to demonstrate regulatory food safety outcomes.

Further work will also explore the potential deployment of through chain data monitoring as one tool to assist in monitoring on-going regulatory compliance.

These arrangements will require time and resource investment by regulators, the affected industries and FSS 'owners' to realise the full potential benefits of this proposed food safety partnership. Work with scheme owners and industry bodies has already commenced.

Given that some outbreaks have been associated with imported fresh produce (berries), consideration of the application of these arrangements to imported foods will be considered as part of the HIWG's deliberations.

The HIWG will also need to develop a suite of resources to assist businesses who choose to not participate in GFSI-benchmarked FSS meet their compliance obligations to the FSANZ standards. The expected outcome of these resources is an alternate compliance pathway for these businesses that will require them to develop and maintain their own food safety management statements (melon and leafy vegetables) and maintain evidence of compliance with the outcomes of draft Standard 4.2.7 (berries), without the need to prepare a mandatory food safety management statement.

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<sup>1</sup> <https://www.foodstandards.gov.au/publications/SiteAssets/Pages/Strawberry-tampering-incident/FSANZ%20Strawberry%20Report%20doc.pdf>

NSW further supports the development of educational material and other non-regulatory measures to increase industry understanding of food safety management and assist businesses implement the proposed primary production and processing standards. Education will form an essential part of the compliance tool-kit for businesses and is a likely early focus area for investment. NSW will explore the development of key resources in languages other than English to assist in developing business understanding of food safety risk management.

Inclusion of primary production and processing standards for berries, leafy vegetables and melons into the Code aside from removing ambiguity in national food safety risk management, clarifies regulatory powers in the event that on-farm investigation of these supply chains is necessary. In some jurisdictions powers of entry have been limited to emergency orders issued under jurisdictional Food Acts, where substantial evidence of a food safety incident has already occurred before investigations may commence. The FSANZ risk assessment (Table 1, SD 2) has demonstrated the need for a more pro-active risk management approach to provide for earlier engagement as several food-borne illness outbreaks have been observed over the period 2006-2018.

NSW considers that earlier engagement in the event of a future incident to be a significant benefit of the proposed FSANZ standards. FSANZ has demonstrated the devastating impact of a food-borne illness outbreak on commercial and public confidence in the food safety management of supply chains (e.g. Section 4.5, consultation RIS). This process offers industry and government the opportunity to work together in pursuing the joint collective goals of public health protection and increased industry and consumer confidence in food safety management practices.

**ENDS**