27 February 2015

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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 – FSANZ Consultation Paper on Completing the Review of Microbiological Criteria***.

Yours sincerely

[redacted]

Katherine Rich
Chief Executive

Food Standards Australia New Zealand

CALL FOR SUBMISSIONS – FSANZ CONSULTATION PAPER ON COMPLETING THE REVIEW OF MICROBIOLOGICAL CRITERIA

2 March 2015 (extended from 13 February 2015 and 27 February 2015)

The New Zealand Food & Grocery Council (the "NZFGC") welcomes the opportunity to comment on the ***Call for submissions – FSANZ Consultation Paper on Completing the Review of Microbiological Criteria.***

New Zealand Food & Grocery Council

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over $34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over $28 billion in export revenue from exports to 185 countries – some 61% of total merchandise exports. 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. Our members directly or indirectly employ 370,000 people – one in five of the workforce.

Review of Microbiological Criteria

The initial FSANZ work in this area focussed on the review of microbiological limits for *Listeria monocytogenes* in ready-to-eat foods. The current *Call for Submissions* is the start of a broader review of Standard 1.6.1 that is to consider the role and purpose of microbiological criteria.

Overarching Comments

Food manufacturers conduct a range of microbiological testing in order to meet internal food safety and process controls, regulatory requirements, market requirements and customer requirements. This can result in overlap, duplication and redundancy within the overall testing regime in many manufacturing facilities. An efficient and effective testing regime that ensures all needs are met is the NZFGC objective.

NZFGC does not support the prescription of specific methods for particular products in regulation. Flexibility is key to reducing duplication and redundancy and the opportunity to use any of a range of internationally recognised test methods appropriate to the product/requirement matrix is by far the preferred approach. Nor does NZFGC support the use of Australian or New Zealand Standards for microbiological test methodologies. In a global environment, internationally recognised standards are more acceptable.

NZFGC strongly supports the differentiation of food safety requirements and process hygiene requirements (monitoring). The two criteria perform very different purposes for both the manufacturer and regulator. In Codex, the hygiene criteria are intended to be used by the manufacturer to assess the effectiveness of the manufacturer's hygiene programmes. They are not intended to be used as a regulatory measure by the competent authority.

The vast majority of New Zealand's process hygiene criteria are contained in guidance material and, for this reason, NZFGC does not support the inclusion in Standard 1.6.1 of process hygiene criteria. Ideally, all process hygiene criteria should be contained in food processing

guidelines to provide flexibility for the manufacturer to select the criteria that best satisfy the multiple needs of the requirements to be met.

Nonetheless, NZFGC appreciates there may be good reasons for process hygiene criteria for Australian manufacturers to be included in the Australia New Zealand Food Standards Code and NZFGC would not oppose an Australia-only section of Standard 1.6.1 or the inclusion of process hygiene criteria in any other Australia-only standard in the Food Standards Code. On this basis NZFGC supports the removal of process hygiene criteria from the current joint Standard 1.6.1 for consistency, transparency and to remove duplication with New Zealand regulation.

NZFGC does not support regulation requiring a specified and 'prescribed' corrective action in regulation. This approach removes other possible corrective actions that might better resolve identified issues or satisfy a particular situation. To lock in corrective actions for the manufacturer shifts the processing and manufacturing responsibility to the regulator, an approach that New Zealand has been actively working to change over the past 2-3 decades.

NZFGC supports the proposed programme of review and consideration of infant formula products first (in this broader review of microbiological criteria) on the basis that the target consumer group is one of the most vulnerable groups in the population. NZFGC considers it may be more logical for FSANZ to consider criteria for dairy foods next to or concurrently with infant formula products as alignment and consistency of approach with similar products is vital.

Detailed Comments

1. **What microbiological testing is currently undertaken by industry and government and why**

   Those NZFGC member companies submitting on this review are likely to set out terms the microbiological testing that is undertaken in industry. NZFGC understands that a range of microbiological testing is undertaken in order for manufacturers to meet internal food safety and process controls, market requirements, regulatory requirements customer requirements. This creates potential and actual overlap, duplication and redundancy within the overall testing regime in any manufacturing operation. Some rationalisation of the testing requirements is needed to ensure all needs are met through the most efficient, effective and streamlined testing regime.

2. **How existing microbiological limits are used and any difficulties in their application**

   Many of the existing microbiological limits in Standard 1.6.1 are food safety limits for end product. This is consistent with the purpose of the Standard: "This Standard specifies the microbiological food safety criteria which determine the acceptability of a lot or consignment of food for sale or intended for sale."

   The greatest difficulty for manufacturers is meeting differing testing requirements of regulators, markets and customers. This is made significantly more problematic and costly when a particular test method is locked into regulation since this excludes the prospect of some tests satisfying a range of test requirements.

   NZFGC favours a provision that permits any of a range of internationally recognised test methods appropriate to the product/requirement matrix. Specific methods for particular products could be described in guidance. NZFGC does not support use of Australian or New Zealand Standards for test methodologies and considers that in a global market, internationally recognised standards are more appropriate.

   NZFGC suggests that a systematic approach to classifying types of products for the purpose of end product testing would improve the standard.

3. Comment on the proposed approach to include food safety criteria and process hygiene criteria in the Code noting that each will have different corrective actions (i.e. response to not conforming to the criteria)

a) Proposed approach to include food safety criteria and process hygiene criteria

NZFGC supports differentiation of food safety requirements and process hygiene requirements (monitoring) and recommends that process hygiene criteria be made 'Australia-only'.

Food safety criteria and process hygiene criteria perform very different purposes for the manufacturer and regulator. Pathogen testing for food safety requirements are a direct indicator of any potential presence of pathogens in the product. Testing for hygiene indicator purposes is undertaken in order to verify hygiene programmes that are applied by the manufacturer. This is consistent with the approach used in some Codex Codes of Hygienic Practice. The process hygiene criteria are intended to be used by the manufacturer to assess the effectiveness of their hygiene programmes.

NZFGC does not support the inclusion in Standard 1.6.1 of process hygiene criteria. Ideally, process hygiene criteria should be contained in guidelines to provide flexibility for the manufacturer to select the criteria that best satisfy the multiple needs of the requirements to be met. This is currently the approach taken in New Zealand and while colocation of a range of process hygiene criteria across different food products might prove useful to regulators, the risk management plans of manufacturers set out the specifics of process hygiene criteria being applied and these are subject variously to evaluation, validation, verification and audit.

Manufacturers in New Zealand draw information on the most appropriate process hygiene criteria from guidance. Providing process hygiene criteria in the Food Standards Code for application in New Zealand would be duplicative, reflect an increase in regulation when minimum regulation is an objective of government and be potentially in conflict with current guidance.

b) Corrective actions with Failure of Process Hygiene Criteria

NZFGC does not support regulation requiring a specified and 'prescribed' corrective action. The example provided in the Consultation paper for infant formula is described as "Actions when limits are not met: failure to meet the above [process hygiene] criteria should result in investigation to determine and correct the root cause of the failure. Continued failures should be accompanied by increased sampling of the product for *E. sakazakii* and *Salmonella*."

In the example, increased pathogen testing for *E. sakazakii* and *Salmonella* is prescribed after repeated failure of hygiene criteria. NZFGC does not consider testing to be a corrective action but rather an investigative measure supporting the corrective action. NZFGC does not support mixing the requirements for hygiene indicators with the requirements for end products. Finished product requirements are clearly defined, and should not be subject to interpretation.

NZFGC does not support the prescription of corrective actions in regulation on the basis that this removes other possible solutions that could better meet the particular situation or address identified issues.

4. FSANZ seeks input for prioritising the work. Information that may assist includes:
   a) whether the proposed order is appropriate
   b) issues related to specific commodities/commodity groups that should be considered under this review and the rationale
   c) resources available to assist in the application of microbiological criteria.

a) Whether the proposed order is appropriate

The order proposed by FSANZ is: infant formula products, seafood, dairy foods, meat and poultry products, low moisture foods, packaged water and 'other'.

NZFGC supports the proposed prioritisation of work but suggests that infant formula foods and dairy foods be considered in parallel to ensure alignment and consistency of approach with similar products.

b) Issues related to specific commodities/commodity groups that should be considered under this review and the rationale

As noted in the foregoing, there are classification issues that need addressing particularly in the dairy area.

c) Resources available to assist in the application of microbiological criteria

NZFGC notes that FSANZ has already referenced the several guidelines (international and national) and internationally recognised standards (test methodologies) that are available to assist in the application of microbiological criteria. NZFGC would be prepared to nominate industry experts for an expert advisory group to assist with the review.