



Submission - FSANZ Proposal P1017
Criteria for *Listeria monocytogenes* – Microbiological Limits for Foods
16 November 2012

Thank you for the opportunity to comment on the criteria for *Listeria monocytogenes* – Microbiological Limits for Foods, Proposal P1017.

1. This submission is made by Seafood New Zealand (SNZ) on behalf of the New Zealand commercial seafood industry.
2. Seafood New Zealand is the primary umbrella organisation representing the generic interests of the New Zealand seafood industry, which includes quota owners, fishers, marine farmers, seafood processors, wholesalers, retailers, and exporters. Seafood New Zealand plays a leading role in developing and presenting the seafood industry's response on all legislative and regulatory proposals affecting the industry.
3. The proposal seeks to:
 - a) review Food Standards Code, Standard 1.6.1 to ensure a nationally consistent and internationally harmonised approach with regards to the establishment of microbiological criteria;
 - b) provide 3 options for consideration with specific comment being sought on:
 - i. Definition of 'ready-to-eat';
 - ii. Establishing whether a food can or cannot support growth; and
 - iii. Analytical methods;

It is noted that two opportunities will be provided for interested parties to make comment and that this is the first opportunity.

4. The New Zealand seafood industry is supportive of the application of regulatory measures that are proportional to the level of risk associated with the activities carried out by each food business, and as such has had risk-based *Listeria monocytogenes* management programmes in place for many years for those seafood products considered at risk. As a producer of a variety of ready-to-eat seafood products, the New Zealand seafood industry has a significant interest in any amendment made to Food Standards Code, Standard 1.6.1.
5. The New Zealand seafood industry operates in accordance with the Code of Practice: Processing of Seafood Products (Seafood COP). The Seafood COP has been developed to assist New Zealand seafood operators meet the requirements of the Animal Products Act, 1999 and to produce seafood products for human consumption that are safe and suitable for their intended

purpose. The Seafood COP is approved by the New Zealand Ministry for Primary Industries, and is available on their website at:

<http://www.foodsafety.govt.nz/elibrary/industry/code-practice-seafood/>

6. A significant portion of the Seafood COP (Chapters 17 – 30) is dedicated to the management and monitoring for *Listeria monocytogenes*. This provides New Zealand seafood industry operators (operating under the Animal Products Act) with the information and tools necessary manage *Listeria monocytogenes*. It requires a significant level of monitoring of the processing environment and of the product itself, and should an issue be identified, it provides detailed action to take before the product enters the market.

Regulatory Options and Impacts – Preferred Option

7. With respect to the options proposed in P1017, we generally support the proposal of option 1. However we consider that the current Standard 1.6.1 has worked well and is appropriate for RTE processed fin-fish (other than fully retorted fin-fish) and we ask that consideration is given to the following suggested change from that proposed in option 1.
8. To support this suggested change we have considered the overall conclusion of the JEMRA risk assessment, which was that nearly all cases of listeriosis was from the consumption of high numbers of the pathogen. Therefore considering a low level microbiological limit is suggested for products that do not support further growth, the same low level microbiological limit should also apply to products that do support the growth but this limit should be applied at end of shelf-life, rather than at end of manufacturer/point of sale.
9. The suggested change to option 1 is:
For foods in which the growth of *Listeria monocytogenes* can occur, a limit at end-of-shelf life should be considered, and for foods that don't support the growth of *Listeria monocytogenes* the same limit be applied at end of manufacture/point of sale.

The standard could therefore be:

Microbiological criteria for ready-to-eat foods in which growth of *L. monocytogenes* will not occur

Point of application	Microorganism	n	c	m	Class Plan
Ready-to-eat food from the end of manufacture to the point of sale.	<i>Listeria monocytogenes</i>	5	0	100 cfu/g	2

Microbiological criteria for ready-to-eat foods in which growth of *L. monocytogenes* can occur

Point of application	Microorganism	n	c	m	Class Plan
Ready-to-eat food at the end of shelf-life.	<i>Listeria monocytogenes</i>	5	0	100 cfu/g	2

Definition of Ready-to-Eat Foods

10. We would not support changes to Food Standards Code, Standard 1.6.1 if it only provided for a generic definition of Ready-to-Eat, the current generic definition included in Food Standards Code 3.2.2 (currently this Standard only applies to Australia) would not work for the New Zealand seafood industry in the context of *Listeria monocytogenes* criteria.

11. The generic definition included Food Standards Code 3.2.2 means that any food that is normally consumed in the same state as that in which it is sold would be included. For seafood this would include products such as raw shellfish (oysters, scallops) or products sold for sashimi style (fin fish, shellfish) consumption.

These are very minimally processed seafood products which do not undergo any form of listeriocidal processing, and are currently excluded from the *Listeria monocytogenes* criteria included in Food Standards Code, Standard 1.6.1.

In New Zealand, the *Listeria monocytogenes* requirements included in the Seafood COP do not apply to the raw seafood products, i.e.

- Raw fish (includes finfish, crustaceans, echinoderms, cephalopods and non-bivalve molluscan shellfish)
- Raw shellfish (includes all species of bivalve molluscan shellfish)

Given that these products are predominantly sold chilled and have a short shelf-life, the risk of significant growth of the pathogen (if present) is minimal, in fact many would be sold and consumed before the results of any testing be available. Therefore we believe that the exemptions for seafood that currently exists in Food Standards Code, Standard 1.6.1 be retained.

Growth or No Growth

12. The proposal indicates that identification of RTE foods in which growth of *Listeria monocytogenes* will not occur would be based on scientific justification and lists examples of factors that can control growth. We would support this proposal. We also believe that currently there is sufficient guidance and tools available to the New Zealand seafood industry in order to make appropriate decisions.

Methods of Analysis

13. We believe that the Food Standards Code Standard 1.6.1 should not prescribe methods of analysis to determine the level of microorganisms in foods for regulatory purposes. However we support the need to ensure that appropriate, valid methods are used for regulatory purpose analysis and therefore suggest that appropriate approval criteria for method selection be included in the standard.
14. Again thank you for this opportunity to provide these comments.

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