



# AUSTRALIAN FOOD SOVEREIGNTY ALLIANCE

## **Comments on the FSANZ Proposal P1052 – Primary Production and Processing Requirements for High-Risk Horticulture**

18 March 2020

**Prepared by**

*Australian Food Sovereignty Alliance*

Addressed to [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au)

<b><u>ABOUT THE AUSTRALIAN FOOD SOVEREIGNTY ALLIANCE (AFSA)</u></b>	<b><u>3</u></b>
<b><u>CONTEXT</u></b>	<b><u>4</u></b>
<b><u>RECOMMENDATIONS</u></b>	<b><u>4</u></b>
<b><u>KEY ISSUES</u></b>	<b><u>4</u></b>
THE CASE GIVEN FOR INCREASED REGULATION IS EXTREMELY WEAK	4
LACK OF SUPPORT FROM THE INDUSTRY	6
INCREASED REGULATION WOULD REDUCE ACCESS TO FRESH, LOCAL FRUIT AND VEGETABLES TO THE DETRIMENT OF PUBLIC HEALTH	6
RISK: SCALE MATTERS	7
<b><u>ABOUT FOOD SOVEREIGNTY</u></b>	<b><u>9</u></b>

## About the Australian Food Sovereignty Alliance (AFSA)

The Australian Food Sovereignty Alliance (AFSA) is a farmer-led civil society organisation made up of organisations and individuals working together towards a food system in which people can create, manage, and choose their food and agriculture systems. AFSA is an independent organisation not aligned with any political party. We have around 700 farmer, individual, and organisational members.

AFSA provides a balanced voice to represent farmers. We connect small- and medium-scale Australian farmers for farmer-to-farmer knowledge sharing, work with all levels of government for scale-appropriate and consistent regulations and standards for agriculture, and advocate for fair pricing for those selling to the domestic market.

We are part of a robust global network of civil society organisations involved in food sovereignty and food security policy development and advocacy. We are members of the International Planning Committee for Food Sovereignty (IPC), La Via Campesina – the global movement of peasant farmers, and Urgenci: the International Network for Community-Supported Agriculture, and work regularly with Slow Food International and many of its Australian chapters. We also support the Australasian representative on the Civil Society Mechanism (CSM), which relates to the UN Committee on World Food Security (CFS).

Our vision is to enable regenerative and agroecological farming businesses to thrive. Australians care now more than ever about the way their food is produced, including its social and environmental impacts. Food produced on small- and medium-scale regenerative farms is increasingly in demand, and government is bound to heed changing community expectations and facilitate and encourage the growth and viability of regenerative agriculture, thereby protecting the environment and human and animal health.

As a key stakeholder and representative body of small- and medium-scale producers Australia-wide, AFSA is appreciative of the opportunity to participate in the second round of public consultation and looks forward to participating in further discussions on the issues raised.

## Context

On 3 May 2019, Food Standards Australia New Zealand (**FSANZ**) released an information paper (the **Information Paper**) on its proposed approach to a review of food safety standards in the Food Standards Code (the **Review**).

On 14 June 2019 AFSA provided a submission to FSANZ on the above. On 5 February 2020 FSANZ issued a request for submissions on Proposal P1052 – Primary Production and Processing Requirements for high-risk horticulture.

AFSA is therefore submitting this second submission to assist in the further consideration of Proposal P1052.

## Recommendations

<b>Recommendation 1</b>	The development of a mandatory Primary Production and Processing Standard for “high-risk” horticulture (the <b>Proposed Standard</b> ) is unacceptable. This process should be halted and substituted by an engaging, transparent and participatory approach which identifies the current priority needs of horticulture farmers, and which uses measures already available in the food regulatory system to prevent outbreaks.
<b>Recommendation 2</b>	Any <b>risk-management measures</b> considered should target the known source of outbreaks, namely large-scale, intensive operations and sections of the processing industry engaged in the export and import of horticultural products. Appropriate assessments of relationship between scale, production methods, and risk should be a priority.
<b>Recommendation 3</b>	The Office of the Commissioner for Better Regulation (OCBR), including the Red Tape Unit, and similar commissioners or authorities of all States and Territories should be notified of this Review to provide practical advice and support to the Government on the impacts of regulatory burden on agriculture. This can be done through the Regulatory Impact Assessment (RIS) and Legislative Impact Assessment (LIA) processes.

## Key issues

The case given for increased regulation is extremely weak

As stated in our initial 2019 submission, we refuse to accept new regulation of ‘high-risk horticulture’ as there is patently no case justifying it.

The outbreaks listed to justify increasing regulation are totally insufficient to warrant the proposal.

We appreciate that FSANZ has removed from the scope of its current review seed sprouts and ready-to-eat and minimally processed fruits and vegetables. However, the remainder of the review covering leafy vegetables, melons and berries is also capable of being scaled down for risk-related reasons.

We note that of the outbreaks analysed by FSANZ that have occurred since 2014, there were **three outbreaks from imported frozen products** (berries and pomegranate). Increasing regulatory burden on Australian farmers will not decrease the risk of foodborne illness from imported product.

Of the remaining outbreaks being relied on to justify increasing regulation: one in packaged lettuce and two in rockmelon, **all of these were produced in accordance with existing third-party audited food safety programs.**

**Effectively, there have been zero outbreaks identified by FSANZ since 2014 that could have been prevented by mandatory regulation of horticulture.**

PRODUCE	CONTEXT			PATHOGEN
	Farm	Import / Domestic	Market / QA Program	
<b>Frozen berries</b>	Large company, Creative Gourmet's Mixed Berries, supplied by Entyce Foods	Strawberries, raspberries and blackberries from China, blueberries from Canada. Berries packaged in China, shipped and repackaged in Australia	IGA, Foodworks, SPAR etc.	Hep A
<b>Pre-packed lettuce</b>	Tripod Farmers, mass production monoculture	Domestic sales to companies e.g. Lite N Easy	Coles and Woolworths	Rare anatum strain of salmonella
<b>Rockmelons</b>	Red Dirt Rockmelons & Rombola Farm	Domestic	Coles and Woolworths	Listeria Salmonella

The outbreaks came from food produced in intensive monocultures that subsequently travels through long supply chains.

The misconceptions about foodborne illness and its causes are widespread. In fact, only four percent of all food-borne outbreaks reported in Australia from 2001 to 2005 were attributed to fresh produce.<sup>1</sup>

---

<sup>1</sup> Marilyn C. Erickson and Michael P. Doyle. Improving Food Safety Through a One Health Approach: Workshop Summary.  
<https://www.ncbi.nlm.nih.gov/books/NBK114507/>

## Lack of support from the industry

The Victorian Farmers' Markets Association (VFMA) has previously pointed out the negative impacts such regulation would have on their members, small- to medium-scale farmers selling directly through farmers' markets. They urged FSANZ to adopt the option to increase education of producers and consumers, offering to assist with these efforts.

Submission of the Victoria Farmers' Market Association excerpts:

Producers are strongly united in the view that additional regulation placed on their businesses would not prevent food borne illness. Rather, it would simply add to their administrative workload and would change little if any of their current practices. Producers would be happy to receive guidelines and information that would help them identify and further manage risks, but they do not have the resources to meet additional regulatory requirements.

### **Suggested alternatives**

There were further suggestions of approaches that could help support the FSANZ effort to improve food safety for fresh horticultural produce:

- Consumer education – farmers' market producers are constantly discussing their produce with customers and are astounded at the number of people buying produce and not washing it before eating. Consumers are often unaware of the need to wash produce, and this is particularly important for products that are not able to be effectively cleaned before sale – such as leeks, heading lettuce varieties, and some brassicas.
- Providing guidelines for producers including treatment of manure fertilizers, washing procedures and water quality. This needs to be guided, not regulated.

The VFMA can play a significant role by providing information to producers, market managers as well as to farmers' market shoppers about their respective role in ensuring food safety.

The VFMA is also a vital reference point for any issues affecting the horticultural industry – and particularly where small growers are potentially impacted.

### **Conclusion**

A regulatory approach to improving food safety for fresh horticultural produce would be detrimental to many businesses in the farmers' market sector. Strategies including consumer information and guidelines for producers are suggested. The VFMA should be kept involved as an industry reference and communication point throughout the development of this initiative.

AFSA supports the VFMA's conclusions and also offers our assistance as a small- to medium-scale industry reference and communication point.

## Increased regulation would reduce access to fresh, local fruit and vegetables to the detriment of public health

The public health system in Australia is under pressure due to an epidemic of diet-related disease. One of the most important ways to counter the effects of poor dietary options is to ensure the public have access to high-quality fresh vegetables and fruits. Requiring every enterprise that produces vegetables to have a licence will make such enterprises as urban micro farms, community-supported

agriculture, food buyers' groups, farmers' markets, and foodbanks more difficult to start and harder to run.

According to the IBISWorld *Fruit and Vegetable Processing - Australia Market Research Report*, domestic demand for processed fruit and vegetables has trended down in recent years, and Australian fruit and vegetable processors are forecast to face greater regulatory restraints.<sup>2</sup>

As a signatory to the United Nations (UN) Covenant on Economic, Social and Cultural Rights, Australia is bound to ensure the full enjoyment of the universal human rights it outlines, include the right to adequate food.<sup>3</sup> That obligation includes *respecting, protecting, facilitating* and *providing* access to adequate food to ensure food security and healthy livelihoods.<sup>4</sup>

Australia is currently behind on providing access to fresh food to Australians. Indeed, the Department of Agriculture has set out a number of aspirational agricultural and food policies and has set up numerous task groups in order to improve policymaking. However, major determinants of food prices along value-chains are becoming more complex in nature and connection to other factors. Increasing the burden of regulation on existing producers will only add to factors which may result in their ceasing production.

### Risk: scale matters

AFSA submits that in considering increasing regulation, small-scale producers must be assured that safety management options, mandatory or not, will be commensurate to risk, and acknowledge the high level of traceability in models where produce is sold directly from the farmer to consumers.

FSANZ uses a flow chart in its 2018 **Strategy** document to show the 'food chain for each commodity', which fails to capture the model of most small-scale farms. The many risk points represented in the conventional industrial supply chain are vastly reduced in small-scale farming models, most of whom sell their produce direct to consumers.

### Conventional Supply Chain for Commodities



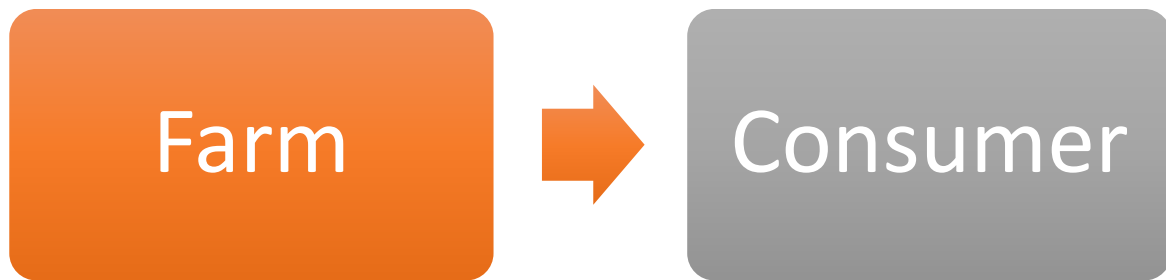
---

<sup>2</sup> Ibid.

<sup>3</sup> Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

<sup>4</sup> United Nations Human Rights Office of the High Commissioner, Special Rapporteur on the Right to Food, <<http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx>>.

### Small-Scale Farm Supply Chain for Food



The costs to the community of a food regulatory system that mandates a licence to sell salad would be significantly greater than any benefit. Many small farms are starting in horticulture because of the low barriers to entry. Increasing regulatory barriers into horticulture production would prohibit the growing movement of young people returning to farm in small-scale agroecological ways, and in turn inhibit communities' access to fresh, local food produced in ecologically-sound systems.

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas asserts that: 'States shall take all appropriate measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to sustainable modes of agricultural production.' It further asserts that 'States shall stimulate sustainable production, including agroecological production, whenever possible, and facilitate direct farmer-to-consumer sales.' (UNDROP, Article 16.4)

Finally, the benefits of increased regulation of horticulture would have dubious benefits as large industrial farms will continue under business-as-usual QA programs and occasional outbreaks will still occur.



## About Food Sovereignty

*“Food sovereignty asserts the right of peoples to nourishing and culturally-appropriate food produced and distributed in ecologically-sound and ethical ways, and their right to collectively determine their own food and agriculture systems.”<sup>5</sup>*

The core of food sovereignty lies in the following principles:

- Food is a human need and a basic right, rather than a commodity.
- Food systems should be democratically constructed, responding to diverse social, cultural and environmental conditions.
- Food systems should be based on a strong commitment to social justice: for farmers, food system workers, and the most vulnerable members of our society who experience food insecurity.
- Resilient food systems require long-term environmental sustainability, transitioning away from dependence on fossil fuels and chemical inputs.
- Resilient and sustainable food systems will be more localised and regionalised.
- Trade in food and agricultural products can enhance economic and social well-being but should be conducted on the basis of international solidarity, respecting and not undermining the food sovereignty ambitions of other peoples and countries.<sup>6</sup>

---

<sup>5</sup> The Australian Food Sovereignty Alliance, <<https://afsa.org.au/?s=food+sovereignty+>>.

<sup>6</sup> Patel, R. (2009). What does food sovereignty look like? *Journal of Peasant Studies*, 36(3), 663-671.