

Call for submissions – Proposal P1052 Primary Production and Processing Requirements for Horticulture (Berries, Leafy Vegetables, Melons)

Submission by SA Health (Department for Health & Wellbeing)

16 February 2022

SA Health welcomes the opportunity to comment on Proposal P1052 Primary Production and Processing Requirements for Horticulture (Berries, Leafy Vegetables, Melons).

SA Health memberships for P1052

Horticulture Implementation Working Group (HIWG)

Standards Development Advisory Group (SDAG)

SA Health's position

Support Option 3 – Introducing a combination of regulatory and non-regulatory measures

Food Standards Australia New Zealand (FSANZ) have conducted a comprehensive review of the microbial risks and the cost benefits associated with the introduction of minimum regulatory requirements.

The draft Primary Production and Processing Standards (PPPS) for the selected horticulture products will allow for a nationally consistent approach to a largely unregulated sector if included in the Australia New Zealand Food Standards Code (the Code). It will also provide the requirement to notify, as currently these businesses are exempt from informing the relevant food safety authorities of their activities. Refer to section 'Current regulatory situation in South Australia'.

SA Health supports the introduction of PPPS to allow regulators greater understanding of the sectors that supply food to the population without current regulatory oversight.

Question: Do you agree with the following benefits of implementing option 3 (or can provide additional information about these benefits)?

Yes – the benefits set out in the proposal are appropriate.

Benefits to industry and government are anticipated to include better traceability of product from the producer into the supply chain. This may reduce the time taken to identify the source of an incident and reduce reputational impact of single source incidents eg rockmelons (*Listeria monocytogenes*, *Salmonella*), strawberries (needles), bagged salad (*Salmonella*).

The horticulture supply chain is complex and the ability to identify businesses conducting growing, packing and harvesting activities should result in being able to reduce the impact of foodborne illness attributed to this sector.

Question: Berries: Do you think that the berries standard should also include the regulation of soils and fertilisers?

This Clause may be more applicable to berries that are in contact with soil i.e. strawberries grown in the field. Some growers may have already identified this as part of a hazard assessment, but smaller growers may not have food safety assessments in place.

Including this Clause in the Standard will clarify that these inputs (soils and fertilisers) must be considered as part of the system, ensuring food safety of the produce. This will support regulators to utilise enforcement tools if there is a breach and a risk to food safety.

SA Health recommends that the Inputs – soil, fertiliser and water be included in the Standard (Berries), with guidance material to specify that this applies to produce in contact with soil or produce that may be impacted by the vicinity of untreated composts.

Comment on draft Standards

SA Health supports the drafting of the proposed Standards but recommends that the Application be set out similar to Standards 4.2.1 Primary Production and Processing Standard – Seafood.

In the current form it excludes the retail sale of berries, leafy vegetables and melons, but it is not until the explanatory notes that it also excludes manufacturing.

Seafood example:

1 Application

- (1) This Standard applies to seafood businesses and seafood handlers in Australia but not in New Zealand.
- (2) Unless the contrary intention appears in this Standard, Chapter 3 of this Code applies to seafood manufacturing and retail sale activities.

Recommendation set out below: **Clause 4.2.X—3 Application**

- 1) This Standard applies to primary horticulture producers and to primary horticulture processors in Australia.
- 2) This Standard does not apply to the retail sale activities or manufacturing of berries, leafy vegetables, melons.

Comment on the consultation package

The documents provided were very detailed, and in parts repetitive and difficult to establish the key concepts and benefits.

A clear explanation in the Executive Summary that primary food producers are exempt from notification in the jurisdictional Food Acts would have assisted industry in understanding the difficulties regulators face with identifying businesses in this sector.

The package would also have benefited from a concise summary outlining the core purpose of the proposed Standards, and the benefits to both industry and government.

Current regulatory situation in South Australia

South Australian Food Act 2001

SA Health and Local Government are the enforcement agencies for the administration of the *South Australian Food Act, 2001* (the Act).

Primary producers of berries, leafy vegetables and melons in South Australia are required to

produce safe and suitable food under the Act.

However, the Act excludes primary food producers from the requirement to notify the relevant authority of their business, excludes authorised officers under the Act from making improvement notices or prohibition orders, and does not allow for the power to inspect or audit the business.

The Act only allows for the authorised officers access to primary food producers to enable an investigation and prosecution of offences (e.g. the sale of unsafe or unsuitable food), or to make an Emergency Order to stop the sale of unsafe food.

These limitations apply to primary food producers that are also washing, trimming, packaging product if this is occurring on farm.

This results in a discrepancy of regulatory requirements where similar processing is occurring at a business fully captured under the Act which must comply at a minimum with the Food Safety Standards of Chapter 3 in the Code.

The implementation of the proposed Standards will give a consistent minimum requirement for producers who process and processors who don't produce (who are already required to comply with the Code under the Act).

The Primary Produce (Food Safety Schemes) Act 2004

The Department of Primary Industries and Regions (PIRSA) are responsible for *The Primary Produce (Food Safety Schemes) Act 2004* (the Primary Production Act).

The Primary Production Act enables establishment of regulations that apply to production activities that cover growing and harvesting. There are currently no regulations that apply to the primary food production of berries, leafy vegetables or melons.

A regulation would enable adoption of a standard and application to primary producers. The regulation would enable compliance and enforcement of the standard including:

- exercising powers as an authorised officer under the Act.
- audits of food safety arrangements

Industry Food Safety Schemes and the proposed Standards

Existing industry food safety schemes (FSS) are voluntary and are not taken up by all producers/ processors or are not accessible to all producers and processors.

The introduction of minimum Standards for all producers and processors will set an even playing field where small businesses must comply with food safety requirements that will be monitored appropriately by the regulator.

The Horticulture Implementation Working Group (HIWG) members have committed to exploring recognition of existing Global Food Safety Initiative (GFSI) food safety systems, as a means of demonstrating compliance with the proposed FSANZ standards.

GFSI benchmarked Food Safety Schemes in this sector currently include:

- BRC Global Standard for Food Safety – Issue 8
- SQF Food Safety Program – Edition 9
- GLOBALG.A.P. Integrated Farm Assurance Standard – Version 5.3
- Freshcare Food Safety and Quality Standard – Edition 4.2.

Businesses that operate under a FSS will already have implemented the requirements of the proposed Standards. The concept of exploring recognition is being considered by all

jurisdictions as a means of recognising existing industry efforts in meeting the proposed food safety outcomes of the FSANZ standards.

The Food Regulation System/ Regulators aim to work with scheme owners, by exploring means to recognise these schemes as meeting the food safety components of FSANZ standards, to prevent duplication for businesses already operating GFSI schemes, as well as reduce the potential resource burden for regulators

Note that businesses with existing food safety arrangements (e.g. HACCP based food safety programs, industry approved quality assurance programs (e.g. Freshcare, BRC, SQF, HARPS)) could be considered to meet the outcomes of a food safety management statement. Chapter 3 of the Food Standards Code applies to food businesses, but not to primary food production. However, in all instances the regulator will be required to verify that a business's existing food safety arrangement meets the requirements of the Standards.

Non-regulatory measures

FSANZ will be working closely with industry and industry FSS owners to develop food safety material. This will be a consultative process to establish the best methods for delivery which SA Health supports.