

# SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT

## From the Australia and New Zealand Implementation Subcommittee for Food Regulation (ISFR)

ISFR10, 2 – 3 August 2017

### **The Implementation Subcommittee for Food Regulation**

Food regulation authorities in Australia and New Zealand work together to ensure food regulations are implemented and enforced consistently. This work is done through the Implementation Subcommittee for Food Regulation (ISFR), through face-to-face meetings, out-of-session business and separate collaborations. ISFR was set up by the Food Regulation Standing Committee (FRSC) to foster a consistent approach across jurisdictions to implementing and enforcing food regulation. ISFR's role applies equally to imported, exported and domestically produced food.

ISFR members are either heads of agencies or senior operational experts who can make and implement decisions about compliance and enforcement issues in their jurisdictions.

ISFR is not an enforcement authority in its own right. It allows Australian and New Zealand food regulators to discuss common approaches to implementation and develop agreed strategies to achieve a consistent approach to the way food regulations are implemented, interpreted and enforced across jurisdictions.

While all jurisdictions involved in food regulation work together on implementing and enforcing food regulation, there are sometimes differences in the way jurisdictions administer food law. Due to ISFR's consultative nature, it helps jurisdictions to minimise the impact of these differences as much as possible.

### **Summary of key matters of interest to local government discussed at ISFR10**

ISFR10 was held in Wellington on 2-3 August 2017. A summary of key items of interest is provided.

### **Update on Food Safety Management**

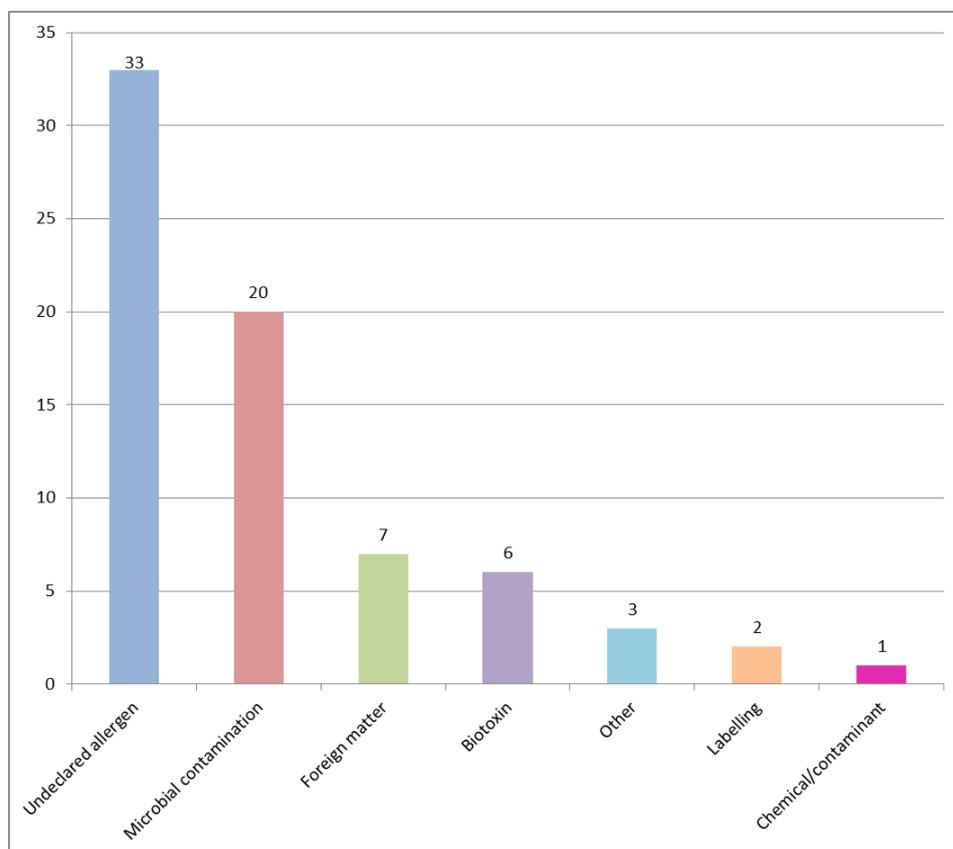
Jurisdictional-based stakeholder engagement on options to improve food safety outcomes in the general food service and closely related retail sectors has recently been conducted by the working group. Meetings were held with industry and local government stakeholders in most jurisdictions during February – May 2017.

The purpose of the engagement was to examine and refine a range of options identified as having the potential to improve food safety outcomes in the food service and related retail sectors. The engagement sought the experiences and views of stakeholders on existing tools and measures likely to have the greatest impact on food safety outcomes.

There was a consistent view from stakeholders that food safety remains a problem in these food service and related retail sectors and that further work is warranted at the national level to improve outcomes.

## Annual jurisdictional recall meeting outcomes

The annual meeting for recall action officers was held by FSANZ in May 2017. FSANZ coordinated 72 recalls in 2016. Undeclared allergens were the most common reason for recall last year, comprising 46% of all recalls. A breakdown of the number of recalls in each recall reason category is shown below. Approximately two-thirds of all recalls coordinated in the first six months of 2017 are also due to undeclared allergens.



FSANZ added a new question to the post recall report in mid-2016 asking what caused the issue to occur. The responses to this question for 26 allergen-related recalls have been reviewed and four broad contributors to problems were identified:

- lack of skills and knowledge of labelling requirements;
- supplier verification issues (e.g. raw ingredient contained allergen but this information was not passed on to the manufacturer);
- packaging errors; and
- accidental cross-contamination either of a raw ingredient, or during final production process.

## Allergen management

ISFR members considered two other items related to allergen management. The *Undeclared Allergen Incident and Investigation Protocol* has been reviewed and revised, incorporating input from key stakeholders involved in allergen work. The Protocol provides procedures for investigating and reporting of complaints of undeclared allergens, supplementary to standard food investigation protocols. It contains guidelines and checklists for allergen investigations and retail/food service, manufacturing and food import businesses. It provides guidance to food regulators in conducting their activities and establishes expectations for stakeholders on the approach taken by food regulators. The revised Protocol will be published on the food regulation website [Food Regulation - Home](#)

Many of the recalls in 2016 due to undeclared allergens were linked to imported foods. Importers of these recalled foods are often SMEs that may not have a comprehensive awareness of allergen risks or their food recall obligations. In order to prevent or mitigate risks to human health through undeclared allergens in imported food products, NSW Department of Primary Industries (DPI) worked closely with the Department of Agriculture and Water Resources (DAWR) to evaluate the understanding and preparedness of food importers and provide education material.

NSW DPI investigated 117 importers (10% of importers with shipments >50kg of certain tariff codes) and evaluated their understanding of allergen declaration requirements, their preparedness for a food recall and their food safety culture. A large number of businesses were advised or reminded of requirements to declare allergens in accordance with the requirements of the Food Standards Code. Many importers did not have a recall plan in place, which has now been addressed. The compliance of food importers with allergen management requirements will continue to be monitored.

### **2016-19 Coordinated Food Survey Plan**

ISFR members endorsed the 2017-20 Coordinated Food Survey Plan (CFSP), including the addition of two new surveys: undeclared alcohol in fermented beverages; and the 26<sup>th</sup> Australian Total Diet Study. The 2017-20 CFSP will be published on the FSANZ website.

### **Chemical migration from packaging into food**

FSANZ reported that it had progressed its work to review *Chemical Migration from Packaging into Food* (Proposal P1034).

Evidence from packaging surveys (24<sup>th</sup> Australian Total Diet Study, follow-up phthalate survey and a survey of mineral oil hydrocarbons in food contained in paperboard packaging) showed that the estimated exposures to packaging chemicals detected in Australian foods and beverages were below internationally recognised safe exposure levels.

Work on Proposal P1034 has identified the need for a simple, yet comprehensive educative resource on food packaging materials as sectors of industry, especially SMEs, lack the internal resources for gathering this information. A draft Food Packaging Information Guide is being developed by FSANZ.

### **Local Government activities and Jurisdiction Reports**

This section of the document describes key matters which may be of interest to local government.

#### **Queensland**

- The Department of Health continues to work with local government to administer and enforce the requirements of the *Food Act 2006* and Food Standards Code. The Department has completed the report regarding local government activities under the Food Act 2006 for 2015/2016. This report will be made publicly available shortly, following relevant approval.
- The Department of Health provided a public health response with other agencies and local governments affected by Cyclone Debbie to ensure preparedness, food safety and assistance with re-supply of food and drinking water to affected areas.
- A review is being finalised into food safety supervisor competencies.
- The Department of Health commenced state-wide webinars for EHOs employed by local government on emerging food regulation issues and hot topics.

## **New Zealand**

- Food Notice: Requirements for Food Control Plans and National Programmes that allows operators to carry out activities specified in Notice came into effect on 1 July 2017.
- Consultation is currently underway on the inclusion of requirements for preparation of medium rare burgers.

## **New South Wales**

- A performance audit on *Monitoring food safety in retail food businesses* was undertaken by the NSW Audit Office. The audit assessed how effectively the Food Regulation Partnership (FRP) with local government monitors compliance at the retail level. The report was tabled in the NSW Parliament and is available at [Monitoring food safety practices in retail food businesses - Audit Office of New South Wales](#)
- The FRP was also previously discussed in the Independent Pricing and Regulatory Tribunals review of Local Government Compliance and Enforcement.
- Several projects are underway to address matters discussed in these review processes including:
  - Re-appointment of all enforcement agencies under the Food Act through the development of new Instruments of Appointment, related protocols and advisory guidelines. These include guidance on inspection frequency, and establishing principles for consistent inspection of home-based food businesses with a view to Local Government taking responsibility for managing food safety in this sector.
  - Establishing a single electronic platform for retail food inspections.
  - Establishing an improved training delivery program, including an online mode.

Councils were consulted on the proposed changes during June 2017.

- A review of the Food Regulation Forum (a statutory board that helps advise and guide the Food Authority and councils to achieve their strategic goals in food safety of the retail sector) was also undertaken. It identified minor areas of improvement and recommended an Executive Officer position be established.
- EHO training for 2017 is ongoing and was designed to help officers assess, enforce and secure improvements in the retail and food service businesses. This is being delivered across more than 40 training events and more recently in an online mode.
- Plans are underway for the NSW Food Authority's biennial FRP 1.5 day workshop, which provides ongoing professional education in food regulation and food safety as well as providing networking opportunities for council EHOs. This year the workshop is being held in partnership with Environmental Health Australia (EHA) NSW, in Penrith.
- The Food Regulation Forum meets three times per year and comprises the Food Authority and key local government stakeholders (Local Government NSW, Environmental Health Australia, Development and Environmental Professionals' Association, Local Government Professionals' Association). It oversees the direction of the FRP. The Forum last met on 20 July 2017 in Goulburn and prior to that on 6 April in Parramatta. The next meeting is planned for September 2017 in Penrith.
- Retail and Food Service Information Sessions are held on the same day and prior to Food Regulation Forum meetings. Forum members meet with representatives of the retail food sector and EHOs to facilitate discussions on current regulatory issues. The last session held in July 2017 was targeted at regional food businesses and the session in April 2017 was targeted at multi-chain businesses.
- The Food Authority has, or is currently, undertaking work on: rice-based desserts, cut melons, chilled ready-to-eat foods, and allergens.

### ***Australian Capital Territory***

- The ACT is currently undertaking an operational review of kilojoule display information at the point of sale in standard food outlets. The review is in its final stages with the draft report currently undergoing an editorial process. This review is a requirement under the Food Act 2001 and must be completed as soon as practical after the end of the three years of operation. It is anticipated that the final report will be published on the ACT Health website in late 2017.

### ***Tasmania***

- Two pieces of work of particular interest to EHOs are commencing in August 2017. The Tasmanian Manufacturing Controls for Raw Egg Product are the subject of a review commencing in August 2017. Likewise, a review into the classification of food businesses, which will likely lead to changes to the S.86 Notice issued under the Food Act, is also commencing. Officers at Tasmania DHHS are responsible for both reviews and EHOs will be directly consulted as part of the process.
- Following two toxin mediated outbreaks, Tasmania DHHS is working with EHOs to raise awareness in businesses of the food safety risks posed by inappropriate cooling, re-heating and storage of bulk pre-prepared foods.

### ***South Australia***

- Food and Controlled Drugs Branch (FCDB) is implementing the SA commitment to decrease the regulatory burden placed on food trucks administration of the Food Act 2001 (the Act). FCDB has been working with local government to reduce red tape in the application of the Act via an inspection passport and a guideline for food trucks.
- SA Health has provided training for EHOs from the 18 Councils participating in the state-wide SA Food Safety Rating Scheme.
- Food safety inspections by councils are continuing to identify an increasing trend where food service businesses are using more complex processes and producing high risk products without recognising the increased risks, e.g. long shelf-life supermarket heat and serve meals. This is requiring FCDB to provide specific additional technical advice to Councils. A survey of cook chill vacuum packaged ready-to-heat meals has commenced and a newsletter is being considered to provide advice to Councils and food businesses.

### ***Victoria***

- The Department of Health and Human Services (VIC DHHS) is undertaking a major project with local government on developing better consistency in compliance assessments of food premises. This is an issue that is a challenge for all jurisdictions. Consistency in approach to compliance assessments and interpretation of legislation has always been important.
- VIC DHHS has completed training for most council Environmental Health Officers (EHOs) on fermentation processes. At least 16 sessions were held across Victoria from October 2016 to April 2017. This was necessary because of the increased popularity of fermented beverages on the market and increasing number of small businesses making products such as kombucha and kimchi.
- In June 2017 a module on fermentation was added to the Foodsmart FSP program.
- To meet the challenges of food businesses having more diversified food options and processes, professional development programs for local government are being developed, but are being prioritised due to the constrained fiscal environment.

### **Western Australia**

- Work has commenced to provide guidance to industry and Local Government enforcement agencies on the implementation of the Primary Production and Processing Standards for eggs, poultry and sprouts.
- Work is underway with Local Government to assist in addressing egg food safety following an increase in the number of reported cases of Salmonella Typhimurium, as well as publication of an updated notice on safe handling of eggs for food businesses and Local Government enforcement agencies.

### **Food Standards Australia New Zealand**

- FSANZ reported they have completed their review and provided advice on health-based guidance values (HBGVs) for Perfluorinated compounds to the Department of Health on 31 December 2016. On 15 February 2017, the FSANZ HBGVs were agreed by the Australian Health Ministers Advisory Committee (AHMAC).
- FSANZ released a consultation paper for Proposal P1024 Nutritive Substances and Novel Foods on 16 June 2017. The paper advised stakeholders of FSANZ's intent to modify the framework that was presented in the first Call for Submissions (December 2015). FSANZ has modified the framework after taking account of stakeholder input.
- FSANZ also gave an update on food safety activities including its continued review of microbiological criteria, publishing the Compendium of Microbiological Criteria for Food on the FSANZ website in October 2016.

### **Australian Government**

- The Department of Agriculture and Water Resources (DAWR) is working with FSANZ on the review of imported food risk assessments. FSANZ has now published the final instalment of risk advice and closed a period of public consultation on these changes on 31 July 2017. Submissions are being considered and will inform the implementation of this risk advice under the inspection scheme.
- DAWR is progressing with several changes to surveillance food testing:
  - The scope of seafood testing for antimicrobial residues;
  - Testing of coconut drinks for presence of undeclared milk; and
  - Cheese testing for compliance with the *Listeria monocytogenes* standard.
- On 1 June 2017, the Imported Food Control Act Amendment Bill was tabled in Parliament. The Amendment Bill, if passed, will give effect to a range of reforms to improve the management of imported food safety risks. Two of these reforms will require food importing businesses to have supply chain assurance for a specific list of foods (determined by the department) and a traceability system to ensure they can trace food one step back and one step forward.