

STANDARD 4.2.1

PRIMARY PRODUCTION AND PROCESSING STANDARD FOR SEAFOOD

(Australia only)

Purpose and commentary

This Standard sets out food safety and suitability requirements for seafood generally from pre-harvesting production of the seafood up to, but not including manufacturing operations. Chapter 3 of this Code applies to seafood manufacturing and retail sale activities.

Under this Standard, a seafood business must identify potential seafood safety hazards and implement controls that are commensurate with the risk.

Additionally, this Standard requires primary producers and processors of certain bivalve molluscs to implement a food safety management system. This particular requirement also extends to manufacturing activities relating to bivalve molluscs.

For primary producers and processors of bivalve molluscs, the food safety management system incorporates conditions on the areas from which the product may be harvested or harvested for depuration or relaying, along with conditions on the water used for wet storage.

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Clauses

Division 1 – Preliminary

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.

Editorial note:

This Standard applies to primary production and processing activities as defined in clause 2. The definition of ‘processing of seafood’ includes activities such as the killing, gutting, filleting, brining and shucking of seafood and the depuration of shellfish. However, other than the food safety management system requirements for bivalve molluscs, this Standard does not apply to manufacturing activities.

Manufacturing of seafood is defined in clause 2 as the canning, smoking or crumbing of the seafood or the addition of other foods to the seafood and other like activities.

Under the *Imported Food Control Act 1992*, Standards in this Code apply to imported food. However, this Standard does not fall within the scope of the ‘Agreement Between the Government of Australia and the Government of New Zealand Concerning a Joint Food Standards System’. Accordingly, this Standard does not apply to food businesses in New Zealand. Furthermore, the Trans-Tasman Mutual Recognition Arrangement and the Australian and New Zealand legislation giving effect to that Arrangement apply to imported food.

This Standard does not apply to persons who harvest or catch seafood for recreational, cultural or traditional purposes, provided the activity does not come within the definition of a ‘seafood business’ – that is, the seafood harvested or taken is not intended for sale.

Clause 3 of this Standard does not affect the operation of Standard 3.2.1.

2 Interpretation

- (1) Unless the contrary intention appears, the definitions in Chapter 3 of this Code apply for the purposes of this Standard.
- (2) In this Standard –

control means a measure that prevents, eliminates or reduces to an acceptable level, a food safety hazard.

deputation means a process using a controlled environment to reduce the level of certain pathogenic organisms that may be present in live shellfish and crustaceans.

harvesting means the capture or taking of seafood and includes the capture or taking of seafood from an enclosure or pond used in aquaculture.

inputs includes any feed, chemicals or other substances used in, or in connection with, the primary production of seafood.

live seafood premises means a premises used for the primary production of live seafood, and includes sea cages.

manufacturing of seafood means the canning, smoking or crumbing of seafood or the addition of other food to seafood and other like activities.

primary production of seafood means the –

- (a) growing, cultivation, picking, harvesting, collection or catching of seafood; or
- (b) growing on of seafood; or
- (c) transportation or delivery of seafood; or
- (d) holding of live seafood;

and includes processing of seafood.

processing of seafood includes –

- (a) the killing, dismembering, filleting or cutting into portions, gill or gutting, or skinning of seafood; and
- (b) the deputation of shellfish and crustaceans; and
- (c) the shucking or peeling of seafood; and
- (d) the cooking, including steaming or boiling, of crustaceans; and
- (e) the brining of seafood; and
- (f) the packing, treating, washing, freezing, refrigeration or storing of seafood; and
- (g) other similar activities.

Editorial note:

The definitions of ‘primary production of seafood’ and ‘processing of seafood’ operate for the purposes of this Standard and do not affect the definition of those terms in State and Territory Food Acts. The definitions in this Standard do not affect the legislative or administrative arrangements in the States and Territories concerning the administration and implementation of legislative schemes.

seafood means all aquatic vertebrates and aquatic invertebrates intended for human consumption, but excludes amphibians, mammals, reptiles, and aquatic plants.

seafood business means a business, enterprise or activity that involves the primary production of seafood intended for sale.

seafood handler means a person who engages in or supervises the primary production of seafood, for a seafood business.

seafood premises means any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, vessels, pontoons, and any other place declared by the relevant authority to be a premises under the Food Act, kept or used for the primary production of seafood (exclusively or otherwise), regardless of whether the premises are owned by the proprietor, including premises used principally as a private dwelling.

temperature control means maintaining seafood at a temperature of –

- (a) 5°C, or below if this is necessary to minimise the growth of infectious or toxigenic micro-organisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature; or
- (b) another temperature – if the food business demonstrates that maintenance of the food at this temperature for the period of time for which it will be so maintained, will not adversely affect the microbiological safety of the food.

Division 2 – General seafood safety requirements

3 General seafood safety management

A seafood business must systematically examine all of its primary production and processing operations to identify potential seafood safety hazards and implement controls that are commensurate with the food safety risk.

Editorial note:

Examples of ‘controls’ referred to in this clause could include –

- (a) measures to control hazards from air, soil, water, bait and feedstuffs, fertilisers (including natural fertilisers), pesticides, veterinary drugs and any other agent used in primary production of seafood; and
- (b) controls to protect food sources from faecal and other contamination.

4 Contamination and handling

(1) A seafood business must take all necessary steps to prevent the likelihood of seafood being or becoming contaminated.

(2) A seafood business must take all reasonable measures to ensure that seafood handlers handle seafood or surfaces likely to come into contact with seafood in a way that is not likely to compromise the safety or suitability of seafood.

5 Inputs and harvesting areas

- (1) A seafood business must take all reasonable measures to ensure inputs do not adversely affect the safety or suitability of the seafood.
- (2) A seafood business must not harvest seafood in an area if it is known, or ought reasonably be known at the time, that the seafood, if harvested in the area, may not be safe or suitable when sold for human consumption.

6 Seafood storage

- (1) A seafood business must, when storing seafood, other than live seafood, store the seafood under temperature control and have a means of monitoring the temperature of the seafood.
- (2) A seafood business must, when storing live seafood, store the seafood in such a way that the conditions under which it is stored will not adversely affect the safety or suitability of the seafood.

7 Seafood transportation

- (1) A seafood business must, when transporting seafood, other than live seafood, transport the seafood under temperature control and have a means of monitoring the temperature of the seafood.
- (2) A seafood business must when transporting live seafood, transport the seafood under conditions that will not adversely affect the safety or suitability of the seafood.

Editorial note:

For clauses 6 and 7 –

The term ‘temperature control’ is defined in clause 2 of this Standard.

8 Seafood packaging

A seafood business must, when packaging seafood –

- (a) only use packaging material that is fit for its intended use; and
- (b) only use packaging material that is not likely to cause contamination of the seafood; and
- (c) take all reasonable measures to ensure that the seafood does not become contaminated.

9 Seafood for disposal

- (1) A seafood business must ensure that seafood for disposal is held and kept separate until it is –

- (a) destroyed or otherwise used or disposed of so that it cannot be used for human consumption; or
- (b) returned to its supplier; or
- (c) processed in a way that ensures its safety or suitability; or
- (d) ascertained to be safe and suitable for sale.

(2) A seafood business must clearly identify any seafood that is held and kept separate in accordance with subclause (1) as returned seafood, recalled seafood, or seafood that is or may not be safe and suitable.

Editorial note:

‘Seafood for disposal’ has the same meaning as ‘food for disposal’ as defined in Standard 3.2.2, clause 11 – that is – the seafood is subject to a recall, or has been returned, or is not safe or suitable, or is reasonably suspected of not being safe or suitable.

10 Seafood receipt

(1) A seafood business must take all reasonable measures to ensure it only accepts seafood that is protected from the likelihood of contamination.

(2) A seafood business must, when receiving seafood, other than live seafood, take all reasonable measures to ensure it only accepts seafood that is under temperature control.

(3) A seafood business must, when receiving live seafood, take all reasonable measures to ensure that it receives seafood that has been transported in such a way that has not or will not adversely affect the safety or suitability of the seafood.

11 Seafood tracing

A seafood business must maintain sufficient written records to identify the immediate supplier and immediate recipient of seafood for the purposes of ensuring the safety of the seafood.

12 Skills and knowledge

A seafood business must ensure that seafood handlers have –

- (a) skills in food safety and food hygiene; and
- (b) knowledge of food safety and food hygiene matters;

commensurate with their work and the food safety risks.

13 Health and hygiene requirements

(1) A seafood handler must exercise personal hygiene and health practices that are commensurate with the food safety risks and that do not adversely affect the safety or suitability of the seafood.

(2) A seafood handler who –

- (a) has a symptom that indicates the handler may be suffering from a food-borne disease; or
- (b) knows he or she is suffering from a food-borne disease; or
- (c) is a carrier of a food-borne disease;

must not engage in any handling of seafood where there is a reasonable likelihood of seafood contamination as a result of the disease.

(3) A seafood business must take all reasonable measures to ensure that seafood handlers exercise personal hygiene and health practices that are commensurate with the food safety risks and that do not adversely affect the safety or suitability of the seafood.

14 Seafood premises and equipment

(1) A seafood business must ensure that seafood premises, including live seafood premises, and equipment used in the primary production of seafood are –

- (a) so far as is reasonably necessary, kept clean; and
- (b) designed, constructed, maintained and operated;

such that the safety or suitability of the seafood will not be adversely affected.

(2) For the purposes of subclause (1), a seafood business must comply with –

- (a) Division 5 of Standard 3.2.2 and Standard 3.2.3 of this Code; or
- (b) a set of requirements recognised by the Authority.

Editorial note:

Where the cleaning of equipment such as fishing nets and oyster racks would not affect the safety or suitability of the seafood, the cleaning of this equipment will not be necessary to meet the requirements in paragraph 14(1)(a).

Division 3 – Harvesting and other requirements for bivalve molluscs

15 Interpretation

In this Division –

approved means approved by the Authority.

area means an area where bivalve molluscs are grown or harvested.

ASQAP Manual means the Australian Shellfish Quality Assurance Program Operations Manual – Version 3 of 2002.

Authority means the State, Territory or Commonwealth government agency or agencies having the legal authority to implement and enforce this Division.

batch means a quantity of bivalve molluscs which is harvested, depurated or handled from the same lease number and with the same harvest date.

bivalve molluscs include cockles, clams, mussels, oysters, pipis and scallops intended for human consumption, but excludes scallops and pearl oysters, where the only part of the product consumed is the adductor muscle, and spat.

growing on means the process where juvenile bivalve molluscs are translocated to a classified area for a sufficient period to enable their development prior to sale.

relaying means the transfer of bivalve molluscs from one area to another for the reduction of contaminants in the bivalve molluscs.

spat means juvenile bivalve molluscs taken for the sole purpose of growing on.

Editorial note:

If spat are harvested for human consumption then the product falls within the definition of 'bivalve mollusc'. In that case, the requirements in this Division for bivalve molluscs apply to the product.

wet storage means the temporary storage of bivalve molluscs from an area in containers or tanks containing natural or artificial seawater for purposes other than depuration.

16 Food safety management systems for bivalve molluscs

(1) A seafood business that engages in the primary production or processing of, or manufacturing activities concerning, bivalve molluscs must implement a documented food safety management system that effectively controls the hazards.

Editorial note:

'Hazard' is defined in Standard 3.1.1 as a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.

Under subclause 1(2) of this Standard, the requirement for a food safety management system in subclause 16(1) does not apply to retail sale activities concerning bivalve molluscs.

- (2) A seafood business is taken to comply with subclause (1) if it implements –
- (a) a food safety program set out in Standard 3.2.1; or
 - (b) a food safety management system set out in the Commonwealth Export Control (Processed Food) Orders; or
 - (c) the Codex Alimentarius Hazard Analysis and Critical Control Point System (HACCP) for food safety management set out in Annex C to CAC/RCP 1-1969, revision 4 (2003); or

- (d) any other Hazard Analysis and Critical Control Point (HACCP) based food safety management system recognised by the Authority.
- (3) For the purposes of subclause (1), a seafood business must comply with –
- (a) the conditions of the ASQAP Manual specified in the Schedule to this Standard; or
 - (b) conditions recognised by the Authority.

Editorial note:

The ASQAP Manual is the National guideline for managing risks in the harvesting, relaying, depuration and wet storage of shellfish.

Subclause 16(3) does not require producers or processors of bivalve molluscs to classify or close harvesting areas. Under the ASQAP Manual the classification of these areas is the responsibility of the State Shellfish Control Agency (SSCA).

The Australian Shellfish Quality Assurance Advisory Committee (ASQAAC) maintains the ASQAP Manual.

‘HACCP’ has a technical meaning commonly understood by the food production and manufacturing industry.

17 Co-mingling of bivalve molluscs

A seafood business must ensure that each batch of bivalve molluscs harvested must be separated in a manner that prevents co-mingling of batches.

SCHEDULE

ASQAP MANUAL CONDITIONS

Column 1 Activities	Column 2 Conditions
Activity 1 Harvesting	<p>The area –</p> <p>(a) has been classified by the Authority as –</p> <ul style="list-style-type: none"> (i) approved; or (ii) conditionally approved; or (iii) approved as remote; or (iv) offshore; and <p>(b) is subject to a Marine Bio-toxin Management Plan; and</p> <p>(c) has an open status; or</p> <p>(d) is undergoing classification and is approved by the Authority subject to conditions, if any, specified by the Authority.</p>
Activity 2 Harvesting for depuration or relaying	<p>The area –</p> <p>(a) has been classified by the Authority as –</p> <ul style="list-style-type: none"> (i) approved; or (ii) conditionally approved; or (iii) approved as remote; or (iv) restricted; or (v) conditionally restricted; and <p>(b) is subject to a Marine Bio-toxin Management Plan; and</p> <p>(c) has an open status for the purposes of depuration or relaying; or</p> <p>(d) is undergoing classification and is approved by the Authority, subject to conditions, if any, specified by the Authority.</p>
Activity 3 Post harvest temporary wet storage	<p>The water used must be –</p> <p>(a) sourced from an area that satisfies the conditions for Activity 1 (other than Condition (d)); or</p> <p>(b) of a quality that will not adversely affect the safety and suitability of the bivalve molluscs;</p> <p>and</p> <p>(c) effectively disinfected or maintained during the course of the wet storage in such a way that it continues to satisfy the conditions for Activity 1 (other than Condition (d)).</p>