

**Proposal P1004**  
**Primary Production & Processing Standard**  
**for Seed Sprouts - Consultation Paper**  
**Second Assessment Report**

14 October 2010

Project Manager – P1004  
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Dear Sir/Madam  
Submission – Proposal P1004  
Primary Production and Processing Standard for Seed Sprouts  
Second Assessment Report

The NSW Food Authority (the Authority) provides the following information and comments in response to the Second Assessment Report released by FSANZ on 6 September 2010.

**1. NSW supports Regulatory Option 2(b)**

The Food Authority supports Risk Management Option 2(b) – prepare draft food regulatory measures for sprout producers only. This option aligns most closely with the regulatory requirements for sprout producers in NSW.

In 2005, based on the findings of its positive public benefit analysis, the Authority introduced Food Safety Scheme requirements for NSW sprout producers to implement audited food safety programs in accordance with HACCP or Standard 3.2.1 *Food Safety Programs* of the Food Standards Code (the Code). NSW notes that FSANZ' proposal is cost-negative.

**2. Comments on the proposed draft Standard 4.2.6 (Attachment 1)**

Highlighted comments (boxed) are of particular priority to NSW.

***The time period allowed for commencement is inadequate and is inconsistent with other Primary Production and Processing (PPP) Standards.*** NSW questions whether twelve months from gazettal is sufficient time for jurisdictions to implement a Primary Production and Processing (PPP) Standard especially where there is no history of regulation in the sprout industry (excluding NSW) and no settled implementation plan. Implementation will take longer in smaller jurisdictions and will ultimately, if implementation times are too short, will affect consistent implementation at a national level.

In addition, implementation times from gazettal are inconsistent across many recently gazetted PPP Standards. For example, the recently gazetted Poultry PPP Standard (Standard 4.1.1) has a twenty-four month implementation period for a processing industry with a long-term compliance history. Conversely, the proposed Egg PPP

Standard (Standard 4.2.5) has a twelve month from gazettal time to implementation period for an industry with no compliance history (excluding QLD, TAS).

***Different commencement dates for Standards 4.1.1 and 4.2.6 is problematic.***

Standard 4.1.1 has been gazetted to commence on 20 May 2012. The Standard 4.2.6 relies on Standard 4.1.1 for a number of definitions and therefore will be an issue if it commences prior to Standard 4.1.1.

***Clause 1 - definition of seed sprout may need some clarification as to the state of the sprout when it is consumed.*** Some clarity around the definition might help as it is not clear whether it is intended whether all or part of the seed must be eaten at time of consumption. Perhaps the definition could be clarified by deleting the words 'human consumption'.

NSW understands that the intent of the definition is to exclude those sprouts where the shoot (stem) has been separated from the seed and the root. Examples could include snowpea sprouts, sunflower sprouts and wheat grass (if they are harvested in this way). Can FSANZ please provide a technical rationale for the limitation? NSW believes that this definition aligns with the requirements in NSW.

***Clause 1 – there is a potential issue with the definition of 'unacceptable'.***

There may be a technical drafting issue to consider here. The definition refers to seeds sprouts being "not suitable" or "unsafe" in accordance with clause 2 of Standard 3.1.1. However Clause 2 of Standard 3.1.1 states that the meanings of "safe and suitable food" apply 'for the purpose of the Food Safety Standards' (Chapter 3). There may be some difficulty therefore in applying those meanings to Chapter 4 Standards. . In addition, we also note that the Poultry Meat PPP Standard 4.2.2 references Standard 3.1.1 but also includes an editorial note about what is suitable. NSW questions whether the inclusion of an editorial note is also appropriate for this Standard (4.2.6)?

***Clause 1 – the definitions of validate and verify vary across PPP Standards (e.g. Standards 4.1.1 and 4.2.3).*** It would be helpful if the definitions of validate and verify are consistent with other Standards because using a different test for every PPP Standard is difficult.

***Clause 2 – the meaning of a sprout producer is too broad as it could (inadvertently?) be interpreted as including stand-alone seed storage warehousing.*** The detailed descriptions of the activities that define a sprout producer are wider than those businesses captured under the *NSW Plant Products Food Safety Scheme Regulation* (2010). In NSW, seed storage businesses are not required to operate with a Food Safety Program that complies with Standard 3.2.1. Could FSANZ please clarify whether this was its intent?

***Clause 5 includes a typing error.*** Should be 'sprout'.

***Clause 7 includes the term 'effective' without specifying what that means.*** NSW believes this is too subjective for a legal requirement. The clause should detail what the decontamination process must achieve for it to be effective. (The 2<sup>nd</sup> Assessment Report (p 13) offers some guidance here.)

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**Approved by: Craig Sahlin Date: 15 October 2010**

**The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.**