RESPONSE TO PROPOSAL P1017

Criteria for *Listeria monocytogenes* – Microbiological Limits for Foods.

Thank you for providing the opportunity for SA Health to make a submission to this paper.

Regulatory Options

Option 1

SA Health **supports Option 1** of Proposal P1017.

Option 1 – Amend the limits for Listeria monocytogenes in Standard 1.6.1

Option 1 proposes changing the limits set for *L. monocytogenes* in standard 1.6.1 to include two sets of criteria:

- criteria for foods in which growth of *L. monocytogenes* will not occur (<100 cfu/g)
- criteria for foods in which growth of *L. monocytogenes* can occur (not detected in 25 g)

Option 1 is supported for the following reasons -

- This reflects the approach adopted by the Codex Committee on Food Hygiene (Codex 2007). Aligning microbiological limits in Standard 1.6.1 with an internationally agreed approach is supportive of an efficient and internationally competitive food industry. It will be consistent with Australia's World Trade Organisation membership obligations.
- The States and Territories adopt the Food Standards Code – Standard 1.6.1 through their Food Acts. Amendment of Standard 1.6.1 will allow a consistent approach across jurisdictions to enforcement of the Standard
- It is anticipated that an amendment to Standard 1.6.1 is the most effective way to protect public health and safety.

Amending the limits for *Listeria monocytogenes* in Standard 1.6.1 is supported providing that –

<u>Growth criteria</u>

- The factors that can control growth of *L. monocytogenes* in ready-to-eat foods (Codex 2007):

  - a pH below 4.4

- a water activity (a_w) of <0.92
- a combination of factors, e.g. combination of pH<5.0 with a_w<0.94
- freezing. *(during that period when the product remains frozen).*

should also be incorporated into Standard 1.6.1. but there should be the option to validate other factors demonstrating that growth of *L. monocytogenes* will not occur in a food during the expected shelf-life as described in the *Guidelines on the application of general principles of food hygiene to the control of Listeria monocytogenes in foods CAC/GL 61 - 2007.*

- These criteria are only effective in controlling growth under conditions of Good Manufacturing Practice and this should be reflected in the Standard.
- It is noted that the FSANZ P1017 page 9 has shortened the Codex (2007) criterion and doing so have cut out additional important criterion information –

" *Such growth can also be controlled by freezing (during that period when the product remains frozen). In addition, inhibitors can control the growth of L. monocytogenes and synergy may be obtained with other extrinsic and intrinsic factors that would result in no growth*."

It is important that the control criterion for freezing is only appropriate during that period that the product remains frozen. It should therefore be removed from the criteria list or allowed only for foods that will not be thawed prior to consumption and absent of *L. monocytogenes* in the frozen state.

- It should also be recognised in the criteria that inhibitors can play an important role in controlling growth of *L. monocytogenes.*

<u>Evidence of meeting growth criteria</u>

- In establishing criteria for *L. monocytogenes* for ready-to-eat foods there is a need to clearly articulate the information food business operators are required to keep to demonstrate whether or not the food will support the growth of the organism and verify process controls to meet the criteria. The onus of providing evidence of meeting the criteria for growth of the organism for the food category needs to be placed on the manufacturer rather than the enforcement agency.
- In the absence of this information a ready-to-eat food could be presumed to support the growth of *L. monocytogenes* and a not detected criterion applied.

<u>Whole of chain compliance</u>

- Option 1 needs to consider whole of chain compliance with the Standard 1.6.1. The point of application of the microbiological limits needs to be clearly

defined so that the standard will apply to the manufacturer once food is ready for sale.

Wider food range with set microbiological limits

- The implications and impact to regulators and industry of a broader capture of foods that meet the ready-to-eat food definition proposed in Option 1 requires assessment for both packaged and not packaged foods. In allowing all ready-to-eat foods to be captured by option 1 consideration needs to be given to the possibility of all ready-to-eat foods detecting positive for *L. monocytogenes* due to handling/cross contamination(e.g. Delicatessen counter) and the impact this will have on enforcement agencies and industry.
- Consideration needs to be given to how the proposed microbiological limits for *L. monocytogenes* will interface the food recall guidelines.

Option 2

Option 2 of providing no limits from *L. monocytogenes* is not supported because a set of advisory criteria is only a guidance document. A breach of a guidance document is not a breach of the Food Act unless there is sufficient evidence that there is a significant risk to public health and safety to use the Food Act's emergency powers to recall the food product. So while a food recall of ready-to-eat foods due to the presence of *L. monocytogenes* has occurred despite no regulatory standard being established, the risk to public health and safety must still be demonstrated.

Option 2 does not allow for intervention before significant risk to public health and safety is demonstrated. If the microbiological limits for food is in place in the standard then action can be taken by enforcement agencies before a product is released due to breach of the standard rather than requiring a significant risk to public health and safety to be demonstrated to use emergency powers under the Food Act. For a guidance document a risk assessment would need to be completed by the jurisdiction in order to demonstrate a significant risk to public health and safety under the Food Act. This may result in inconsistencies across jurisdictions and a delay in food recall response.

Option 3.

Option 3 –status quo is not supported since the food currently listed in Standard 1.6.1 is a vertical approach to identifying food safety requirements that does not cover all foods that have been identified in listeriosis outbreaks. A broader approach that takes into account all foods that pose a risk of listeriosis to the public is preferred.

Methods of Analysis

The methods currently specified in the Standard 1.6.1 may be out of date and need to be revised to be consistent with the latest international methods. The methods should be specified within Standard 1.6.1 and the method should be capable of enumerating *L. monocytogenes* rather than simply detecting presence or absence of the organism. The reporting method should be flexible and must be appropriate to the risk presented by the food i.e. < 100 is not suitable for ready-to-eat foods that support growth.

Definition

SA Health agrees with the definition for Ready-to-eat food as defined in Standard 3.2.2 as:

> *Ready-to-eat means food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer.*

The existing definition of ready-to-eat of Standard 3.2.2 should be applied to any microbiological criteria in Standard 1.6 for regulatory purposes.