

POPULATION HEALTH QUEENSLAND

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Standards Management Officer
Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610

Dear Sir / Madam

Submission – Proposal P1004 – Primary Production and Processing Requirements for Seed Sprouts (Australia only)

Thank you for the opportunity to provide a submission on the First Assessment Report (FAR) for Proposal P1004.

This is a Queensland Government response and our approach follows consultation with other relevant Queensland Government agencies. This response is made by Queensland Health since it is the lead agency in Queensland which coordinates policy advice relative to the national policy on food regulation.

It might also be noted that Queensland Health is responsible for enforcing the *Australia New Zealand Food Standards Code* in Queensland.

At the outset, Queensland acknowledges seed sprouts contaminated by pathogenic micro-organisms present an unacceptable health risk to consumers and supports measures which minimise adverse health effects associated with the consumption of seed sprouts.

We also support a national approach to this issue and agree to appropriate through-chain control measures that can be implemented by industry to maximise the safety of seed sprouts.

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Risk Assessment Data and information gaps

We note in the Report the number of times there is a reference to limited data being available on which to make a recommendation to have this issue addressed. These references include, *"There is, however, little specific data on how seeds used for sprouting become contaminated with pathogens during production or the relative contribution of potential sources of contamination"* (page 6 of the FAR), *"There is very limited Australian or international information on the extent of sprout consumption"* (page 14 of the FAR), *"Very little data is available on the prevalence and levels of Salmonella and EHEC in seed destined for sprouting"* (page 32 of the FAR), *"There are very little data available on the presence of residues of agricultural and veterinary chemicals in seed sprouts"* (page 41 of the FAR) and *"There are very little data available on the presence of chemical contaminants in seed sprouts. These contaminants may include metals (cadmium, copper, zinc), non-metal contaminants (e.g. packaging monomers) and mycotoxins"* (page 41 of the FAR).

We also note on page 14 of the FAR that Food Standards Australia New Zealand continues to utilise *"data from the 1995 National Nutrition Survey"* (NNS) for dietary modelling and such use of out-of-date data could be seen as being of limited value.

Risk Management – Industry guidelines and associations

The Report states, *"The production of seed sprouts in Australia is a relatively small industry undertaken by small, often family owned businesses (there are approximately 30 sprout producers located throughout Australia)"* (page 9 of the FAR). It is also noted there is an Australian New Zealand Sprout Producers Association and that *"this Association represents just over half of the industry"* (page 10 of the FAR).

As such, the number of sprout producer businesses failing to comprehensively uptake the current industry guidelines appears to be under 15 in number. Bearing this in mind, perhaps it would be more appropriate for a concerted effort be made to have those businesses outside of the Association take up the set of industry guidelines, rather than immediately pursuing the development of regulatory measures.

We note that this association *"has sought government intervention and the development of regulatory measures (as appropriate) for the industry"* (page 5 of the FAR), but also note that the Report does not mention the views of other associations such as the Australian Mungbean Association or Lucerne Australia.

Risk Management – Primary production and processing

There are many opportunities for the contamination of seeds or sprouts along the complex path from farm-to-fork. This can include contamination via seeds, irrigation water used for sprouting, unsanitary production practices or mishandling by consumers.

However we are aware that epidemiological investigations suggest that seeds are the likely source of contamination in most sprout associated food-borne illness outbreaks. Furthermore, recent outbreak investigations have shown that a single contaminated seed lot can result in contamination of multiple production lots of sprouts.

Apart from the contamination of seed during growth and harvesting, we accept that the conditions under which sprouts are produced (ie., growing time, temperature, moisture and nutrients) are ideal for bacterial proliferation.

In the event of determining contamination with a pathogen in a batch of sprouts, there is a need to discard the batch as well as the seed lot used to produce the sprouts, and any other sprout production lots that were made from the same seed lot and that are still under control of the sprouter.

In addition, anything in the sprouting facility that has come into contact with the contaminated production lot or its water (e.g., equipment and surfaces) need to be thoroughly cleaned and then sanitized to avoid contamination of subsequent batches of sprouts.

As such we understand there is a need for sprouters to ensure they purchase seed in compliance with their requirements or have procedures in place to evaluate the seed before use, use trained staff to oversee food safety within their sprout manufacturing facility and keep adequate records which pertain to seed lot use, disinfection, test results, cleaning and sanitizing and destruction of product that has tested positive for pathogens. .

We would also suggest that all seed sprout production only use potable water.

We also believe that the United States Food and Drug Administration has recommended test and release procedures for the seed sprout industry and this needs to be considered as well.

Furthermore we are aware of the Canadian three-pronged risk mitigation approach which addresses the safety of sprouted seeds and believe this approach needs to be considered in further deliberations. This involves:

1. Implementation and use of a Code of Practice for the Hygienic Production of Sprouted Seeds.
2. Guidance for industry: Sample collection and testing of sprouts and spent irrigation water.
3. Development of consumer and industry educational material.

Risk Management - Retail

We also recognise that unsafe food practices have contributed to the contamination of sprouts. As such, we believe there is a need for retail food facility operators to employ good handling, storing and serving practices. These could include:

- Storing seed sprouts in a clean, dry environment and under appropriate refrigeration
- Mandatory labelling all packaged seed sprouts (eg., Perishable – Keep refrigerated and wash thoroughly before use)
- Removing all musty smelling, dark or slimy looking sprouts
- Employing good personal hygiene practices

Risk communication

We strongly believe it is imperative that the role of consumer and industry education be included in any measures to maximise seed sprout safety. As food safety issues can result in intense and sustained media, as well as consumer interest, regulatory agencies and industry need to communicate both proactively and reactively with consumers about food safety risks. It needs to be acknowledged that consumers have a right to information about food safety issues and industry has a responsibility to produce safe food.

Impact Analysis – Government Implementation and Enforcement

At this stage it is premature for Queensland to provide an indication of the impacts on government. However, based on ‘user pays’ principles and economies of scale, the costs associated with developing, monitoring, enforcing and administering a regulatory program/scheme which covers only seed sprouts are expected to be high compared to other food safety schemes due to the limited number of relevant businesses. This may also impact on the accreditation costs for relevant businesses.

It is expected that when more detailed information is provided on the possible nature and scope of a standard, whether it is a new primary production and processing standard or the amendment of an existing standard to cover the key risks (e.g. Standard 1.6.1 Microbiological Limits for Food and associated sampling regimes), Queensland will be better positioned to provide information on impacts to government.

Conclusion

Given the above matters, including the need for further information and data gathering on this Proposal, as well as the differing views held by stakeholders, Queensland does not have a preferred option on the Proposal at this point in time.

In the event that a focused industry-led approach to minimise the adverse health effects associated with the consumption of seed sprouts is non-productive, government intervention may be considered necessary. In such case, any regulatory measures would need to be effective, practical and feasible. It should not result in another costly imposition where justification is questionable.

In the meantime, Queensland is agreeable for the development of the Second Assessment Report to proceed and looks forward to receiving detailed evidence and current data on which to base our considered approach.

Yours sincerely

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