

Comments from the Victorian Departments of Environment & Primary Industries and Health

Due date for submissions: 3 December 2013

The Victorian Departments of Environment & Primary Industries and Health (referred to as the Departments) welcome the opportunity to comment on Proposal P1014 which is considering amending the Food Standards Code (the Code) to incorporate requirements for meat and meat processing. PrimeSafe, the Victorian regulator responsible for regulating meat processing activities, was consulted in the preparation of this submission and its views are also incorporated for that part of the supply chain.

The Departments support the consideration of all species in a single standard, if it is required, rather than separate standards for minor meat species as previously planned.

The Victorian Government, like many other governments, is keen to ensure that regulation is risk-based and does not impose unnecessary regulatory (and administrative) burden. The Victorian meat industry competes internationally and must remain cost-competitive. However, government and industry are well aware that effective management of food safety risks are paramount in ensuring market access is maintained. Existing arrangements have provided this assurance.

The Implementation Plan developed by state/territory agencies that will be responsible for ensuring compliance with any future meat standard states that “if businesses are currently complying with existing legal requirements, and continue to do so, they will comply with the future meat standard”. This further reinforces the point that there are already adequate legal requirements in place.

Therefore, the Departments are not supportive of the proposed changes to extend regulation for food safety purposes on farm, and justification for this position is provided in the discussion that follows.

Risk Assessment and risk management

The Departments agree with the conclusions drawn that existing arrangements effectively manage known hazards and food safety risks. This would support the continued risk management practices in place along the supply chain.

Requirements for meat processors

The Departments note that the preferred option for the processing part of the supply chain is to include an editorial note that processors are required under state/territory law to comply with specified Australian Standards. In essence, this has no force in law under the Code

The Departments understand that FSANZ is unable to legally reference standards in the Code that are developed elsewhere.

Hence, this arrangement relies on individual jurisdictions to ensure that the standards are incorporated into their legislation. In Victoria, standards such as these are incorporated as codes of practice under the *Meat Industry Act 1993*. The rationale for incorporating requirements within the Code for primary production and processing sectors has, as well as

managing food safety risks, been to ensure consistent standards are applied nationally. The Departments note that this arrangement is dependent on jurisdictions continuing to reference Australian Standards and adopting updated standards uniformly.

Given the options available to FSANZ, and to minimise duplication, the Departments agree that it is useful, at least, that the Australian Standards are listed in the Code. However, the Departments question whether this arrangement (ie. no legal requirements for processors in the Code) has any implications for exporting meat where national food safety requirements are used as the baseline for meeting the food safety requirements of importing countries. This minimises duplication and regulatory burden.

Similarly, are there any implications for imported meat under these arrangements (acknowledging the fact that there are biosecurity hurdles that must be met for imported meat)?

Requirements for Primary Production

The proposed standard includes requirements to manage inputs (feed and chemical usage), waste disposal and a traceability system for receipt and supply of animals. The report provides a number of arguments why the inclusion of these requirements in the Code would be of benefit (refer p.13).

These are discussed below.

- a) *It will provide legislative requirements on producers to provide complete and correct documentation to processors.*

There are currently obligations placed on processors under existing Australian Standards regarding information that is currently provided through National Vendor Declarations (NVDs). The proposal suggests that inclusion of these requirements in the proposed standard would place corresponding obligations on farmers.

This argument seems spurious given there are obligations on farmers to provide this information under existing regulations. It is also argued that processors do not always receive complete information that is required. As the compliance plan for this proposal, which is provided by state/territory food regulators, infers that no additional regulatory action is planned, gaining greater compliance with existing primary industries requirements under this standard appears unlikely. Additionally, it would seem that if there are currently problems with NVDs, this should be addressed by those agencies responsible.

- b) *Food safety regulators will have legislative backing to investigate incidents/food safety matters through the whole chain.*

It is not clear what incidents this refers to given the consistent statements throughout the document that the food safety risks on farm are very low, and those that emanate from farm, for example, agricultural and veterinary chemical use, are already well managed under other regulations. No examples have been provided that demonstrates that there is a gap in existing arrangements. If there is a significant risk to public health, food regulators have existing powers under Model Food Act provisions to take action on farms. However, it is more likely that any incident would be managed under other legislation, depending on the nature of the incident for example, livestock disease control and environmental contamination. In most

jurisdictions, this would involve other agencies, not those responsible for regulating food safety.

Operation of feedlots and saleyards are mentioned as an existing gap for primary production regulations. While this may be the case, again, it is hard to imagine what issues of food safety in these businesses would need to be managed or investigated by public health authorities to manage food safety matters. Issues that may impact livestock health and potentially food safety, such as inadequate waste management, animal welfare or inappropriate use of agricultural and veterinary chemicals, are the responsibility of primary industries or other government agencies.

c) Food safety regulators will be able to monitor traceability compliance.

Traceability is critical for biosecurity purposes as well as for food safety. The NVD and other mechanisms such as Property Identification Codes and livestock identification systems are all designed to mitigate biosecurity risks and trade risks such as violation of maximum residue limits. It is difficult to see where there would be a need for public health/food safety regulators to independently monitor traceability given the existing focus on these systems by primary industries agencies.

Regulation Impact Statement

The proposal to change Standard 4.2.3 to include primary production requirements for managing inputs, waste and traceability appears to be based on a desire to apply food safety regulation across the entire meat supply chain, and on a theoretical risk that businesses that are not complying with existing meat production requirements may, at some time in the future, pose an unmanaged food safety risk. It does not appear to be based on evidence of an existing food safety risk.

The Regulation Impact Statement (RIS) that has been prepared to support the preferred option to amend Standard 4.2.3 does not attempt to quantify the costs and benefits of the proposed changes. The assessment indicates that the costs of implementing the change are negligible. However, it also indicates that the benefit for public health, in terms of any resultant reduction in the level of food safety risk, is also negligible. The Departments question why additional regulation needs to be put in place if it is not going to have any tangible net benefit to the community, even if implementation costs are low.

The RIS acknowledges that food safety risks on farm are very unlikely to arise but, if they do, are only likely to occur on farms that are already non-compliant with existing standards and legislative requirements. As mentioned above, the solution to this problem should be improvement of the systems that facilitate compliance with existing requirements, rather than complicating the system by introducing new legislation and a new regulator that has responsibilities on farm.

The RIS identifies theoretical costs associated with foodborne illness ('averting costs' and 'macroeconomic costs') that could be reduced if food safety risks are reduced. It appears that these 'costs of foodborne illness' are presented in an attempt to build evidence of a benefit arising from the proposed changes to Standard 4.2.3. These theoretical costs are based on other types of disease outbreaks and have not been shown to be relevant to a foodborne disease outbreak. These costs should not be used to justify amendments to food safety regulation unless they are validated by evidence and/or there is widespread agreement across international food safety experts that inclusion of these theoretical costs is justified.

Summary

The Departments understand the difficulty that development of this proposal has posed for FSANZ over a number of years. However, it is questionable what value this proposed standard provides given it requires no legal obligation on processors, and the introduction of on-farm requirements (including feedlots, saleyards and transport) delivers little if any improved food safety outcomes. Additionally, introduction of the on-farm requirements overlap existing requirements and have the potential to confuse the responsibilities of other agencies with those of food regulators. It also appears to be a 'theoretical' requirement as the report notes that jurisdictions would only act on a reactive basis and no examples have been provided of the nature of food safety incidents on farm that would require action that is not already managed by other agencies.