



Submission

2nd Call for Submissions

**P1052 – Primary Production and Processing requirements for
Horticulture (Berries, Leafy Vegetables & Melons)**

15 February 2022

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Driscoll's Australia overview

Driscoll's Australia is a joint venture formed between the Costa Group and Driscoll's Strawberries Associates, Inc (US). The Costa Group is Australia's leading grower, packer, and marketer of fresh fruit & vegetables and operates principally in five core categories: berries, mushrooms, glasshouse tomatoes, citrus and avocados. Driscoll's has been growing berries in the USA for more than 100 years, and the brand is well known in many countries around the world.

Driscoll's Australia is the leading supplier of berries in Australia. Driscoll's specialises in berry crops, including fresh blackberries, blueberries, raspberries, and strawberries. The company focus is on variety development and marketing. Driscoll's Australia provides the genetic material to contracted growers who produce the fruit which is later handled and distributed by Driscoll's Australia. The company specialises in R&D, genetics, nursery production of plants needed by our growers, supply chain and marketing.

Our grower network includes a large number of farms in TAS, NSW, QLD, WA, SA, and VIC, from small family farms to large corporates. Through this valued partnership with the Costa Group and independent growers all over the country, the Australian public can enjoy some of the best berry varieties in the world.

Driscoll's Australia maintains a robust approved supplier program which includes requirements for all growers to hold current GSFI equivalent food safety accreditation and registration with either Sedex or Fairfarms to ensure all our berries are sourced ethically. By working closely with growers to support them to maintain best practice food safety and worker welfare standards, Driscoll's has become a trusted and leading supplier of berries to Australian retailers.

Executive Summary

FSANZ has called for 2nd submissions to assist with further consideration of Proposal P1052 Primary Production and Processing requirements for Horticulture (Berries, Leafy Vegetables and Melons). As the leading berry marketing company in Australia, Driscoll's is committed to delivering safe, quality berries to consumers, and strongly supports the FSANZ objectives of maintaining food safety of Australian food.

Whilst it is estimated that 75% of Australian Berry growers are already certified to a voluntary food safety scheme (FSS), and no known food borne illness outbreaks have been associated with Australian grown berries, Driscoll's is supportive of the introduction of a combination of regulatory and non-regulatory measures (Option 3). This option would raise the bar on businesses that are not certified to a FSS and create a more level playing field across the berry industry by addressing key food safety risks, particularly for smaller businesses who may have limited understanding of risk.

It is imperative that the non-regulatory tools and mechanisms to reach industry are effective in providing the information that berry businesses need to achieve the desired food safety improvements. The non-mandatory Proposed Guidance document Berries, in its current format, provides insufficient guidance and is not considered an effective tool to demonstrate or verify compliance. During the proposed 18-month implementation period, state food regulators need to work with industry to ensure tools/resources are suitable, with sufficient time for businesses to understand and implement the new requirements. As such, a timeline should be developed in consultation with industry for the delivery of non-regulatory measures.

Driscoll's key recommendations for amendments of the proposed Standard 4.2.7. are:

- businesses not certified to a FSS should complete a 'self-assessment'
- the proposed Guidance Document – Berries needs to be improved as it does not provide adequate guidance in its current form. Guidance should be provided in formats most useful to growers such as short training videos
- A timeline should be developed for delivery of non-regulatory measures

Introduction

This submission is in response to FSANZ 2nd call for submissions, to assist FSANZ in the decision of whether FSANZ's preferred approach to strengthen food safety management on farm by means of a combination of regulatory and non-regulatory measures in collaboration with industry, should be approved for berries.

Effective food safety management is critical to ensure consumer confidence and the commercial success of the fresh produce industry. Outbreaks of foodborne illness can have a significant impact on the general public and the reputation and profitability of the industry. Appropriate regulatory and non-regulatory measures are therefore important to all consumers, and for businesses operating in the fresh produce industry.

Introducing a combination of regulatory and non-regulatory measures (option 3), addresses key food safety and category risks for the berry industry, and allows berry businesses already certified to a Food Safety Scheme to achieve regulatory compliance through existing certification. The proposed supporting non-regulatory measures will provide guidance on safe food production and help businesses, especially those not certified to a Food Safety Scheme, meet the requirements of the proposed Standard.

Driscoll's has carried out a review of the proposed standard 4.2.7, and has determined some potential amendments, to ensure the standard is clear and aligned with current FSS requirements.

Proposed Amendments to Standard 4.2.7. Primary production and processing standard for Berries

4.2.7. - 2 Definitions

The proposed Standard **4.2.7. Primary production and processing standard for Berries** includes definitions for Primary horticulture producer and Primary horticulture processor:

Primary horticulture producer means a business, enterprise or activity that involves the growing and/or harvesting of berries.

Primary horticulture processor means a business, enterprise or activity that involves one or more of the following activities in relation to berries that have been harvested: (a) washing; (b) trimming; (c) chopping; (d) sorting; (e) sanitising; (f) combining products; (g) packing; and (h) transport between primary processing premises.

Comment: (Refrigerated) storage or Modified Atmosphere storage are not covered as part of the listed activities for Primary horticulture processors. These activities are however an important part of post-harvest processes.

The Consultation Regulation Impact Statement (CRIS), as part of section 2.2. 'Activities' covers a wider range of activities under Primary production, including 'storing', however it excludes 'packing or packaging in final packaging for retail sale'. Packing, in final packaging for retail sale, in field or in a packing facility, is a core activity of Primary horticulture producers or Primary horticulture processors. Adjustment and alignment of activities included in the definitions is recommended. Consideration should also be given to the relevance of listed activities for berry Primary production and primary processing, for example, 'treating (washing, sanitising), trimming, chopping'.

4.2.7. - 4 Notification

Under the proposed standard for berries, berry growers must notify their state/territory regulator of:

- a) Contact details (name of their business and name and business address of the proprietor of their business)
- b) Description of the activities they will undertake in relation to berries
- c) Location(s) of their business that is undertaking the activities in (b)

Comment: As per the estimate in the Consultation Regulation Impact Statement (CRIS), approximately 75% of berry businesses are certified to a voluntary Food Safety Scheme. Whilst there is no requirement for businesses to be certified to a FSS in the standard, the mechanism for notifying the relevant regulator should consider businesses that are certified under a FSS, for example, an option to insert certificate number and/or upload a copy of certificate.

In addition, there is no mandatory system in place to verify compliance to the requirements in Standard 4.2.7, which means food regulators would not be routinely monitoring the FSMS or the berry business for compliance against the proposed standard, unless a serious food safety issue is raised. Consideration should be given to include an effective and efficient tool to demonstrate compliance through the notification process. For businesses that are not certified to a FSS, completing a 'self-assessment', in an approved format, may be appropriate. Industry should be consulted when designing mechanisms for notification, to ensure a simple and efficient process.

4.2.7 - 5 Traceability

A primary horticulture producer and a primary horticulture processor must have in place system that can identify:

- (a) From whom berries were received; and*
- (b) To whom berries were supplied.*

Comment: Primary horticulture producers grow and harvest produce, so it's important that traceability is ensured from production (growing site) to the destination (one step forward). Consider changing the requirement to include traceability to the growing site:

A primary horticulture producer and a primary horticulture processor must have in place system that can identify:

- (a) The growing site of the berries or from whom berries were received; and*
- (b) To whom berries were supplied.*

For berry businesses that do not hold current FSS certification, there will be additional record keeping required, such as harvest records. Records also need to relate to inputs or treatments applied, such as water sources used, for example fertiliser or spray application records. This will create additional work for berry businesses, however this is necessary to ensure a robust traceability system.

4.2.7. – 7 Premises and equipment

(2) A primary horticulture producer and a primary horticulture processor must ensure that premises and equipment are kept clean, sanitised and in good repair to the extent required that berries are not made unacceptable.

Comment: While the addition of ‘to the extent required that berries are not made unacceptable’ may cover the suggested change to this requirement, consider a change to the wording ‘kept sanitised’. The wording causes confusion in relation to the extent and frequency of sanitation required of all equipment, infrastructure, structures and vehicles. Consider:

(2) A primary horticulture producer and a primary horticulture processor must ensure that premises and equipment are maintained, cleaned and if necessary sanitised to the extent required that berries are not made unacceptable.

Supporting document 4 – Proposed guidance document – Berries

The intent of the proposed Guidance Document - Berries, is to offer guidance and advice for berry businesses to meet the obligations of Standard 4.2.7. The second call for submissions also refers to this document as a ‘self-assessment tool’ (section 5.4.).

Comment: The structure of this proposed document does not provide guidance or advice as stated, ‘to offer guidance and advice for berry businesses to meet the obligations of Standard 4.2.7’. Berry businesses, particularly those that do not hold current FSS certification, require detailed guidance to assist them in understanding what the risks are under each element, to ensure they are able to meet the requirements of Standard 4.2.7.

Completion of the Guidance Document – Berries, is not mandatory, and it has not yet been determined how verification to the standard will be achieved, potentially reducing the effectiveness of the proposed standard. Consideration should be given to inclusion of an effective and efficient mechanism to verify or demonstrate compliance through the notification process. This could include

sharing evidence of certification to a (GFSI benchmarked) Food Safety Scheme or a completed self-assessment, in approved format.

It is recommended that the current draft Guidance Document – Berries needs further development and improvements, in collaboration with industry, to ensure it is an effective mechanism to provide appropriate guidance and enable verification to compliance to the requirements of standard 4.2.7. and improve food safety outcomes.

Consultation regulation impact statement (CRIS)

FSANZ proposes non-regulatory measures in the form of development of fact sheets (2 per commodity), animations (one per commodity), links to useful resources, webinars and face to face meetings.

Comment: A timeline should be developed for delivery of these non-regulatory measures to allow berry businesses sufficient time to familiarise themselves with the requirements and implement required changes. Consultation with industry in the development and delivery of non-regulatory measures will be imperative to achieve the desired outcomes.

CRIS - Questions for stakeholders

FSANZ is seeking additional information to inform the consideration of costs and benefits. FSANZ is seeking additional information from stakeholders to test the assumptions.

We have assumed that, on average, businesses not on a FSS are already 50% compliant with the measures proposed by option 3 (regulation and non-regulation). Is there alternative information you would like us to consider?

Comment: As per comments under Notification in Standard 4.2.7, a mechanism to verify compliance for businesses not certified to a FSS should be considered, such as a self-assessment, in an approved format.

Berries: Do you think that the berries standard should also include the regulation of soils and fertilisers?

If soil and fertiliser were included, the input clause in the proposed standard would be updated as follows:

Inputs – soil, fertiliser and water

A primary horticulture producer and a primary horticulture processor must take all reasonable measures to ensure that any of the following inputs do not make the berries unacceptable:

- a) soil;
- b) soil amendments (including manure, human biosolids, compost, and plant bio-waste);
- c) fertiliser; and
- d) water.

Comment: Requirements in relation to the management of soils and fertilisers are covered in existing FSS and should be included in Standard 4.2.7. Considering that most berries are manually harvested and eaten uncooked, with some berries, such as strawberries, being grown in close proximity to the ground, there is a higher associated risk of microbial contamination. Also consider non-regulatory guidance on management of soil, soil additives and fertilisers, including links to existing guidelines and standards.

Transition Period

The proposed 18-month implementation timeframe will depend on the time taken to develop non-regulatory measures, with consideration given as to how long it may take to develop each resource. For example, animations may take longer to develop than factsheets or links to resources. In addition, consider the additional time required to develop appropriate 'guidance' for each key element in Standard 4.2.7, and 'self-assessment' (if this were to be included as part of the standard 4.2.7 for non FSS businesses). Once non-regulatory measures have been developed, berry businesses should have at least 6-12 months' time to implement the required changes.

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