

**JAS-ANZ**



**PROPOSAL P1052  
HIGH-RISK  
HORTICULTURE**

**MARCH 2020**

# PREFACE

The Joint Accreditation System of Australia and New Zealand (JAS-ANZ) was established by Treaty in 1991 by the Australian and New Zealand governments to strengthen the trading relationship between the two countries and their trading partners.

JAS-ANZ operates on a not-for-profit basis under the formal direction of a Governing Board. The Secretariat, Technical Advisory Council and Accreditation Review Board support the development and implementation of policies and processes that underpin the joint accreditation system. The two Ministers require JAS-ANZ to submit an annual statement of Corporate Intent and an annual report.

JAS-ANZ activities are structured around five distinct disciplines or programs: management systems certification, product process or service certification, certification of persons, inspection, and greenhouse gas validation and verification.

Under these five programs, JAS-ANZ recognises over 130 public and proprietary schemes that have been developed by or in conjunction with public authorities and industry groups. The schemes provide a level of confidence to support exchange of products and services across a wide range of industry sectors.

Over 130 certification and inspection bodies are accredited and operating across 140 schemes, of which management systems represent the greatest proportion. Over 130,000 accredited certificates are issued in 123 countries to address the need for authoritative attestations of conformity.

JAS-ANZ takes its direction from four goals that reflect the intention of JAS-ANZ's principal stakeholders in establishing the organisation:

**Integrity and Confidence:** To maintain a joint accreditation system that will give users confidence that goods and services certified by accredited bodies meet established standards. Confidence is one of the enabling values of accreditation.

**Trade Support:** To obtain and maintain acceptance by Australia's and New Zealand's trading partners of domestic management systems and exported goods and services. Well-structured conformity assessment mechanisms support the flow of goods and services.

**Linkages:** To link with relevant bodies which establish or recognise standards for goods and services or which provide conformity assessment. Linkages provide the channels for JAS-ANZ to maintain a world class system of accreditation. Through these linkages, JAS-ANZ can influence outcomes in international and national standards and guidance on conformity assessment so that Australian and New Zealand interests are not disadvantaged.

**International Acceptance:** To obtain mutual recognition and acceptance of conformity assessment with relevant bodies in other countries. Mutual Recognition Arrangements/ Agreements (MRAs) and Multilateral Recognition Arrangements (MLAs) deliver a systematic framework for acceptance of conformity assessment results between trading nations.

JAS-ANZ is a signatory to the International Accreditation Forum, which was established to develop a single worldwide program of conformity assessment which reduces risk for business and its customers by assuring them that accredited certificates may be relied upon. JAS-ANZ activity participates in the development of international standards and engages with international scheme owners.

# SUBMISSION

JAS-ANZ welcomes the opportunity to provide a submission to Food Standards Australia New Zealand (FSANZ) on the development of a proposal for a high-risk horticulture standard, P1052. JAS-ANZ does not support FSANZ's option 1 (status quo), nor does JAS-ANZ support option 2 (government regulatory intervention) and sets out the following concerns with the proposal and the underlying assumption.

JAS-ANZ considers that :

- Accredited and independent third-party certification schemes provide an efficient and effective means to ensure that each and every business involved in the food supply manages relevant food safety risks associated with their business.
- Certification scheme owners who have developed industry standards in the primary production (including horticulture) sector that are accredited by JAS-ANZ include Freshcare, SQF, GlobalG.A.P and NZGAP. These are designed to provide detailed and auditable food safety schemes, developed through consultation with highly knowledgeable and experienced agricultural and industry experts to ensure that growers, suppliers and retailers can provide regulators and consumers with the assurances that certified schemes are operating as intended.
- The Global Food Safety Initiative (GFSI) provides a benchmarking system against which propriety schemes are assessed to ensure that schemes meet a minimum set of requirements and are determined to be effective in establishing the safety of produce as well as the quality management systems required to have confidence on the ongoing capability of businesses. Part of these requirements includes management systems that are capable of responding quickly to incidents that may require products to be recalled.
- The accreditation and certification process facilitates international trade where one certificate or certification can be recognised around the world, thus lowering the costs of doing business and reducing the risk that products or services could be rejected by international trading partners.
- JAS-ANZ provides accreditation of certification bodies to the international standards developed by the International Standards Organisation (ISO) and in accordance with the requirements of the International Accreditation Forum (IAF) for certification schemes that are specifically designed for agricultural production, supply chain management, processing, storage and distribution and retail. This ensures an internationally consistent approach to the assessment and accreditation of certification bodies of their capability, competence and performance in certifying businesses.
- Standards developed by GlobalG.A.P., NZGAP, Freshcare, SQF, FSSC22000, BRCGS, and IFS provide detailed and comprehensive requirements to ensure that businesses assess and manage the risks associated with microbiological pathogens and contaminants, agricultural residues and chemical contaminants, foreign body contamination, food allergens, food fraud and food defence. These are

comprehensive wholistic systems designed to comprehensively ensure the safety and integrity of the food supply.

- JAS-ANZ is concerned with the statement in the FSANZ proposal that *“Based on limited information available, the efficacy of current schemes was unable to be determined”*. JAS-ANZ provides publicly available information on the JAS-ANZ website in regard to the number of certified organisations, by country, by scheme and by certifying organisation. JAS-ANZ was not asked to provide assistance in determining the scope and number of certificates in Australia for these primary production schemes.
- While information is available on the number of businesses that are certified, it is difficult to assess how many businesses are not certified. Nevertheless, certification is a requirement for many businesses supplying produce to the retail sector through the HARPS scheme as a commercial terms of trade.
- JAS-ANZ strongly rejects the assertion that *“...that the level of assurance provided by such schemes may alone be insufficient to address food safety risks and to protect public health and safety.”* given that there is no systemic failure of food safety schemes, auditors or the businesses that have been certified. These schemes operate in a regulatory context and serve to help industry in meeting the compliance obligations rather than replacing regulations, since there is an overriding regulatory requirement that food must be safe and suitable.
- While these food schemes are an effective tool for regulators to ensure that horticulture businesses provide safe product, the schemes are currently voluntary as regulators do not require that all businesses be certified to a food safety scheme appropriate to that business, nor do regulators effectively utilize the resources and expertise already developed by industry.
- JAS-ANZ is concerned that the FSANZ proposal is too narrowly focused on products and fails to consider that any crop grown at ground level has the potential to be contaminated by manure and fertiliser. Plant crops that are minimally processed and have no bactericidal control step prior to consumption are equally likely to be associated with food borne disease.
- JAS-ANZ considers that the identification, evaluation and control of risks specifically associated with a business, and the processes used to grow, harvest, pack and transport horticultural produce, in concert with the prerequisite programmes on food safety for farming, are the most effective means of ensuring public health and safety of horticultural products.
- JAS-ANZ does not support Option 1, the status quo, on the basis of concerns that this retains an inconsistent state regulatory approach, and a voluntary option for businesses to implement food safety measures without reference to recognised internationally benchmarked food safety schemes and without being regularly audited by a competent accredited certification body.
- JAS-ANZ does not support Option 2 (national regulation), but instead recommends an alternative co-regulatory approach to provide a requirement that the horticulture sector as a whole needs to assess all risks associated with the production and supply of products, and develop and implement appropriate control measures to have confidence in the delivery of safe food. Given that there are detailed and effective

food safety schemes already developed, rather than duplicating industry schemes through regulation, it would be better to provide a regulatory obligation that can be deemed to be complied with through demonstrating accredited certification to a GFSI benchmarked standard, or a certification standard of equivalent standing.

## FSANZ RISK ASSESSMENT

GlobalG.A.P. defines high-risk product as fresh herbs, leafy greens, lettuce, romaine, spinach, arugula/rocket, berries, cantaloupe melons and any other product with known food disease outbreaks.

FSANZ proposal focuses on microbiological risk associated with a limited range of horticulture products. The data presented is based on outbreaks that includes the sprouts sector but the proposal for high risk horticulture excludes sprouts. The data uses both outbreak investigation data associated with Australian outbreaks as well as outbreaks reported internationally. Limited data is provided on the association of food recall data within Australia, and no analysis has been undertaken of the causes for food recall in products associated with processing of vegetable and horticultural products.

The FSANZ microbiological assessment notes that there are a wide variety of vegetable and vegetable products associated with food borne disease from which it is difficult to conclude that the horticulture sector is at significantly greater risk of product contamination or consumer harm than other plant-based product. Additionally, while public health and safety associated with microbiological outbreaks is important, harm caused by inappropriate agricultural chemical useage is equally of concern, such as excessive or inappropriate post-harvest pesticide use, as well as the potential for allergen contamination. The report acknowledges that there are a variety of factors involved in identifying and managing the risk associated with agricultural production, processing, handling, storage and distribution.

## FSANZ RECALL NOTIFICATIONS

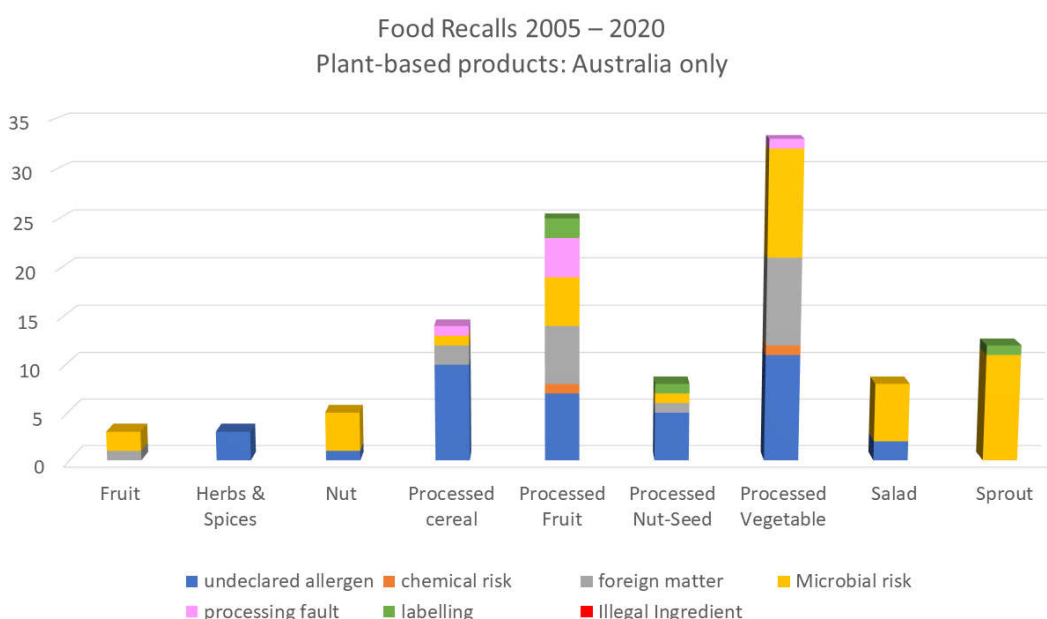
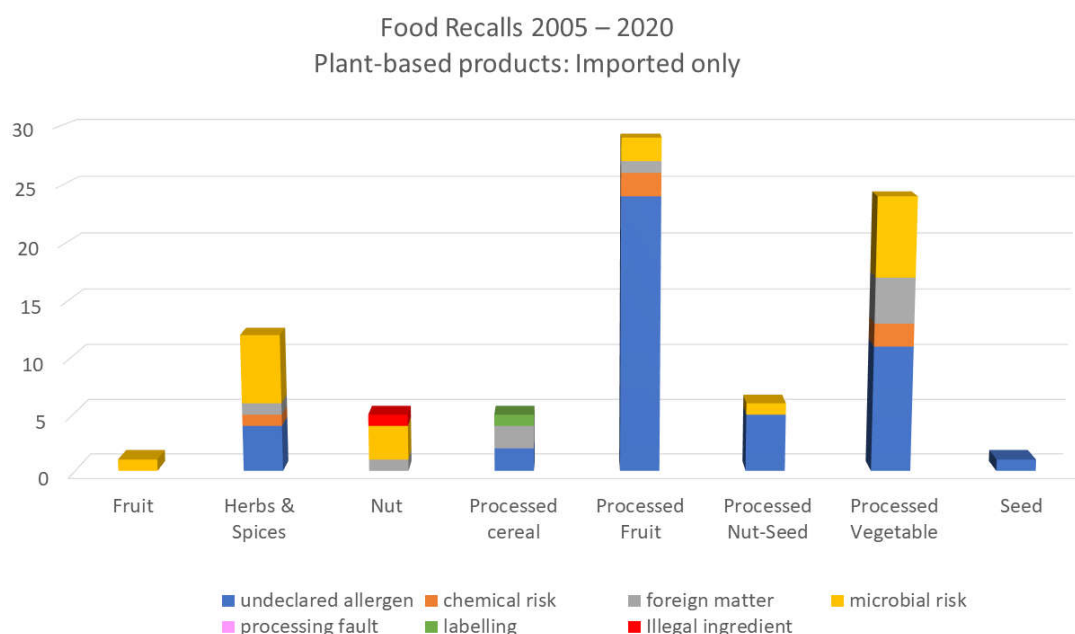
Food recall data is an important indication of product failure and indications of potential risk to public health and safety. The FSANZ recall data can be analysed both on product category, imported versus Australian, and the cause for the recall such as allergen contamination, chemical contamination, microbial contamination etc.

JAS-ANZ provides further analysis of the FSANZ food recall data in the following two graphs for the period 1 January 2005 to 1 March 2020 in which there were 882 food recalls, of which 192 (22%) are plant-based products, separately showing recall data for imported product 82 (43% of plant-based products) and Australian product 111 (57% of plant-based products).

This data shows that horticultural products based on salad leaves, sprouts and fresh or minimally processed fruit make up a 24 (12%) of the total number of product recalls involving plant-products, while processed products such as processed fruit products 54 (28%), which includes fruit juice and fruit drinks, dried fruit and fruit-based snacks, are a significantly greater proportion of recalls and more likely to be due to factors other than microbiological risk.

Overall, recalls due to undeclared allergens 85 (44%) is significantly greater than microbiological risk 61 (32%) which includes bacterial, viral and toxin contaminations. Chemical contamination of imported products is also identified more frequently with imported product than Australian products, while foreign matter contamination 28 (14%) is much more common than chemical contamination 7 (4%) in both Australian and imported products.

Incidents such as the ‘needles in strawberries’ recall which was the result of malicious adulteration are exceedingly rare, and while attracting media attention and consumer concern are not indicative of a systemic failure that can be effectively managed through regulated government inspection and surveillance.



FSANZ provides a limited assessment of recall data for the period 1989 to 2019, focused only on microbiological contamination, and identified that of 1674 recalls over the 30 year period, there were 162 associated with horticulture products (of which some are processed fruit products). This does not consider the broader context of recalls of processed and minimally processed plant products and that the cause of recalls is often a result of contamination of the plant-based products provided to the processor, or through cross contamination in post-harvest transport.

The FSANZ assessment identifies microbial risk as the principal public health and safety concern for the horticulture sector. However, the food recall information is important to consider in the broader context of risk associated with down-stream processed products and shows that the presence of

undeclared allergens is also significant public health and safety risk for vulnerable consumers, as well as the presence of foreign matter (such as stones, metal and plastic).

## ACCREDITED FOOD SAFETY SCHEMES

The development and implementation of effective food safety management of horticulture products by the grower and the processor require that the individual sites are risk assessed, that pre-requisite programs (PRP) are implemented and effectively minimise hazards, and the critical control points are applied where appropriate. This is not a simple process and the level of detail provided in food safety schemes by SQF Food Safety Code, Freshcare, and GlobalG.A.P. Integrated Farm Assurance (IFA) demonstrate the level of detail that is required to be considered by growers and processors.

The Global Food Safety Initiative (GFSI) has benchmarked the aforementioned food safety schemes and are recognised 'industry best practice' independently audited and accredited food safety schemes. In addition to these schemes, the Food Safety FSSC22000, based on the ISO 22000:2018 standard, is also benchmarked by GFSI. The Scheme Owners require that certified organisations are regularly audited by auditors working for an independent third party certification body that has been accredited by an accreditation body recognised by the International Accreditation Forum (IAF).

JAS-ANZ provides accreditation of third-party certification bodies in accordance with the requirements of the International Standard Organisation (ISO) Standard 17011 – Conformity Assessment – Requirements for accreditation bodies accrediting conformity assessment bodies. This requires that JAS-ANZ undertake a detailed assessment of the management system and competency of the certification body and their staff involved in the certification process, including their auditors. JAS-ANZ assessors also undertake regular assessments of the performance of certification body auditors' to assess their conformance with the scheme and certification body requirements.

It is a requirement of being accredited by JAS-ANZ that certification bodies provide information to JAS-ANZ about the organisation that they have audited and certified, and that this information is made available through the JAS-ANZ website. As at 18 March 2020, there are 3,502 Australian businesses on the JAS-ANZ register certified for Freshcare Food Safety and Quality, Freshcare Supply Chain Standard, SQF Primary Production, SQF Storage and Distribution, and GlobalG.A.P. IFA.

JAS-ANZ supports the findings of the previous assessment under P1015 that the enforcement of regulatory requirements for the horticulture sector would be challenging, expensive and unlikely to result in significant improvement to food safety, given that the sector is largely already operating under an audited food safety scheme and the diverse spread of predominantly small to medium sized business, along with the seasonal operation of businesses. It is also essential to recognise that the food safety schemes require the businesses to undertake a comprehensive risk assessment and develop management plans appropriate to their business. A one-size fits all regulatory approach is both cumbersome and ineffective in ensuring public health and safety across the entire sector.

While supporting the need for a uniform national approach to regulatory requirements as a means of ensuring public health and safety and facilitating trade, an alternative could be a co-regulatory option under the current model of accredited, internationally benchmarked and independently third-party audited food safety scheme where evidence of certification is provided to state and territory government regulators as a condition of business license registration.

It is important that FSANZ does not mandate an overly simplistic model that is narrowly focused on regulating microbiological controls, but instead looks to support the frameworks of internationally recognised schemes and provide enforcement agencies the mechanism to recognise industry that has been certified to an appropriate standard without the additional cost and imposition of government inspection.