



7 November 2018

Consultation: Proposals to strengthen food recalls and
risk-based plans and programmes
Ministry for Primary Industries
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WELLINGTON 6104

Email: food.policy@mpi.govt.nz

Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Proposals to strengthen recalls and risk-based plans and programmes: regulations enabled by the Food Safety Law Reform Act 2018.***

Yours sincerely

Katherine Rich
Chief Executive



Proposals to strengthen recalls and risk-based plans and programmes: regulations enabled by the Food Safety Law Reform Act 2018

New Zealand Food Safety Discussion Paper No: 2018/06

Submission by the New Zealand Food & Grocery Council

7 December 2018

NEW ZEALAND FOOD & GROCERY COUNCIL

1. The New Zealand Food & Grocery Council (“NZFGC”) welcomes the opportunity to comment on the ***Proposals to strengthen recalls and risk-based plans and programmes: regulations enabled by the Food Safety Law Reform Act 2018.***
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$31 billion in export revenue from exports to 195 countries – some 72% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 44% of total manufacturing income. Our members directly or indirectly employ more than 400,000 people – one in five of the workforce.

COMMENTS

Objectives

Q1 Do you agree with the objectives?

3. NZFGC agrees with the objectives of strengthening requirements to better link recalls with risk-based plans and programmes and making requirements explicit. In relation promoting efficiency and effectiveness and minimising compliance costs and the costs of future recalls should also consider the processes around product withdrawals and the alignment of systems dealing with both withdrawals and recalls.

Part B Specific regulatory proposals

4. Food recalls

Q2 Do you agree that food recalls requirements need to be strengthened etc?

4. NZFGC supports strengthening the requirements but that use of the New Zealand Business Number and other entity/location identifiers should also be used to provide the building blocks for more effective electronic traceability. This would greatly enhance alignment with trading partners. Without doing so our systems will remain sub-optimal.

4.4 Food recall proposals

Issue A: Who must maintain food recall procedures?

Q3 Do you agree/disagree with Proposal A?

Q4 What positive and negative impacts would Proposal A have?

Q5 Would Proposal A require you to maintain food recall procedures for the first time?

5. NZFFGC agrees with Proposal A. Traceability systems are vital elements of all food trade, domestic export and import. Better alignment between e-cert and other systems for traceability would address compliance costs. Lack of compatibility is simply adding business costs.
6. NZFGC believes consideration needs to be given to the systems currently in place and that the regulations must provide for flexibility in this regard. Almost all NZFGC members currently maintain food recall procedures through either the Australian Product Information Form, GS1 or other internal systems.

Issue B: What traceability information should achieve

Q7 Which option do you prefer?

7. NZFGC favours Option 2 where internal traceability systems would need to allow businesses to identify and locate ingredients within their operations.

Q8 What positive and negative impacts would option 2 have?
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Q9 Would you prefer a specified list of traceability information that must be recorded or having flexibility or no preference or something else?
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8. Allowing businesses to make decisions on applicability of the systems that best suit the complexity and size of their operations is preferable. In some circumstances this might involve a specified list of traceability information that must be recorded and in other situations it might be preferable to have flexibility. The key factor is that this should be a business decision.

Issue C: How long traceability information must be kept

Q10 Do you agree with Proposal C?

Q11 What positive and negative impacts would Proposal C have?

Q12 How many of your products gave a shelf life that is longer than the time you are currently required to maintain records for?
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9. NZFGC has qualified support for Proposal C. The qualification relates to the Wine Act. The shelf life of wine can be many decades and separate consideration is needed to address the feasibility and costs of retaining intergenerational records.

Issue D: How quickly information must be shared

Q13 Do you agree with Proposal D?

Q14 What positive and negative impacts would Proposal D?
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10. NZFGC has qualified support for Proposal D. As a principle, there is value in setting a time limited threshold but the factors that present as barriers for speed are very extensively traded products, the length of time since the product was manufactured and the disposition of the product. There is also the compatibility of e-cert with other traceability systems that may present as a barrier to delivering information.

Issue E: Requirement for mock recall exercises

Q15 Which Option do you prefer?

Q16 What positive and negative impacts would Proposal E?
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Q17 Do you currently undertake simulated/mock recall?

11. NZFGC is aware that mock recalls are costly to the business and that mandating a mock recall to be performed every 12 months unless an actual recall had been conducted in the previous 12 months is costly. This could be qualified by size of business, reach into the community and whether export or domestic trade is involved. The scale of the business should determine the regularity of the requirement just as scale determined the stratification of the food control measure under the Food Act 2014. Having said that, we have a strong preference for food control plan operators having to conduct annual mock recalls. This address size and complexity of business and churn in staff.

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12. Introducing a value on success of the recall is problematic in terms of assessment criteria. If that value is used, there must be clear and unambiguous criteria set out as to what success means.

Issue F: Format of traceability information supplied during recall

Q18 Which Option do you prefer?

Q19 What positive and negative impacts?

13. NZFGC supports Proposal F since the accessibility of the format would likely be electronic except for small businesses. Many businesses already use standard formats for information in the form of GS1 standards or the Australian Product Information Form. These data are already exchanged regularly across the supply chain. Specifying a format has all the hallmarks of redundancy before the regulation is published.
14. NZFGC supports the GS1 submission that the data content could be standardised (unique identifiers and attributes).

5. Risk-based plans and programmes

Issue G: Content that must be provided for registration

Q21 Do you agree with Proposal G?

Q22 Q19 What positive and negative impacts?

15. NZFGC supports Proposal G such that an operator that submits an outline of their RMP for registration must also supply the hazard analysis including management information.
16. The option analysis suggests the status quo somewhat meets the objective of cost minimisation when this fully meets the objective.

Issue H: Differentiating food safety matters from other content

Q24 Do you agree with Proposal H?

Q25 Do you integrate food safety matters with non-food safety matters?
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Q26 If integrated, are the food safety matters and regulatory requirements differentiated from non-food safety matters in your risk management plan or programme?

Q27 Which if any of the ways above would be your preferred way of differentiating?
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Q28 What positive and negative impacts?

17. NZFGC agrees mostly with Proposal H, that operators be required to differentiate food safety matters and related regulatory requirements from non-food safety content in all risk-based plans and programmes submitted to MPI. Our reservation is two fold:
- that flexibility as to differentiation be maximised. The use of a visual means (differentiation method 1) in relation to colour would seem the same as an obvious font colour (differentiation method 2)
 - defining food safety matters from non-food safety content. Are labelling requirements non-food safety content or is there a mix? Are export requirements non-food safety content or should these be colour coded too?
18. NZFGC considers that rather be prescriptive, guidance should be provided to assist in the differentiating decisions that business needs to make.

Issue I: Moving RMP requirements from notices into regulations

Q30 Do you have any views on the proposal to move current RMP requirements to regulations and leave technical detail in a notice?

19. NZFGC agrees in principal with RMP requirements being in regulations however, the term 'technical' detail' will mean different things to different people. We expect that such moves will be subject to further consultation and that will provide the opportunity to consider this further.

5.4 Minor and technical proposed changes to the current Notices

Q31 Do you agree with the proposed minor and technical proposed changes for RMPs?

20. NZFGC agrees in principal with the proposed changes being made. However, we do not consider the changes proposed in Appendix 3 of the consultation paper to be minor and technical and consider these need to be consulted on separately setting out impacts and costs of each. The application of the changes appear to be of more significance than minor and technical especially since there may be a need for some operators to seek external assistance to meet the changes.

6. Transitional provisions

Q32 Do you agree with the transitional provisions?

21. NZFGC does not agree with the transitional provisions. The WPC event took place in 2013 and it has taken 5 years to get to the point of making system changes. To then provide a very short period of time to implement the combined recall and risk-based plan and programme requirements is totally unacceptable.
22. The cumulative impact of the changes has not been factored into the timeframe (5 years for Government, 6 to 12 months for industry).
23. Implementation needs to be better sequenced and longer periods provided to effect the changes. It is understood that changes to plans and programmes require verification and this alone takes time.
24. NZFGC recommends a complete reconsideration of timeframes for implementation that better separate if necessary the recall and risk management programme/plan changes.