



STAFF REPORT

TO: Environment & Planning Committee

FROM: Graham Caradus, Regulatory Services Coordinator

REFERENCE: E411

SUBJECT: **TASMAN DISTRICT COUNCIL PARTICIPATION IN DOMESTIC FOOD REVIEW VIP - REPORT EP08/06/05** - Report prepared for 25 June Meeting

1. REASON FOR THIS REPORT

This report seeks Council's approval to join in on the "Voluntary Implementation Programme" (VIP) sponsored by the New Zealand Food Safety Authority (NZFSA). Participating in VIP will allow those food premises that wish to be involved to trial "risk based" Food Control Plans (FCP) with the assistance of their respective Councils. With apologies, readers of this report will also be thoroughly immersed in the science of TLA (Three Letter Acronyms).

2. BACKGROUND

For over two decades, the system of control for food sold in New Zealand has been under review and a better process than that offered by the current Food Hygiene Regulations 1974 (FHR) regime administered by territorial authorities sought. The pace has picked up in recent years with the establishment of the NZ Food Safety Authority (NZFSA). NZFSA has been a stand-alone public service department since 1 July 2007 but operated as a semi autonomous body attached to the Ministry of Agriculture and Forestry (MAF) from July 2002. All those roles previously performed by the Ministry of Health and MAF in relation to the safe sale, supply and export of food in NZ were picked up by NZFSA when it was established.

For the last few years, two options have been offered to manufacturers and sellers of food where they could choose to either retain registration by councils under the FHR regime, or opt for an exemption from Council registration by having a Food Control Plan (FCP) registered by NZFSA. The types of premises typically already operating FCPs are larger supermarket chains, manufacturers of food that supply such supermarkets, some petrol station based one stop shops, and some fast food chains. Currently 14 food premises in Tasman District are operating under FCPs and are no longer registered and inspected by Council's Environmental Health Officers (EHO).

3. WHAT IS DIFFERENT WITH FCPs

The FCP process provides a system of control for food that moves away from prescriptive standards (specifications for floors, walls, ceilings etc), and is based on identifying the specific hazards in a process, and developing specific controls to manage those hazards. Regulatory agencies would take on more of an audit role rather than the current "inspect and prescribe corrections" role.

4. OVERSEAS EXPERIENCE

Typically the majority of developed nations are moving toward a hazard based control system for food manufacturers and sellers. Our Australian neighbours (with whom NZ already has joint food composition standards) have already moved to such a system, for example;

In all Australian States:

- Food businesses that prepare food for service to vulnerable persons, including hospital patients, aged care residents, children in childcare centres and also food delivery to vulnerable people, e.g. Meals-on-Wheels, are required to have a Food Safety Program in place by October 2008.
- Producers of manufactured and fermented meats must have a food management system effective as of 26 November 2007.
- Other standards exist for various primary production sectors. Some dairy processing operations are required to have a FSP by 5 October 2008, and primary production standards are in development for poultry, egg, meat and horticultural sectors.
- A standard is currently being worked on which will require catering operations serving food to the general public to have a FSP.

In Victoria all food businesses must have a Food Safety Program, with the exception of retail businesses selling low-risk packaged foods. This was introduced in 2002.

The results of overseas developments and experiences mean that we are not involved in reinventing the wheel in NZ, but can borrow extensively from the advances already made.

5. ARE FCPs A GOOD THING?

It is difficult to fault the “public health good” theory on which FCPs are based. Focussing effort into managing the hazards or risks in any food manufacturing or selling process is logically where the effort or resources should go. Conversely, the current system of following prescriptive standards can impose expensive physical requirements on the structure of premises that have little bearing on the safety of the food sold or produced. In general, larger manufacturers or suppliers of food can benefit significantly from the FCP process, and can expect to produce a more consistently safe food as a result of the process. Such businesses will already be involved in some sort of staff training and quality control, and the FCP assists with those processes.

There is a seemingly valid criticism relating to small or simple food selling operations that may be typified by the standard “corner dairy”. The use of a hazard based system of control with the necessary (user pays) record keeping and self audit and external audit requirements may be overkill when compared with the current simple annual inspection and minimal fees that such premises enjoy.

However, it is obviously important that the seller of food on any scale should have some knowledge of food safety and the risks associated with handling foods and some quality assurance processes in place. No such controls are available under the current FHR regime.

6. AVOIDANCE OF “OVERKILL”

One of the valid criticisms of the FCP process is that the expense and complexity of setting the system up can not be justified for simple food selling operations (corner dairy, coffee stalls and similar). The solution suggested by NZFSA is to offer “Off the Peg - Food Control Plans” (OTP-FCP). These would allow operators of smaller or simpler food manufacturing and selling businesses to pick up a basic template, which can be simply adopted as their own FCP without incurring any development expenses. The OTP-FCP will be produced and made available through councils by NZFSA. The proposed process will simplify the paperwork associated with setting up a business with a FCP, but there will still be an expectation that the operators of food premises will be required to be involved in some “upskilling” and participate in operating formal quality assurance systems. In theory, this goes for even for the smallest commercial food seller, and that is hard to criticise.

7. LEGISLATIVE BACKING

For many decades, local authorities EHOs (previously known as Health Inspectors) have been involved in the inspection of food premises. That process has been an intrinsic part of local authority activities. The current FHR have operated since 1974, but from an early stage it was recognised that there were some weaknesses in those regulations, particularly the lack of any requirement for training or qualification of food handlers. A number of TLAs have introduced bylaws to augment the FHRs. These frequently involved a requirement for training of food handling staff, and also grading systems for food premises. This ad hoc alteration of “rules” has resulted in inconsistency between various councils and produced differing legislative frameworks for commercial food premises throughout NZ.

8. THE PROPOSED FOOD ACT

The initially proposed timeline for the passing of the Food Act through Parliament and the implementation of FCPs through that process has been delayed and the Bill is not expected to be passed into law for some time. The eventual detail in the proposed Food Act is therefore subject to negotiation and alteration as it moves through the usual promulgation processes. Despite that uncertainty, we can have some degree of surety about the move away from the existing prescriptive standards for food premises, to a risk based system. Not only is it logical, but it is also the way the rest of the developed world is moving.

9. VIPs

The Voluntary Implementation Programme offers opportunities for both operators of food premises and for councils. The incentive offered to councils is that training of EHO staff will be at NZFSA expense. Buy in to the VIP process does not restrict council’s ability to submit views on the proposed Food Act, but there will be some conditions imposed by NZFSA, relating to training, monitoring and calibration of

EHOs as well as a requirement to stay technically up to date through the VIP process.

Initially, only cafés, restaurants and similar providers of food for immediate consumption will be offered the chance to participate in the VIP. Those given the opportunity to participate are offered some incentive by being provided with OTP-FCP, manuals, a probe thermometer, and technical support funded by NZFSA. Participating food premises will also gain experience and be at considerable advantage with systems already in place when FCPs eventually become required by legislation. There is no mandate for food premises to be involved in the VIP FCP, but it is expected that a proportion will take up the opportunity if it is available.

10. BEING CLOSE FOLLOWERS IN VIP

The councils that have already signed up to the VIP are listed in **Appendix 1**. In addition, since the publication of that list, both Kaikoura and Selwyn have also joined in. The figures represent 42 councils that is about 57% of all councils but covers over 72% of population base. The majority are in the North Island with nine in the South. The majority of these councils have already participated in having staff trained, but the opportunity will be offered again in future, and there are obvious advantages in receiving this training while it is still NZFSA funded. Tasman District Council is now in the 28% of the population that has not joined in with VIP and is at some risk of missing out unless we agree to participate before the next training sessions are held.

11. ADVANTAGES OUTWEIGH DISADVANTAGES

The advantages offered to Council with training of staff at NZFSA expense must be weighed against the cost of Council staff time and travelling associated in the process. Food industry participation in VIP will be voluntary, so only advantages exist for industry, with those not wishing to be part of VIP simply opting out.

12. PRESSURE FROM CENTRAL GOVERNMENT

Independently of the process that Council staff have been working through, which has lead to the conclusion that VIP is worthwhile, Central Government has also applied pressure to those remaining councils that have not joined this voluntary programme, suggesting that those not participating would be identified as underperforming. Whilst not absolutely compelling, this does add some weight to the argument for joining VIP.

13. OTHER MATTERS

NZFSA have produced vast quantities of information about the Domestic Food Review and the move towards FCP. Information is routinely disseminated to registered premises within this district with council mail outs for registration renewal. Information is readily available through the NZFSA web site at www.nzfsa.govt.nz. Joining the VIP and preparing for the wider reform can be accommodated within existing and proposed resource allocations.

14. RECOMMENDATION

That Council agrees to participate in the New Zealand Food Safety Authority's Voluntary Implementation Programme for Food Control Plans.

A handwritten signature in black ink that reads "Graham Caradus". The signature is written in a cursive style with a large initial 'G' and 'C'.

Graham Caradus
Regulatory Services Coordinator

Appendix 1

VIP Population Coverage (population numbers based on 2007 SOLGM information)

	Territorial Authority	Population
1	Auckland City Council	367734
15	Manukau City Council	350000
3	Christchurch City Council	344100
18	North Shore City	212000
33	Waitakere City Council	191900
35	Wellington City Council	162347
7	Hamilton City Council	135000
30	Tauranga City Council	104700
11	Hutt City Council	100300
24	Rodney District Council	82446
19	Palmerston North City Council	78400
38	Whangarei District Council	72800
25	Rotorua District Council	70400
8	Hastings District Council	67428
17	New Plymouth District Council	67000
16	Napier City Council	56100
4	Franklin District Council	51669
21	Porirua City Council	50300
39	Invercargill City Council	49833
12	Kapiti District Council	46000
5	Gisborne District Council	45758
20	Papakura District Council	43500
34	Wanganui District Council	43263
31	Waikato District Council	43000
37	Whakatane District Council	34000
27	Southland District Council	32000
40	Matamata-Piako District Council	30300
10	Horowhenua District Council	29823
14	Manawatu District Council	27900
26	South Taranaki District Council	27652
29	Tararua District Council	17859
22	Queenstown Lakes District Council	17000
9	Hauraki District Council	16764
23	Rangitikei District Council	15369
2	Central Otago District Council	15000
6	Gore District Council	12700
32	Wairoa District Council	9900
28	Stratford District Council	8930
36	Westland District Council	7940
13	Kawerau District Council	6700
	Total Population	3,145,815

(Approx. 72% of population)