



**REVIEW OF THE CURRENT TESTING PROTOCOLS FOR IMPORTED SEAFOOD PRODUCTS
BY FOOD SCIENCE AUSTRALIA, FEBRUARY 2010**

1. OVERARCHING RECOMMENDATION: A MIX OF RISK MANAGEMENT OPTIONS

‘AQIS should implement a mix of risk management options for seafood imported into Australia. These options should be commensurate with the risk of the seafood.’

Response: Agree. A range of risk management options should be used to assess compliance of imported food with Australia’s food standards. Options available currently under the Imported Food Control Act 1992 (the Act) include the Imported Food Inspection Scheme (IFIS), voluntary certification arrangements with trading partners and compliance agreements with importers. Following recommendations from the Beale report, *One Biosecurity: a working partnership*, (Beale review), amendments to legislation to enable AQIS to require government certification for certain high risk foods are being developed. Legislative amendments to enable importers to enter into compliance agreements with AQIS were finalised in February 2010.

RECOMMENDATIONS 1 AND 2:

1 ENHANCING CERTIFICATION ARRANGEMENTS

‘AQIS should make greater use of foreign government certification arrangements with exporting countries. Such arrangements should be developed with countries that export certain “risk” seafood to Australia, in which the food safety hazards can only be controlled through the production chain and end product testing may not assure product safety. Such arrangements should specifically require satisfactory demonstration of through chain controls during the seafood production/processing chain.’

2: MANDATING CERTIFICATION ARRANGEMENTS

‘AQIS should initiate action, in consultation with other agencies as appropriate, on the need to modify imported food legislation to enable AQIS to mandate the requirement for foreign government certification for certain “risk” imported seafood.’

Proposed response: Agree to both. Australia’s current imported food legislation does not permit AQIS to require competent authority certification of imported foods from any country as a condition of entry. This has been raised previously as a concern, particularly where food safety can only be assured by the application of food safety management systems during production and processing. Recommendation 48 from the Beale review also noted that while certification arrangements can be entered into with trading partners, these were optional.

In response to recommendation 48 from the Beale review, the relevant clauses of the Act are being reviewed with a view to giving AQIS the power to mandate certification for certain risk foods. The proposed amendment would provide that where a food has specific food safety risks that can only be addressed through the application of a food safety management system during production and/or processing, importers must be required to provide certification from the competent authority of the exporting country. It is anticipated that the Act would be amended to provide this power during the development and establishment of new biosecurity legislation.

RECOMMENDATIONS 3 AND 4

3. COMPLIANCE AGREEMENTS

‘AQIS should make greater use of compliance agreements with importers of seafood, particularly “risk” seafood. Under compliance agreements, the importers would be responsible for ensuring that they import seafood that meets Australian requirements. Importers should have flexibility to demonstrate product compliance e.g. via a through chain food safety system of their suppliers.’

4: LEGISLATION FOR COMPLIANCE AGREEMENTS

‘AQIS should initiate action, in consultation with other agencies as appropriate, on the need to modify legislation to enable AQIS to enter into compliance agreements with importers of seafood.’

Proposed response: Agree to both. The legislative changes to achieve recommendation 4 are complete. Amendments to the Imported Food Regulations 1993 were agreed to by the Executive Council meeting on 10 December 2009. Consequential amendments to the Imported Food Control Order 2001 came into effect on 16 February 2010.

AQIS will encourage the uptake of compliance agreements by food importers, including seafood importers, that have documented and auditable food safety management systems. The compliance agreements will be subject to audit by AQIS. This will enable a shift from border inspection and testing towards a whole food chain approach that is recognised by the Codex Alimentarius Commission as providing greater assurances about the safety of food.

RECOMMENDATION 5: LICENSING/REGISTRATION OPTIONS

‘AQIS should initiate consultation as appropriate with other agencies, in respect of licensing/registration of importing operations at Federal or State/Territory level. A licensing/registration arrangement might require importers to develop food safety and traceability systems (commensurate with the risk of the seafood being imported), which in turn, will allow for auditing/monitoring of an importer’s compliance to these systems. Requirements of a licensing/registration arrangement could encompass all importers.’

Proposed response: Agree. Under the current Australian system, businesses that handle food, including imported food, are required to notify the relevant state or territory enforcement agency, as set out in Chapter 3 of the Australia New Zealand Food Standards Code and to maintain information on the source and destination of food supplied from their businesses. AQIS will consult with state and territory food regulatory agencies and Food Standards Australia New Zealand (FSANZ) on whether an additional notification or registration process is likely to be of benefit.

RECOMMENDATION 6: ENHANCING THE INSPECTION SCHEME

‘AQIS should retain an inspection scheme to conduct surveillance of imported seafood (other than commodity:hazard combinations identified as high risk and subject to certification arrangements). The inspection scheme should:

- i. be based on advice from FSANZ that takes into account their monitoring of emerging issues and incidents;*
- ii. continue to allow for flexibility in the type of test(s) conducted as is the case for random surveillance at present, but supported in the future by consultation with relevant stakeholders;*
- iii. have capacity for responsiveness to newly recognised or perceived hazards or in an emergency to a perceived unsafe or unsuitable food. An additional category of inspection under the Act could allow for efficient and appropriate response to these issues, and;*

iv. have capacity to include a pre-planned coordinated surveillance program. Options to be considered could be similar to the FSANZ-designed Total Diet Survey and other FSANZ coordinated surveys and enable compliance checking of targeted commodities for a defined period. Emerging and/or perceived threats are likely to be identified and/or monitored under such a program.'

Proposed response: Agree. In response to parts i and ii of recommendation 6, AQIS agrees to seek further cooperation from FSANZ on their provision of advice on testing of low risk foods and emerging issues that should be monitored at the border, and to reflect the agreed position in the Memorandum of Understanding between the two agencies.

Part iii of recommendation 6 suggests AQIS consider creating a new inspection category to manage unforeseen food safety risks. At present, AQIS requires advice from FSANZ that a food poses a risk before the inspection rate for that food can be altered, however recent incidents (melamine, cyanide in Australian produced cassava chips, iodine in imported soymilk) have demonstrated that the Act already contains the necessary powers to manage these types of incidents, provided FSANZ advises AQIS that the food poses a particular risk, and how the food should be tested. FSANZ has consistently provided advice to AQIS on new or emerging food safety risks and how they should be managed however, AQIS will consult with the jurisdictions and FSANZ on whether a new category of inspection would be worthwhile.

Part iv of recommendation 6 links to part i and is similar to a recommendation of the 1998 'National Competition Policy review of the Imported Food Control Act'. AQIS currently participates in the FSANZ Food Surveillance Network and supports the review's recommendation that AQIS maintain being involved in pre-planned, nationally coordinated surveillance programs.

RECOMMENDATION 7: TEST METHODS

'In the event that FSANZ identify new commodity:hazard combinations for testing, their advice to the Imported Food Program should also include the appropriate and validated test methods.'

and

'...that AQIS and FSANZ, in consultation with other relevant agencies and Australian appointed analysts, develop a policy and procedures to address Australian capability where a validated test method does not exist.'

Proposed response: Agree. As in the response to recommendation 6, AQIS agrees to seek further cooperation from FSANZ on the provision of advice on test methods and to reflect the agreed position in the Memorandum of Understanding between the two agencies.