

## **SUBMISSION TO PROPOSAL P1017 – January 2014**

### **Criteria for *Listeria monocytogenes* – Microbiological Limits for Foods.**

Thank you for providing the opportunity for SA Health, Primary Industries and Regions SA (PIRSA) and Dairy Authority of South Australia to make a submission to this paper.

### ***Regulatory Options***

#### **Option 1**

SA Health **supports Option 1** of Proposal P1017.

#### *Option 1 – Amend the limits for *Listeria monocytogenes* in Standard 1.6.1*

Option 1 proposes changing the limits set for *L. monocytogenes* in standard 1.6.1 to include two sets of criteria:

- criteria for foods in which growth of *L. monocytogenes* will not occur (<100 cfu/g)
- criteria for foods in which growth of *L. monocytogenes* can occur (not detected in 25 g)

Option 1 is supported for the following reasons -

- This reflects the approach adopted by the Codex Committee on Food Hygiene (Codex 2007). Aligning microbiological limits in Standard 1.6.1 with an internationally agreed approach is supportive of an efficient and internationally competitive food industry. It will be consistent with Australia's World Trade Organisation membership obligations.
- The States and Territories adopt the Food Standards Code – Standard 1.6.1 through their Food Acts. Amendment of Standard 1.6.1 will allow a consistent approach across jurisdictions to enforcement of the Standard
- It is anticipated that an amendment to Standard 1.6.1 is the most effective way to protect public health and safety.

The following are specific comments on the draft variation to Standard 1.6.1 to include microbiological criteria in Standard 1.6.1 for *L. monocytogenes* on the basis of whether the food is ready-to-eat and can or cannot support its growth.

#### **Clause 1. Definition of 'ready-to-eat'**

The definition is supported. The existing definition of ready-to-eat of Standard 3.2.2 should be applied to any microbiological criteria in Standard 1.6 for regulatory purposes.

## Clause 2.2 Purpose.

Support retaining the purpose as this reflects the current drafting of standards in the Code. The purpose is useful for understanding the intent of the standard.

## Clause 4. Reference methods for analysis

Will there be a cost-benefit analysis to determine the analysis cost for food businesses to validate compliance with the Standard?

The guidance document should explain that the food business that has chosen “does not support growth” needs a two tier verification testing process –

- 1) Test for detected/not detected
- 2) If detected, a process in place to go straight to enumeration test (and action plan for a finding greater than 100 cfu/g)

In establishing criteria for *L. monocytogenes* for ready-to-eat foods there is a need to clearly articulate the information food business operators are required to keep to demonstrate whether or not the food will support the growth of the organism and verify process controls to meet the criteria. The onus of providing evidence of meeting the criteria for growth of the organism for the food category needs to be placed on the manufacturer rather than the enforcement agency. In the absence of this information a ready-to-eat food must be presumed to support the growth of *L. monocytogenes* and a not detected criterion applied.

## Clause 5. Microbiological limits in foods

5(2) The drafting of references to the Column numbers in the Schedule is confusing. There is no reference to column 5. In 5(2) b the reference to Column 6 in the case of ‘ready to eat food’ has no information under this column. Should it refer to Column 5 instead? The Schedule needs to be able to be read as a standalone table by food businesses as this information is often extracted for operation procedures. It would assist if the table would provide limits for *L. monocytogenes* for specific foods included in the table (*Listeria* limits to be in each of the categories as well as the specific new category covering *Listeria* in ready to eat and non ready to eat food).

## Clause 6. Food not supporting the growth of *Listeria monocytogenes*.

### 6 (d) the food has a refrigerated shelf-life of <5 days

It is questioned what is the basis of choosing 5 days rather than 7 days for shelf-life due to the validation work done by NSW Food Authority on ready to eat meats for serving to vulnerable populations. It is suggested to look at the shelf-life of existing products and determine how many products sold would be captured by the regulation in relation to their shelf-life. Does the regulation apply to unpackaged ready-to-eat food such as delicatessen meat or chicken strips? Does the regulation

apply to food items such as bulk ham (unpackaged) that is supplied to retail? [These products often have more than 5 days shelf life, but may not have previously been tested/captured as they are unpackaged.] The implications and impact to regulators and industry of a broader capture of foods that meet the ready-to-eat food definition proposed in Option 1 requires assessment for both packaged and not packaged foods. In allowing all ready-to-eat foods to be captured by option 1 consideration needs to be given to the possibility of all ready-to-eat foods detecting positive for *L. monocytogenes* due to handling/cross contamination( e.g. Delicatessen counter) and the impact this will have on enforcement agencies and industry.

6 (e) the food is frozen (including foods consumed frozen and those intended to be thawed before consumption.

The clause 6 (e) drafting is not clear that it applies to foods that only remain in frozen state.

The Codex (2007) criterion information –

“Such growth can also be controlled by freezing (during that period when the product remains frozen).”

It is important that the control criterion for freezing is only appropriate during that period that the product remains frozen. It should therefore be allowed only for foods that will not be thawed prior to consumption and absent of *L. monocytogenes* in the frozen state or/and include a 2°C shelf life on thawed ready to eat foods that must not exceed 6 (or 7) days.

Suggest modification “the food is frozen and will be consumed frozen or further processed in a way that will reduce risk of *L. monocytogenes*.”