



Implementing Domestic Food Regulatory Reforms



Te Pou Oranga Kai O Aotearoa

Implementing Domestic Food Regulatory Reforms

Proposals to redesign New Zealand's domestic food regulatory system have been agreed by Government. The changes will cover government involvement in all aspects of the safety and suitability of food produced, processed, manufactured, transported and traded in New Zealand. **All** food sold in New Zealand is included, whatever its source and however it reached the point of sale, and whether for profit or for charity.

The changes will address two broad groups of problems with the New Zealand food sector:

1. Continuing high reported sickness from foodborne illness and a rise in sickness in some areas, and
2. Inconsistent and inequitable food laws across the country.

Every food business in New Zealand will be affected however small that impact might be – from large factories to the local dairy, through restaurants and takeaways, to fundraising events where food is sold. This brochure summarises the changes.

Background

The laws relating to the sale of food had not been reviewed in decades. Throughout New Zealand, food law is inconsistent, inadequate or inequitable as a result of business and consumer changes over the last 30 years and of differing expectations and applications by local Councils.

The new system will take into account the needs of modern business, consumers, and the government. It will make clear the roles of all groups involved in regulating food in New Zealand (local Councils, Public Health Units, NZFSA), and the tools that are used to control food safety and suitability (mainly labelling).

This means that the outcomes will affect all food businesses – whether they are currently registered with their local Council and have regular inspections, have a food safety programme or similar, or are currently in an exempt category (eg, school, rest home, daycare centre, some accommodation providers, some food stores, producers and transporters etc).

How do these changes affect food operators?

Everybody selling food will need to apply some level of food safety management. Where an activity will fit will largely depend on the risk its operation and products pose to the public; generally the smaller the risk, the less government involvement and the simpler the system. There are three main tools:

1. Risk-based management programmes called Food Control Plans will be used for most food businesses

There will be two types of Food Control Plan – off-the-peg template and custom-made. A small business, such as a café, is likely to simply fill in a template to show how they will manage food safety and suitability. Often, this will be as easy as ticking boxes, or recording the names of staff responsible for certain tasks. A more complex operation, such as some food manufacturers, will develop their own plan to suit their particular activities, or modify an off-the-peg one.

All businesses that can use an off-the-peg template will have the choice to modify it, or to develop their own plan. Pre-evaluated, off-the-peg templates for many businesses will be provided free of charge by NZFSA.

2. National Programmes for some groups of businesses

National Programmes will be developed for certain groups of businesses (where they will take the place of Food Control Plans) or for certain parts of Food Control Plans where appropriate.

3. Food Handler Guidance

This will generally be used for very small, one-off or irregular food activities or events. Activities to be covered by these tools are fundraisers, and businesses whose operations or products are of low risk, or have a small number of customers, or operate only occasionally, such as bed and breakfast operations. Food Handler Guidance is non-regulatory educational information about how to ensure the safety of the food being prepared or served. As is currently the practice, it will be up to each local Council how they get this information to the right people.

Who will I deal with?

Local Councils will provide the first port of call for new food business operators and for those businesses currently registered with local Councils. They will provide advice on the level of food management needed for a business; eg, whether a Food Control Plan is required, and if an off-the-peg template is available and appropriate for the business. Councils will also undertake registrations and permitting, investigations, enforcement, and verification (being the sole providers of verification services in their regions for some business types). With extensive support material from NZFSA, this is intended to result in consistency across the country yet retain a local point of contact.

Meanwhile, NZFSA and the Public Health Units will work more closely together on activities such as compliance, investigation, calibration, systems audit, and evaluating and approving custom-made Food Control Plans.

How will I get a Food Control Plan?

Off-the-peg plans will be available free from a number of sources, including the NZFSA website and your local Council. Once you have filled in the template, it will be registered with the Council. Once approved, you will follow your plan to ensure that food safety and suitability outcomes are met. From time-to-time the plan will be verified (checked to ensure it is being followed).

Custom-made and altered off-the-peg plans will be individually evaluated to make sure that the proposed food safety measures continue to be effective. It will then be verified on a regular basis.

Will my staff need food safety training?

There are a number of proposed options for training and educating food workers to suit the risks posed by the range of food activities, from manufacture through transport, to serving food in a café or at a fundraiser. This is a crucial area to ensure safe and suitable food, and the intention is that skills/competencies be required for specific people involved in the preparation, processing, storage and handling of food. Some training will therefore be required.

Who will pay?

Off the peg Food Control Plans will be developed and made available free by government. As is currently the case, the costs of implementing Food Control Plans will be recovered in line with government's stated policies. Where practicable:

- the cost of services that are primarily for public good (eg, public food safety promotions) will be met by central Government
- the cost of services that more directly benefit industry collectively, or businesses individually, will be met by the relevant industry or persons.

NZFSA will consult on setting cost-recovery charges.

Councils can set their own charges within the limits of reasonableness established by the Local Government Act 2002. Guidance on charging for specific and common services will be provided by NZFSA. Most Councils currently charge for registrations, inspections and permits.

What if I fail to provide safe food?

To protect public health and safety, and create a fair system, it is important that non-compliances with food safety requirements are dealt with consistently. It is proposed:

- to carry out awareness campaigns to help all those involved in preparing, transporting, storing and selling food to understand the proposed changes and how a non-compliance could impact them
- to develop guidelines for regulators who manage compliance and sanctions to ensure they are handled appropriately and consistently across New Zealand
- that a range of tools be available to regulators, including: incentive schemes, public notification and grading schemes, public apologies, a universal system of improvement notices, infringement notices, a narrowly-defined diversion provision, and prohibition notices.

What happens next?

1. NZFSA has released a discussion paper; 'Domestic Food Review: Transition Policy and Related Implementation'. The paper:
 - describes how it is proposed to implement Food Control Plans and National Programmes
 - sets out which 'persons' will be required to have either a Food Control Plan or be subject to a National Programme and the general timing of implementation
 - outlines the transition – by sector and year – for the proposed five-year transition period
 - addresses specific proposals for those with registered food safety programmes
 - sets out the interim arrangements that will apply before 'persons' are transitioned into the new regime, and
 - proposes criteria for determining when Food Handler Guidance will apply.

2. NZFSA wants to hear views on the proposals in this Discussion Document, by 9 February 2007, and particularly suggestions for enhancements to the transition policy that would better ensure that:

- the appropriate risk management tool has been applied to each food operation
- the proposed transition sequence of the food sectors is reasonable
- there is sufficient capability and capacity for implementation (regulators, recognised persons and industry)
- the new regulatory regime provides a level playing field for industry
- the new regulatory regime is likely to be as cost-effective as possible, while improving efficiency and effectiveness, and ensuring the safety and suitability of food
- food safety and suitability outcomes across New Zealand are facilitated in a timely manner.

3. All submissions will then be analysed and NZFSA will prepare its final implementation plan.

4. All submitters will receive notification of the outcomes.

How do I get a copy of the discussion document?

All papers can be downloaded from: www.nzfsa.govt.nz, or via NZFSA's freephone: **0800 NZFSA 1 (0800 693 721)**, or email: info@nzfsa.govt.nz to be sent a hard copy.