

17<sup>th</sup> November 2006

Clare Stynes  
New Zealand Standards Group  
New Zealand Food Safety Authority  
PO Box 2835  
Wellington

Dear Clare

**Submission from the Auckland Regional Public Health Service on the Imported Food and Food Related Products A Blueprint for Change – Invitation for Comment.**

1. Thank you for the opportunity for the Auckland Regional Public Health Service to provide a submission on the Imported Food and Food Related Products A Blueprint for Change – Invitation for Comment.
2. This submission represents the views of the Auckland Regional Public Health Service (ARPHS). ARPHS provides public health services for the three district health boards in the Auckland region (Auckland, Counties Manukau and Waitemata District Health Boards), with the primary governance mechanism for the Service resting with Auckland District Health Board. This submission represents the views of ARPHS and does not necessarily represent the views of the three District Health Boards.
3. The Service understands that all submissions will be available under the Official Information Act 1982, except if grounds set out under the Act apply.
4. The primary contact point for this submission is:

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**Introduction**

5. ARPHS's food safety programme delivers food regulatory services in the greater Auckland region, and provides the Central Clearing House for imported foods and tableware. The Service's food safety programme is the largest provider of public health food safety in New Zealand due to:

- The size of the population it serves, and
  - Auckland's role as a major entry point of imported food into the Country.
6. ARPHS welcomes the opportunity to submit on the framework presented in the Imported Food and Food Related Products A Blueprint for Change – Invitation to Comment Paper (the Imported Food Paper) and appreciates the opportunity to be consulted as part of 'government' at this stage.

### **General Comments**

7. The Imported Food paper is a high level document. ARPHS is supportive in principle of the proposed changes and supports the aim of improving efficiency and effectiveness of the imported food and food related product regime.
8. As the operator of the current Central Clearing House for imported food ARPHS is likely to be one of the entities most affected by the proposed new regime. Depending on the final regime adopted by Government and in particular the split between low, medium and high regulatory interest category foods and the scanning list there may be substantial implications for ARPHS in terms of its work load around imported foods. ARPHS would like to receive more detailed information on the detail of the proposed regime as soon as it is available so that ARPHS can start to consider the implications for its work programmes and the impact on its workforce.
9. ARPHS has a number of comments that related to particular aspects of the Imported Food Paper and the headings in the paper have been used for the remainder of ARPHS comments.

### **Scope**

10. The Imported Food Paper states the Importer and Import agent will be responsible for products imported. ARPHS questions what the situation will be with respect to imported products that are imported by individuals for personal use only. If the products imported for example in the high regulatory interest category or on the scanning list, how are personal items imports to be cleared?

### **Import management Decision Making Framework (IMDMF)**

11. The Imported food Paper contains insufficient information relating to the risk ranking and prioritisation model. It is unclear, for example, how the system will distinguish between the same generic foodstuffs e.g. dried apricots, imported by two differing importers one of whom operates a Food Control Plan and the other who doesn't. More detail is needed on how the risk level of a particular food is decided and how the scanning list will be used to identify and target those foods / importers that are of higher regulatory concern.
12. ARPHS also has concerns as to the size and complexity of the administrative task in setting and maintaining the three differing risk categories and the scanning list. The majority of foodstuffs will be imported by large importers that manufacture food under regulatory regimes broadly comparable to that of New Zealand. It is ARPHS' experience that there are significant numbers of small importers, many of whom do not have English or Maori as their first language, it will be challenging to keep track of these importers, the range of foods imported and to accurately assess and assign risk.

## **Food Control Plan (Import Plan)**

13. ARPHS accepts the rationale for the Imported Food Paper as it relates to the development of standards, food control plans and individual food categories as it applies to major importers. Major importers have sufficient overhead capacity to work with and benefit from systems based approaches. They also have powerful reputational business incentives to ensure that their products are safe. The same situation does not apply to small importers. ARPHS is concerned that the theoretical advantages of the proposals in the Imported Food Paper will not be translated into actuality when faced with a small scale importer importing one or two lines of food from a country with a regulatory regime less robust than that of New Zealand or its major trading partners.

## **The Scanning List**

14. ARPHS is supportive of the scanning list concept, it does however, have some concerns as to how the scanning list will operate.
15. The Scanning List will provide a means of identifying and paying more attention to foods that have a temporarily raised risk to the New Zealand public. Food manufactured for export from New Zealand falls under a differing regulatory regime to food manufactured for domestic consumption. This domestic / export split is a common feature in regulatory regimes and much less attention is paid to food for export. There is likely to be a substantially increased risk that contamination or systems failure will not be identified and acted on in time to protect the New Zealand public before the food reaches the domestic market. Further detail is sought on how contamination or systems failure will be identified and acted on appropriately.
16. Addressing food safety concerns resulting from systems failure or other causes will require an increased intelligence gathering and assessment capability within the NZFSA or the Central Clearing House to ensure that potential problems are identified early enough to prevent suspect food reaching the market.
17. Further detail is also needed as to how a food will be removed from the Scanning List once it is no longer of raised concern.
18. With any regulatory regime there is also a risk that the system will be 'gamed' by those attempting to avoid the restrictions the system imposes. There is no detail in the Imported Food Paper as to what system of sampling and other enforcement activities will be in place to mitigate the risk of gaming through for example the creation of false documentation on the food product at its place of origin.

## **Relationships**

19. ARPHS supports the ideal of having all food both domestic and imported operating under a regime that is based on the same policy principles. It has some concerns with Policy Principle 7 "Trade and commerce in food and associated products will be facilitated" taken in isolation. It suggests that the unspoken caveat "commensurate with protecting public health" be made explicit.

## **External Revenue Review**

20. ARPHS does not believe that the current cost recovery regime adequately reflects the costs it imposes on agencies such as ARPHS. While ARPHS does not believe that the cost recovery regime should be based on a 'cost plus' approach, any cost recovery regime must allow for pricing changes due to inflation or changed regulatory requirements to be made. ARPHS has long standing concerns over the adequacy of the current cost recovery regime for imported food. ARPHS concerns revolved around two issues namely the:
  - Costs of dealing with non-compliance and the necessity of follow up action to assure the safety of food consignments.
  - Effects of inflation over time on the costs of providing the service.

21. Setting fees, charges or contract payments which are then made irrelevant and unrealistic due to changed circumstances will not lead to efficient and effective administration of the food safety regime.

### **Relationship to Other Government Agencies**

22. The Imported Food Paper states that “in addition contracts between NZFSA and Public Health Units, including the Auckland Central Clearing House are being considered in the current review”. Further detail is needed before any meaningful comment can be made on this area of the paper ARPHS would however, make the following two comments on this issue:
- Public Health Units are of variable size, but all have specialist public health knowledge and capability resulting from the agglomeration of differing public health responsibilities into one agency having sufficient critical mass to be viable. Care needs to be taken in any contract review to ensure that the benefits of access to that specialist knowledge are retained.
  - As the operator of the Central Clearing House ARPHS is clearly one of the agencies that will be affected by any changes to the current regime. ARPHS has invested considerable resources in developing its organisational capacity in the area of food and imported food in particular. ARPHS believes that the eventual efficiency, effectiveness and economy of the final imported food regime will be enhanced by continuing close consultation and liaison between ARPHS and the NZFSA.

### **Conclusion**

23. ARPHS appreciates its being included in this round of consultation on the Imported Food Regulatory Regime. It is supportive of the proposed framework but, as set out above, has a number of concerns on the proposals. I look forward to receiving further detail from the NZFSA as the proposals are developed and welcome further consultation on the issue of imported food.

Yours sincerely

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**Auckland Regional Public Health Service**