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Submissions – Domestic Food Review
C/O Policy Group
New Zealand Food Safety Authority
PO Box 2835
Wellington

Submission from the Auckland Regional Public Health Service on the Domestic Food Review Transition Policy and Related Implementation—Discussion Document

1. Thank you for the opportunity for the Auckland Regional Public Health Service to provide a submission on the Domestic Food Review Transition Policy and Related Implementation—Discussion Document.
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 is the largest public health unit (PHU) in the country and a significant proportion of its workforce is given over to food safety and other related activities, including investigation of food-borne illness.
6. ARPHS's food safety and regulation programme delivers food regulatory services in the greater Auckland region, and provides the Central Clearing House for imported foods. 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.

7. ARPHS welcomes the opportunity to submit on the framework presented in the Domestic Food Review Transition Policy and Related Implementation—Discussion Paper (the Discussion Paper).

General Comments

8. ARPHS has a number of answers to the questions posed in the covering letter, as well as some additional comments that also relate to the proposed transition. These are found below under the relevant subheadings.

Have appropriate risk management tools been applied to each food operation?

9. ARPHS supports the proposal that all food businesses should have Food Control Plans (FCPs) in place, except where other equivalent regulatory programmes exist, or where educational guidance has been identified as the appropriate food safety measure.
10. ARPHS does not have any specific comments regarding the risk management tool that has been chosen for each particular food sector.

Is the proposed transition sequence of the food sectors reasonable?

11. ARPHS supports the risk ranking and prioritisation model that has been used to develop the sequence of food sectors through the proposed five-year transition period. Consistent with our input during the development of these models, ARPHS believes that it is appropriate to target the higher-risk food sectors first.
12. ARPHS does, however, have some reservations about the length of time each food business will have from when the FCP materials become available to when they must file their FCP with the appropriate regulator. Given our concerns about industry readiness (see below), the six-month timeframe that is proposed may be unrealistically short, especially in the first year of the transition when the process is new and unfamiliar. Therefore ARPHS suggests that the New Zealand Food Safety Authority (NZFSA) consider increasing this timeframe to better enable food businesses to complete the registration process.
13. Whilst ARPHS recognises that the NZFSA is investing considerable resources in the development of 'off-the-peg' FCPs, we question whether or not the development of off-the-peg FCPs for all food sectors will be achieved within the timelines proposed.

Is there sufficient capability and capacity for implementation (regulators, recognised persons, and industry)?

14. ARPHS has some serious concerns about the capability and capacity of the parties involved in this transition.

TLA Accreditation

15. Firstly, under the proposal external verifiers (including territorial local authorities (TLAs)) will be required to obtain accreditation to ISO 17020 standards, plus some further, unspecified NZFSA criteria. Whilst some of the larger TLAs may be in a position to readily achieve this, the smaller ones may find this difficult.
16. In addition, the demands on TLAs are much greater under this scheme than in the past. Once again, the smaller TLAs may struggle to keep up with demand. Environmental health officers who work in smaller or rural TLAs are accountable for a wide range of public health duties, including food. It is possible that registration of FCPs would take a lower priority than other core work, for example noise complaints, resource management, drinking water activities and bylaw enforcement.

PHU accreditation

17. Similar to the issue for TLAs, the proposal is for evaluators, including PHU staff, to meet (unspecified) elements of ISO 17020 accreditation and additional NZFSA standards. ARPMS believes that additional training may be required in order to support PHUs, particularly smaller ones, to achieve the standards set by the NZFSA.

Availability of skilled staff—education and training

18. ARPMS has some concerns that there will not be enough individuals available who have sufficient skill and knowledge to ensure that the new domestic food regime can be successfully implemented. While the majority of those currently involved in the domestic food regime (as food industry participant or regulator) may be expected to continue to be involved in the sector, ARPMS believes that there will need to be considerable education and training available for all parties to ensure that they have sufficient skill and knowledge to enable the new regime to be successful.
19. The Discussion Paper does not make it clear how regular training sessions will be. As a regulator ARPMS is keen to ensure that there are sufficient courses or other training opportunities available so that it may not only train those of staff who need it, but also maintain the required service delivery for day-to-day, 'business as usual' operations.

Industry training and education

20. ARPMS has concerns about the levels of knowledge and understanding that exist within the food industry. It would like to see more clarity on the plan for educating and supporting businesses.

The scale of the transition

21. The proposed transition timeframes have a logical basis. ARPMS, however, questions whether or not there is sufficiently detailed knowledge of the number, size and geographical location of 'persons' (food businesses) that will be transitioning during a particular time frame.
22. If there were an equal number of businesses within each transition period and an equal geographical distribution of businesses then each TLA or PHU would be able to plan for the task. The reality of the situation is, however, that each TLA and PHU will face an uneven distribution of work through the duration of the transition period. This will have some implications for the ability of TLAs and PHUs to carry out their business as normal activities around the peak demands for evaluation or verification of FCPs.
23. While TLAs, PHUs and the NZFSA can make some form of prediction from their current activities, there is an unknown number of 'persons' being brought into more active involvement in the domestic food regulatory regime through these 'persons' facing a mandatory requirement

for a FCP. ARPHS's size notwithstanding, it will face the same issues as smaller TLAs and PHUs depending on the profile of the food businesses in its geographic area.

24. It is likely that initially it will take longer to process and assess the required FCPs than it will once the system is up and running. While the number of classes of food sector to be processed in the first year is smaller than for subsequent years, it is not clear how many businesses will be involved (see paragraph 21). In the absence of such knowledge to show otherwise, ARPHS doubts that sufficient time has been allowed for the first year's transition.

The use of off-the-peg FCPs

25. ARPHS believes that the development of off-the-peg FCPs will need support in terms of education and training of TLAs and the food industry. In addition, the requirement for certain sectors to use this type of FCP will necessitate the development of a large number of off-the-peg templates. ARPHS suggests that NZFSA consider using the technical expertise of PHU staff and food safety consultants to assist in developing these templates.

The role of PHUs

26. In the Discussion Paper PHU work is grouped with NZFSA roles and responsibilities. Exactly what will be devolved to PHUs is not clear, which in addition to the concerns above, makes it difficult to plan for staffing levels. As has been highlighted in previous submissions and discussions with the NZFSA, it is critical to the success of the Domestic Food Review that scarce skills within the food regulatory workforce are retained and utilised appropriately. ARPHS would like to be involved in any future discussions about how best to manage this area during the transition to a new regime.

Conflict of interest

27. ARPHS is concerned that in the proposals TLAs are set to be both evaluators and verifiers. This presents a risk of a conflict of interest between the 'contractual' role of evaluator and the regulatory role of verifiers. Under section 39(c) of the Local Government Act TLAs are required to separate their regulatory work from other functions, and the necessity for a 'Chinese wall' between the two raises further questions around capacity for smaller TLAs where their health protection workforce is small.
28. ARPHS acknowledges that accreditation to ISO 17020 standards may include provisions that address this potential conflict of interest, but feels that the issue should be made more explicit in the Discussion Paper.

Funding

29. ARPHS has already raised its concerns over the adequacy of current cost recovery and funding regimes. ARPHS would like to ensure that it receives adequate funding to carry out its role effectively and efficiently, and that the cost recovery regime for the new domestic food administration adequately covers the following:
- a. Costs of dealing with noncompliance and the necessity of follow up action to gain assurance of food safety.
 - b. Effects of inflation over time on the costs of providing the service.
 - c. Full range of costs that will be incurred by a PHU. Under the current regime ARPHS has assessed approximately one-third of New Zealand's registered food safety programmes. While the actual assessment of food safety programmes is cost recoverable, there are still a large number of activities associated with the food

safety programme assessment process that are not subject to an adequate cost recovery regime.

Conclusion

30. ARPHS appreciates the care that the NZFSA is taking in the transition to the new domestic food regime. Before ARPHS can effectively participate in the successful implementation of the new domestic food regime it believes that further consideration of the issues raised above will be necessary by the NZFSA. Due to the extensive planning that will be needed by ARPHS to ensure that it can successfully carry out its role under the new regime we would appreciate further details of the proposals as soon as they become available.

Yours sincerely

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