

Auckland Regional Public Health Service

Rātonga Hauora ā Iwi o Tamaki Makaurau



Working with the people of Auckland, Counties Manukau and Waitemata

Auckland Regional Public Health Service

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Ministry for Primary Industries
Wellington

foodregulations@mpi.govt.nz

Submission on Proposals for Changes to Food Safety Regulations

Thank you for the opportunity for Auckland Regional Public Health Service (ARPHS) to provide a submission on the Changes to Food Safety Regulations.

The following submission represents the views of the ARPHS and does not necessarily reflect the views of the three District Health Boards it serves. Please refer to **Appendix 1** for more information on ARPHS.

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Yours sincerely,

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Summary:

ARPHS recognises the work required to align the Food (Safety) Regulations due to expire by the end of the Food Acts introductory period in 2019. This is an opportunity to revoke rules that are no longer needed (primarily because they are provided for in the new Food Act), move rules still required to the Food Regulations 2015, or update and re-issue them as notices.

ARPHS have commented on four areas within part two of the consultation paper. These relate to the following;

- a) Proposed amendment to Food Regulations 2015 regarding cleaning to reflect the graduated approach to managing risk.
- b) Proposed amendment to Food Regulations 2015 regarding record keeping to reflect the graduated approach to managing risk.
- c) Proposed revocation of the Food (Safety) regulations 10, 11, and 12 (infected persons and food) as the Food Act and Food Regulations 2015 contain the necessary powers relating to infected food and persons to meet the purpose of the Food Act.
- d) Proposed revocation of regulation 20(2) (sales from off-licences) and suggestion that this is managed in Section 58 Sale and Supply of Alcohol Act 2012.
- e) Proposed retention and update of Regulation 24 for water added to food.

Questions and Recommendations:

Part two: refining the rules for national programme businesses

- 1. Do you agree that the Food Regulations 2015 should be amended to allow for differential cleaning requirements across national programme levels?**

We agree that the Food Regulations 2015 should be amended to allow differential cleaning requirements across the national programme levels. This will benefit the lower risk businesses and reflect the graduated approach to managing risk.

The national programme level has three levels with level 1 being the lowest risk, and level 3 being the higher risk. We suggest the wording be 'clean and hygienic' not 'clean and tidy' for National Programme 1 and National Programme 2 as all food businesses (including vehicles) should be kept clean, hygienic and free from pest and/or vermin.

- 2. Do you agree that lower-risk businesses should have fewer records keeping and procedural requirements than higher-risk businesses?**

We do not agree that lower-risk businesses (National Programme 1 and National Programme 2) should have fewer records keeping requirements, as the level of National Programme regime has less food safety controls in comparison to the Food Control Plans required by National Programme 3 businesses. We consider it good practice to have adequate processes in place to minimise the risk of potential hazards in a food business / transport vehicle.

- 3. Do you see any issues with reducing the records keeping and procedural requirements as proposed?**

Yes. Not having maintenance records could mean the business may not know how long the equipment hasn't been operating correctly (e.g. dishwashers at the right temperature etc.) and not know when to replace old equipment. This may also result in businesses spending more money on repairs.

We suggest there should still be a waste management control plan for all national programme levels, which covers appropriate storage of waste (e.g. covered to prevent flies/rodents, calling waste management if not collected on required day, making alternatives for disposal of waste etc.)

A pest control plan should also be developed which covers what controls are in place to prevent pests/vermin from entering the premise, and corrective actions where required.

Records on staff sickness (diarrhoea and/or vomiting) should be kept and monitored for all food businesses, including Early Childhood Education, as gastroenteritis/ outbreaks result from infected persons, particularly food service personnel.

16. Do you agree that regulation 10-12 (infected persons and food) should be revoked?

We are generally in favour of simplification. However with regard to regulations 10-12 we need to note not all case of infectious disease are notified through the Health Act 1956. Therefore MPI need to ensure adequate mechanisms are in place to explicitly manage the exclusion of food handlers with diarrhoea or other infectious diseases.

17. Do you agree that regulation 20(2) (sales from off-licences) should be revoked?

We agree that Food (Safety) Regulations 2002, Regulation 20(2) could be revoked. This regulation provides that wine and mead sold at all off-licences (not just supermarkets and grocery shops) must not contain more than 15% alcohol by volume.

We agree that the Supply of Alcohol Act 2012, Regulation 58, is more specific and restricts alcohol sold in supermarkets and grocery shops. A wider range of alcohol products e.g. beer, mead, wine (fruit, vegetable and grape) and food flavourings are detailed and this regulation restricts the licensee to ensure alcohol sold will contain

no more than 15% ethanol by volume measured at 20°C.

- 18. Do you agree that the policy intent of regulation 24 (fluoridated water) should be retained and updated for water added to food from reticulated supplies? Why/why not?**

Yes, we agree that the policy intent of regulation 24 (fluoridated water) should be retained and updated. We acknowledge that this regulation relates to security of source water for food production. However, we would like to make a point that it would be up to the food manufacturers to ensure that the chemical composition of the reticulated water they use is appropriate for their product.

Drinking Water Standards for New Zealand 2005 (revised 2008) indicate that the maximum acceptable values for inorganic determinants of health significance for Fluoride are MAV 1.5 mg/L. The Drinking Water Standards for New Zealand further clarify that for oral health reasons, the Ministry of Health recommends that the fluoride content for drinking-water in New Zealand be in the range of 0.7–1.0 mg/L; this is not a MAV. In the Auckland Region, fluoride is added to drinking water by Watercare in the range of the recommended 0.7–1.0 mg/L.

Appendix 1 - Auckland Regional Public Health Service

Auckland Regional Public Health Service (ARPHS) provides public health services for the three district health boards (DHBs) in the Auckland region (Auckland, Counties Manukau and Waitemata District Health Boards).

ARPHS has a statutory obligation under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities in the Auckland region. The Medical Officer of Health has an enforcement and regulatory role under the Health Act 1956 and other legislative designations to protect the health of the community.

ARPHS' primary role is to improve population health. It actively seeks to influence any initiatives or proposals that may affect population health in the Auckland region to maximise their positive impact and minimise possible negative effects on population health.

The Auckland region faces a number of public health challenges through changing demographics, increasingly diverse communities, increasing incidence of lifestyle-related health conditions such as obesity and type 2 diabetes, infrastructure requirements, the balancing of transport needs, and the reconciliation of urban design and urban intensification issues.