



Review of Food Standards Code chapters 3 and 4 — Food Safety Management requirements

To: Food Standards Australia New Zealand

Submission from Allergy & Anaphylaxis Australia

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Allergy & Anaphylaxis Australia (A&AA) is a member-based charity which strives to raise awareness of allergy in the community. It provides evidence-based information, resources and services to support children and adults living with allergic disease. A&AA has approximately 4,700 members across all states and territories of Australia. The organisation also has over 47,000 followers on social media. We have a Medical Advisory Board which consists of several allergy specialists who are also members of Australia's peak medical body, ASCIA (the Australasian Society of Clinical Immunology and Allergy). A&AA works in close partnership with ASCIA to progress the National Allergy Strategy – www.nationalallergystrategy.org.au.

Summary

A&AA is deeply concerned that the Illness Reduction Strategy 2018 – 2021+ will seemingly not address allergic reactions on the basis that “allergens were not a defined hazard”. It also appears that there is little or no impetus through either Food Regulation Standing Committee (FRSC) or Food Standards Australia New Zealand (FSANZ) to address this issue through effective alternate strategies.

It is fortunate that some States and Territories do have strategies in place and will continue to enact unilateral and non-uniform legislation to address this undefined but recognised hazard particularly in the food service area. Nonetheless this action usurps the role of FRSC and FSANZ.

A&AA proposes a number of measures to move forward promptly on this real and increasing hazard. To illustrate the extent of the problem there has been 1353 anaphylaxis presentations to Victorian emergency departments since November 2018 (as at 3/6/19). Personal correspondence from the Victorian Anaphylaxis Notifications scheme reveals that twenty three percent of anaphylaxis presentations to Victorian emergency departments were due to food from food service establishments (fifteen percent of these were referred to local council).

Need for national action on allergy issues

Noting that the first named goal of FSANZ under its relevant Act is to achieve “a high degree of consumer confidence in the quality and safety of food”, it is opportune to suggest that the current proportion of allergen related recalls and ever increasing number of potentially life threatening allergic reactions as a result of food served in food service establishments when individuals disclose their allergy would seem to indicate that that a critical area of food safety is not being adequately addressed at present under the Food Standards Code.

Australia's Foodborne Illness Reduction Strategy 2018–2021+

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The strategy makes brief reference to allergens as follows:

Similarly, it was noted that allergens were not a defined hazard. Australia currently has an international leadership role through its chairing of a Codex Alimentarius working group developing a Code of Practice for allergen management. Through this and consolidating existing information, national information resources for allergen management emerge.

A&AA acknowledges the role taken by Australia through Codex in developing a Code of Practice for allergen management. However FRSC would be aware that Australia already has highly sophisticated codes of practice for allergen management through both the Australian Food and Grocery Council and the Allergen Bureau. There would seem to be little to be gained by waiting for the Codex procedures to catch up with the Australian situation, and a lot to lose by further delay. There is an evident need for uniform regulatory measures, such as those suggested by FRSC, to supplement the existing codes of practice for allergen management.

The position espoused by A&AA with respect to allergen management is summarised below.

Addressing “safe” and “unsafe” food

A&AA recognises that State and Territory food legislation specifies that “unsafe food” excludes a food because its... “inherent nature causes adverse reactions only in persons with allergies or sensitivities”, however no such exclusion appears in the FSANZ Act and accordingly A&AA call on FSANZ to address the very real and increasing problems associated with allergens as a food safety issue.

Following FRSC’s proposals

FSANZ is to consider the proposals made by the (FRSC)/Implementation Subcommittee for Food Regulation (ISFR) Working Group on Food Safety Management (FSM WG) in 2018.

These proposals included the following regulatory measures for implementation at the national level:

- food safety supervisor arrangements
- requirements for evidence to be provided by food businesses to demonstrate that key activities or control processes are being managed
- mandatory training for all food handlers.

And the following non-regulatory measures:

- food safety culture initiatives specific to the eight food business sectors
- a comprehensive and integrated support and education package to guide both food businesses and local government as key regulatory partners

A&AA urges that the regulatory and non-regulatory measures include allergen management.

Current status of the Food Safety Standards

Chapters 3 and 4 of the Food Standards Code do not address food allergy issues at present.

Chapter 3 is focussed exclusively on food safety, and accordingly does not address hazards associated with allergens with respect to labelling, cross contamination, training, staff supervision, or evidence of management of key activities or control processes.

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In particular this would relate to the requirements for food safety management in the food service sector and closely related retail sectors, as noted in the FSANZ media release. This would apply especially to the sale of food not complying with purchaser's demand, as enshrined in State and Territory food legislation

Chapter 4 of the food safety standards are very product-focussed. Hence for example, a standard dealing with eggs and egg products only is not the appropriate place to address the use of egg products in the manufacture of other foods. Or their labelling issues. Or cross contamination. Or food handling in food service areas. It is concerned solely with primary produce.

A&AA proposals for addressing food allergy concerns

States and Territories already have a range of non-uniform food safety measures in place beyond the requirements of the Food Standards Code. An initial step maybe to review current State and Territory legislation with respect to:

- food safety supervisors
- training requirements for food safety supervisors (including allergen management)
- licensing of food businesses
- content of food safety programs
- Non product-specific food safety programs such as the NSW vulnerable persons food safety scheme

The objective of such a review, apart from addressing the lack of uniformity between States and Territories, would be to assess current unilateral regulations which might address allergen issues.

An ultimate objective of this FSANZ review should include a focus on:

- upskilling all in the food service sector on food allergy;
- expansion of food safety supervisor requirements to make the requirement national;
- making allergen management training part of the requirement for food safety supervisors
- national standardisation and regulation of training provided to food safety supervisors
- making the FREE food allergy e-training <https://foodallergytraining.org.au/> a prerequisite for those entering food service employment contracts (just like the Responsible Service of Alcohol certificate requirement)

A&AA would like to see a food safety standard which addresses allergen management across the board, rather than any individual food group. The standard could incorporate for example, a labelling requirement that any 'may contain' statement must comply with VITAL procedures. Currently, the voluntary nature of precautionary allergen statement use which is dependent of individual company risk assessment protocols gives people with food allergy no confidence in foods both with and without a precautionary allergen statement.

Thank you for considering this submission.

Yours sincerely,

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