

# SUBMISSION ON

## Proposed changes to the import requirements for frozen berries

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**To:** The Ministry for Primary Industries (MPI)

**Name of Submitter:** Horticulture New Zealand

### Contact for Service:

Dr Eve Pleydell

Risk Policy Manager

Horticulture New Zealand

PO Box 10-232 WELLINGTON

Ph: 021 745 787

Email: [Eve.Pleydell@hortnz.co.nz](mailto:Eve.Pleydell@hortnz.co.nz)

# OVERVIEW

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## Our submission

Horticulture New Zealand (HortNZ) thanks MPI's Food Regulation Directorate (Imported Food) for the opportunity to submit on the Proposed Changes to the Food Notice: Requirements for Registered Food Importers and Imported Food for Sale. We welcome any opportunity to continue to work with New Zealand Food Safety's Food Regulations teams and to discuss our submission.

The details of HortNZ's submission and our corresponding suggestions and requests are set out in our submission below.

HortNZ could not gain an advantage in trade competition through this submission.

# HortNZ's Role

## Background to HortNZ

HortNZ represents the interests of approximately 5,500 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruits and vegetables. The horticultural sector provides over 40,000 jobs.

There is approximately, 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting, and advocating for growers in New Zealand.



## New Zealand Good Agricultural Practice

HortNZ is the owner of the New Zealand Good Agricultural Practice (NZGAP) scheme. NZGAP is governed by a sub-committee of the HortNZ Board but is managed and funded independently.

NZGAP was established 25 years ago as a one-stop-shop for growers to meet a range of regulatory and market requirements. The purpose of NZGAP is to provide simplified, cost-effective, and integrated assurance in New Zealand horticulture that is trusted and valued.

# Submission

Horticulture New Zealand (HortNZ) supports the proposal to categorise imported frozen berries as High Regulatory Interest (HRI) foods that require border clearance for entry into NZ.

## 1. Provision of food safety assurance

### 1.1. Recognition of third-party certification programmes

HortNZ welcomes the recognition by New Zealand Food Safety (NZFS) that third-party certification programmes can provide food safety assurance of a level appropriate for international trade and regulatory bodies.

We also support the alignment of NZFS's approach to third-party certification for frozen berries with Australia's requirements for the same commodity.

Beyond this, HortNZ requests that MPI more broadly addresses the inconsistencies in the approaches of different directorates to the recognition of third-party food safety certificates.

#### 1.1.1. RISKS OF ONLY ALLOWING GFSI-RECOGNISED CERTIFICATES

HortNZ is aware that GFSI is currently involved in disputes with several certification programme owners. If these disputes are not resolved and some of these programmes leave GFSI, then the breadth of GFSI-accredited programmes will decrease.

While we note that NZFS does not intend to limit the use of third-party certificates to those issued by GFSI-recognised certification programmes and that you will consider assessing other accreditation programmes upon request, this is not reflected by the specification of "GFSI-recognised" within the body of the Notice.

HortNZ suggests that the wording in the body of the Notice is made more generic and that NZFS provides an updatable list of the currently recognised accreditation programmes as a Schedule to the Notice.

As an example of suitable generic wording, 7.4.1 (1) b) ii) could state: *a third-party certificate that meets the requirements specified in clause 7.4.4 and that has been issued by an accredited certification body listed in Schedule 2.*

### 1.2. Inadequate requirements for growers

HortNZ is concerned that the sizeable food safety risks associated with inappropriate growing and packing practices for berries would not be adequately mitigated by the current draft requirements. Given the general lack of kill step before consumption of frozen berries, on-farm food safety programmes are imperative to minimise the risk of microbial, physical, or chemical contamination. Farm level certification of horticulture production is required for all New Zealand export markets, and over 90% of domestic markets via retailer and wholesaler requirements.

While the draft Notice specifies that overseas manufacturers must be certified by an accredited programme, the growers of the berries simply need to operate under a food

safety management system that is audited annually by an “appropriate” person [7.4.2 (1) g)]. This is a loophole in the regulations that may enable a manufacturer under pressure to fill an order by including berries from growers who do not hold a credible third-party certificate. This effectively means, this Notice provides a lower level of control of food safety risks for the period of highest risk, which is while the berries are being grown, harvested, and packed rather than frozen and stored.

HortNZ requests that NZFS amends the draft Notice to close this loophole by specifying that the overseas growers must be certified to a Good Agricultural Practice or equivalent standard by an accredited certification body.

### **1.3. Removal of microbiological testing**

HortNZ agree that *E. coli* counts are a poor indicator of viral food safety risks and that the testing requirements in the current Notice are not effectively managing the potential food safety risks associated with frozen berries. We fully support the removal of this option for border clearance.

## **2. Clarity and transparency of requirements**

### **2.1. A lack of clarity regarding official certification**

Official certificates result from bilateral agreements between an exporting country’s Competent Authority and MPI. They are commonly used for animal-related HRI foods. While no official certificates currently exist for frozen berries, MPI wishes to retain this option for exporting countries in the Notice.

In the consultation discussion document, NZFS state that the requirements detailed in the updated Notice will be clear and transparent. However, no details are provided about the eligibility requirements NZFS would use to ensure that official certificates provide adequate food safety assurance to grant border clearance.

HortNZ would like to understand how MPI would ensure that the food safety risks posed by frozen berries were being effectively managed by growers and manufacturers in countries using official certificates if those growers and manufacturers were not using internationally recognised certification schemes?

### **2.2. Definition of Good Agricultural Practices**

Clause 1.1 should include a definition for Good Agricultural Practices as well as Good Hygiene Practices.

The definition used by the Food & Agriculture Organization could be used: *Good agricultural practices (GAP) are practices that address environmental, economic, and social sustainability of on-farm processes, and result in safe and quality food and non-food agricultural products*<sup>1</sup>.

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<sup>1</sup> FAO (2007) SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT (SARD) POLICY BRIEF 20 SARD and... good agricultural practices (GAP) [21\\_SARD-GAP - english.pdf \(fao.org\)](#)

### 3. Transition timeline

The proposed 18-month transition period from the date the updated Notice is issued to the date by which importers need to meet the new requirements seems long for an HRI food.

NZFS has identified that frozen berries are a high-risk food that have caused outbreaks of foodborne disease in New Zealand. NZFS have also identified that *E coli* testing is not an effective method for managing food safety risks for this HRI food. Nonetheless, NZFS is proposing that importers should continue to have the option of providing food safety assurance via *E. coli* testing for up to 18 months after the date of issue of the updated Food Notice.

HortNZ urges MPI to minimise the transition period as much as possible, while recognising that there may be operational challenges for some exporting countries to comply with the new Notice.

### 4. Providing assurance for New Zealand exports

HortNZ thanks NZFS's Imports team for conducting a systematic assessment of voluntary third-party assurance programmes using Codex principles and guidelines. The conclusion of this assessment is that certification programmes can protect the integrity of New Zealand's regulatory system and offer a practical means of getting assurances issued by credible certifying bodies. We whole heartedly agree and look forward to other programmes being assessed in a similar manner.

Third-party certification is already recognised as a practical and effective method for gaining assurance of the safety of domestic food (Food Act 2014 Section 40) and is now being proposed as a suitable option for border clearance of an imported HRI food. Given this, HortNZ believes other directorates within MPI need to consider the use of credible third-party certificates as a means of providing food safety assurance to our trading parties.

While recognising that this is beyond the scope of the current consultation, HortNZ is concerned by the potential economic inefficiencies related to MPI developing its own export assurance system (including bespoke systems for individual trading partners) when there are systems already in existence. We request that MPI engages in an open, honest, and respectful dialogue with us to discuss why exporting fresh produce requires a different approach to the domestic market and imported foods. We do not see a need for there to be a divergence in food safety assurance policies within the same ministry and we encourage the NZFS Import regulation team to conduct some extension work with their Exports colleagues.