Ministry for Primary Industries
Manatū Ahu Matua

Submissions: Proposed amendments to the:

Operational Code: Processing of Seafood Products (Parts 1 and 2)

Date: 16 May 2019

New Zealand Food Safety received one written submission on the draft Operational Code: Processing of Seafood Products (the Code). This was an industry submission that consolidated stakeholder feedback. Further comments were received at a series of Seafood Industry Workshops (held during October and November of 2018). The submissions have been analysed and where appropriate based on their analysis, amendments have been made to the Code. The section numbering in table 2 reflects the numbering in the version of the Code that was consulted on.

We would like to thank those stakeholders who have taken the opportunity to comment on the draft Code and provide suggestions for its improvement.

Table 1: General Comments

Questions MPI would like feedback on		
1.	Would you prefer the mandatory requirements to be copied into the Operational Code (approach used in the draft for consultation), or should these be deleted and replaced with a link to the legal document that contains the mandatory requirements?	Feedback during the workshop supported keeping the mandatory requirements in the Code.
2.	Is the level of detail appropriate?	Overall yes – see specific comments.
3.	Are the technical aspects correct?	Overall yes – see specific comments.
4.	Are the procedures practical and achievable?	Overall yes – see specific comments.
5.	Are there any areas that need more guidance?	Need better explanation and clarity around the musts vs shoulds. You can validate an alternative approaches and still export product provided the mandatory requirements and OMARs are met.

Table 2: Specific Comments

Part	Section	Comment	Proposed amendment	MPI Response
General		Could those mandatory requirements which have not been expanded upon in the procedures be highlighted?		It is important that operators read and apply both the mandatory requirements and the procedures in the Code and so suggestion has not been progressed.
General		When will the changes to the Code need to be implemented?		Many of the changes that have been made to the Code are as a result of amendments to the legislation (e.g. Notices such as the Animal Products Notice: Specifications for Products Intended for Human Consumption (HC Spec)). Amendments to Notices must have been addressed by the effective dates stated in those Notices. Any other changes that are necessary as a result of updating this Code will be checked as part of ongoing verification of your premises.
2	2.1.1 (3)	Should the collection of fish organs be defined in what is considered primary processing? E.g. we collect roe and ling sounds on our limited processing vessels.	2.1.1 (3) b) add – removal and collection of organs (e.g. roe, ling sounds).	L vessels cannot collect fish organs. No amendment made. RMP vessels are able to collect organs so no problem with this wording.
3	3.4.1(2)	Guidance Box: Operators should also consider how they will protect product from adverse environmental conditions when moving it between buildings, for example by installing canopies overhead. Recommend add example of where protecting product with covers is acceptable.	Update guidance box: Operators should also consider how they will protect product from adverse environmental conditions (e.g. rain) when moving it between buildings, for example by installing canopies overhead, or providing covers. Examples where this would be appropriate is when moving it	Amended as suggested to include the use of covers when moving product between buildings.

			from the processing plant to the cold store, etc.	
3	3.4.2(4)	There is insufficient guidance or clarity on the separation requirements between RTE and raw products. In particular 'other effective means' – more guidance needed here.	Provide further guidance on what would be considered 'other effective means' or provide examples to give clarity.	The use of 'a barrier or red line' to achieve separation has been added to the section. Further guidance about forms of physical separation has been added to the guidance box i.e. : Other forms of physical separation include: • a wall (floor to ceiling high or low wall); • distance; • curtains; • ante-rooms. Separate storage facilities are recommended for raw materials and ingredients, partially processed product and final product. The reference to Part 2 of the *Listeria* guides, which provides further guidance about layout and design, particularly for operators processing ready-to-eat seafood products has been moved closer to this section.
3	3.4.3 (1) c)	Guidance needed to clarify what 'and processes' constitutes.	3.4.3 (1)c) – perhaps remove 'and processes' at the end of the sentence or provide examples.	The addition of 'and processes' has caused confusion. The intent of the wording was to reinforce that was that cross-contamination between products and process lines be minimised. However, minimising cross contamination between products will also address process lines and so "and processes" will be removed.
3	3.4.7 (3)	Doors (3) Doors in areas where processing and/or packing is carried out, and which open directly to the outside should be self-closing. Many premises have sliding doors opening directly to the outside, and they are not able to be self-closing.	3.4.7 (3) – change to : Doors in areas where processing and/or packing is carried out, and which open directly to the outside should be self-closing, where practical. Maybe add into guidance box underneath	In acknowledgement that it is not a mandatory requirement for doors to be self-closing, the section has been reworded to require self-closing doors, or that staff are trained to ensure that doors are not opened while processing as suggested.

			Doors in the processing and/or packing rooms that open externally should be self-closing. If not practical, company should consider procedures to minimise risk of contamination, such as training staff to keep closed unless in use, possibility of installing curtains to keep dust and vermin out when open (only if practical) etc.	
3	3.4.13	Process Gases and Compressed Air (1) Compressed air generated on-site for processing and that comes in direct contact with any seafood material or product, must be clean and filtered. Under the guidance box, this includes 'air used for cleaning' this has been taken to include, compressed air used in chemical foaming units, and seems over the top.	3.4.13 Guidance box to be updated to exclude compressed air used cleaning equipment, such as chemical foaming units	Amended as suggested to clarify that this section does not apply to compressed air used for cleaning equipment such as foaming units.
3	3.4.14 (3)	Guidance Box "when purchasing new equipment… letter of guarantee from supplier certifying its suitability for food use". Why? Where will this end? For a knife? For a fish bin? For a stainless table?	A number of comments received relating to the guidance around sourcing a letter of guarantee from the supplier with regards to certifying new equipment's suitability for food use. While it is only guidance, often these types of guarantees are difficult	Wording amended as suggested to clarify that it is good practice to obtain letters of guarantee particularly for materials that come into direct or indirect contact with seafood products. An alternative is that operators make their own assessment.

		This should state that Stainless Steel of the suitable standard (as already referenced) should be exempt from this. Guidance: Other suitable materials include: plastic materials and coatings that are abrasion- and heat-resistant, shatterproof, are food grade if in direct or indirect contact with food. I can see this leading down the path of MPI requiring food grade plastics guarantees for these surfaces – many of which are hard to get. Do plastics have to be heat-resistant if there is no heat applied?	to get, and it isn't clear when these would be relevant. Suggest: *Sourcing supplier guarantees for new equipment can be a good way of confirming their suitability for use…*	It is not necessary to exclude stainless steel from this recommendation as it is guidance only. It should be noted that evidence is expected by some markets e.g. Korea. It will be clarified in the guidance provide for "other suitable materials" that the appropriate characteristics of the materials will depend on what it is being used for, e.g. it would not need to be heat resistant if not heated or in contact with heated materials.
3	3.4.15	Product Support Areas It would assist to include guidance about the type of construction materials suitable for bulk store areas, i.e. that they may include exposed clean wood and roofing iron.	Include guidance box underneath 3.4.15 indicating exposed clean wood and roofing iron are suitable for use in bulk storage areas where the packaging etc. being store are fully sealed etc.	No amendments made. The outcomes to be achieved by this section are clear. The materials should be appropriate to the area in which they are being used to ensure that GHP can be achieved and maintained.
3	3.4.17 (4)	Guidance should be provided on when hand sanitiser should be used. Generally people can be very confused and often		Section 8.4.4 addresses hand washing and sanitisers. It recommends that sanitisers be used in areas where cooked or RTE foods are processed. Guidance about handwashing has been added, and a link to an ESR/MPI report on the efficacy of hand washing.

		substitute hand sanitising for hand washing. What is the guidance on air hand driers?		The statement that hand sanitisers is not a substitute for hand washing has also been added. Information about the use of air hand dryers has been added to this section.
3	3.4.18(2)	All chillers and cold stores should be fitted with temperature indicating devices and where possible these should be continuous automatic temperature recorders. Unclear – are data loggers / CATRs mandatory or not?	Options are: - mandatory for all (NZ and Export premises); - mandatory just for export premises; or - not mandatory at all.	Although the use of continuous automatic temperature recording devices is not mandatory under the New Zealand standard, their use is recommended. The wording has been amended to clarify this and align wording where used elsewhere in the Code. If temperatures are not recorded automatically, they should be manually checked and recorded periodically and at a frequency based on performance. If exporting, operators should check the OMARs to determine whether CATRs are needed.
3	3.4.19 (2)c)	Procedures for facilities and equipment breakdown: What is the extent of the purpose of these procedures? Are they required to specify how they are to manage the R&M process, or are they there to explain how to fix the R&M issue? We would have to assume it's how the R&M process is managed, rather than the actual task of fixing the issue.	Need to include some guidance or clarity of what is meant here which is how the R&M process/breakdown is managed. Maybe add in guidance along the line of: Procedures for managing facility and equipment breakdowns include: Where facility or equipment breakdowns occur, and maintenance is required, action is to be taken to protect product and packaging from contamination. The repaired equipment and surrounding area that has been repaired must be cleaned and sanitised before use.	Information about what the procedures should address has been moved to the guidance box and further information about the types of activities that should be included has been added. Wording amended as suggested to clarify that the procedures are about managing repairs and maintenance rather than how each repair or maintenance task is to be carried out). The suggested wording was not included as section 3.4.19(1) requires that repairs and maintenance work not be a source of contamination. Part 2 of the *Listeria* guides, which provides more detailed guidance about how to manage repair and maintenance work has also been referenced.

3	3.4.19 (6)	Chemicals used during repairs and maintenance must be used in accordance with MPI's Approved Maintenance Compound Manual. Chemicals used in the maintenance of processing areas, facilities and equipment only should be subject to MPI approvals.	HC Spec 3.4 states only approved maintenance compounds may be used during processing operations and in the maintenance of processing areas, facilities and equipment. Make sure this is reflected in the COP.	Agreed, amended as suggested.
3		Nano coatings – use on surfaces, how safe, no cleaning for a month, electrical equipment not easy to clean – would it help between clean downs.		We cannot provide advice on the efficacy of products being offered to operators. This information should be sought from the supplier, and/or trials carried out (where appropriate) to confirm the claims being made.
5	5.3	Guidance in Table 2 For in-house checking of calibrated equipment - Working thermometers used daily for monitoring of critical limits – weekly or fortnightly. Other working thermometers – monthly. Recommending weekly checks of working thermometers is a ridiculous when these fail it is completely obvious and weekly checking is excessive.	Appears excessive to recommend weekly ice-point checks. In reality these are normally carried out 3-6 monthly for probes used for completing load-out checks, which for majority is the only critical measurement they take. Split and recommend monthly for probes used for HACCP CCP checks? Suggest 3-monthly as recommended frequency but add a note that more frequent checks (such as monthly) may be considered for those probes used for checking CCP limits.	The wording has been amended reduce frequencies for thermometer calibration. As this is guidance only so a statement has been added to clarify that the frequency applied should be based on the stability and purpose of the specific piece of equipment.

6	6.4.3 (1)	Draft OC Part 6 Water is still very confusing as there appears to be mixed messages for premises who have their water supplied by an independent supplier. The Guidance on page 59 now says Export premises 'must' carry out microbiological testing – surely a must cannot be in a guidance box. It has always been acceptable if the water supply is from a town supply that no further testing is required. If the purpose is to ensure that water at point of use is acceptable then talk about hoses as well as the premises reticulation and how to maintain their hygiene, not the source water. Please ensure the intention is not for premises to have to do daily chlorine checks on a town water supply. Potable water supplied by an independent supplier (whether or not it is further treated by the operator) should be assessed to determine whether it meets the criteria in Table 4: Criteria for potable water at point-of-use. The guidance talks about chlorinated water chlorine and pH – which is confusing if town		The Water section had been reviewed and amended with a focus on the use of town supply to ensure that that requirements of the HC Spec are correctly applied.

		supply is chlorinated by the supplier.		
	6.4.6 (2)	The water reticulation system should be designed, installed and operated in a manner that prevents: c) back flow that may cause contamination of the water supply; This causes all sorts of problems, and referencing the Building Code makes it even more difficult. Would like guidance on when/where backflow prevention and non-return valves are recommended.		Information about compliance with the Building Act has been deleted. This is outside the scope of an RMP. Operators would need to talk to a registered certifying plumber or their local council for more detail about backflow prevention devices and other reticulation system requirements that are necessary to ensure that the water supply cannot be contaminated by activities occurring within the premises.
7	7.4.1	Guidance box: Many microbiological techniques are available to validate and/or verify the effectiveness of cleaning and sanitation programmes. These include swabs, contact slides and hygiene swab tests. I feel like swabs are being put forward as the only recommended verification option. Why not pre-op checks? Swabs can be difficult in remote premises and are a cost. They may not be required or necessary in wet fish operations.	Review the guidance associated with cleaning verification. Consider adding back the guidance from the old COP (includes visual and sensory checks, reality checks of cleaning).	The guidance box under 7.4.1(1) has been amended to clarify that the guidance has been provided in relation to validating a cleaning and sanitising programme. Information about the verification of cleaning and sanitation programmes was moved to Part 18, as an example of operator verification. Part 18 has now been referenced in the guidance box under 7.4.1. Information about monitoring including pre-operational checks is in the guidance box in section 7.5 Monitoring.

		Guidance – For the validation/verification of cleaning effectiveness, should also offer pre-op inspection as an option alongside micro.		
7	Part 7	Does not consider: • dry cleaning in seafood powder areas; • cleaning when there is continuous processing. Cleaning of fish bins should be specified – many companies rinse fish bins from boats only before returning to boats. Guidance needed on recommending a pre-op surface rinse of product contact surfaces. Guidance needed on dual action cleaning/sanitation chemicals. Is it accepted to rinse, apply dual action cleaner/sanitiser chemical, then rinse off?	Consider adding guidance for both dry cleaning and continuous processing, and cover the other suggestions.	A section about dry cleaning has been added. Further information about continuous cleaning has not been added, but as with all cleaning operations, if an operator chooses not to apply the cleaning frequencies in the Code, they will need to validate the alternative frequency. Cleaning of fish bins is already addressed in the general requirements of this section. No further information will be added. Specific guidance about pre-op surface rinsing has not been added as operators need to follow the conditions of approval, the manufacturer's instructions, and operate in accordance with any validation that has been carried out. Further information about rinsing has been added in relation to no rinse sanitisers. Also see comments below. Use of dual cleaners maybe appropriate in some situations. It is important that operators follow the manufacturer's instructions and use the products for the purpose for which they had been intended. Depending on where they are to be used it is recommended that their efficacy is validated.
7	7.4.2 (2)	General Cleaning, which currently reads. (2) All product surfaces, including equipment, should be cleaned: a) at least at the end of each working day		Wording amended as suggested.

		Could this frequency be re-evaluated or further guidance included specifically for secondary processing of frozen material, and be written to include something like the following statement: a) at least at the end of each working day or at a frequency that has been demonstrated to achieve the same outcome. The 'clean at least the end of each working day' doesn't work for continuous processing.		
7	7.4.2	Guidance – "the use of no rinse sanitisers (without rinsing) are under review" – when is it anticipated confirmation that these are no longer permitted will be? Also some guidance around what is considered thoroughly drained would be useful with regards to no-rinse sanitisers: These state that after use, rinse with potable water is not required but food contact surfaces must be thoroughly drained. In respect of the use for knives and gloves, we think that after dipping in the sanitiser tanks, there would be no pooling of water in the knives or the		This work is on our programme but there is currently no timeframe for resolution. Knives that are dipped in sanitiser for example and then used immediately for processing would not meet the requirement for "drained". This is likely to lead to increased residue levels in the product and so should be rinsed before use. Further information has been added about the need for thorough draining if these sanitisers are used. To determine whether a rinse is necessary, operators could sample and test product when following the cleaning and sanitation procedure to determine residue levels in product. The full list of conditions applicable to the C43 approval code are: 1. This may be used as a no-rinse sanitiser on clean hard surfaces in licensed premises which are restricted only to the processing of fish. 2. Before use, all edible product and packaging material must be removed from the room or carefully protected.

		gloves so it would meet the requirement "food contact surface must be thoroughly drained". Would this be acceptable?		3. After use, a rinse with potable water is not required but food contact surfaces must be thoroughly drained to minimise residues. 4. When used as a sanitiser in other licensed premises, surfaces must be thoroughly rinsed with potable water before production starts. 5. This product must always be used at the dilutions recommended by the manufacturer. In accordance with 5. Operators must also ensure they follow the recommended dilutions. For further information about residue detections refer to the 2016 New Zealand Total Diet Study.
7	7.4.2 (4)	Only cleaners and sanitisers that are approved maintenance compounds can be used. Again, chemicals used in in the cleaning of processing areas, facilities and equipment only should be subject to MPI approvals.		Amended as suggested.
7	7.4.5	Guidance should be included to clarify the expectation for chiller cleaning.		Additional information has been added about cleaning of refrigeration facilities. (New section 7.4.6)
7	7.4.7 (3)	Equipment (e.g. brushes, brooms, etc.) used for cleaning and sanitising in seafood products premises, including fishing vessels, should be stored in a designated area in such a manner as to prevent contamination of seafood products, ingredients, additives or containers	Ok to hold some cleaning equipment in processing areas, providing they are not a source of contamination.	As currently written, this would be acceptable. Additional guidance has been added under this section to clarify this.

		Further guidance would be of value – often it is very practical to hold some cleaning equipment in the processing room		
7	7.5 (1)	Guidance Box: Pre-op checks should also assess: condensation. Pre-op check guidance should specify cleaning of sanitary defects before processing, unless these are minor and will not contaminate product.	Pre-Op guidance implies sanitary defects need to be cleaned before starting but doesn't actually state it so should make it explicit.	Guidance box now states 'there is no pooling of water or presence of condensation'. Additional wording has been added to sections after the guidance box to clarify that sanitary defects need to addressed and rechecked before processing commences.
8	8.4.3	Protective Clothing Staff should use boot wash facilities or foot baths to clean footwear before, or on, entering processing areas and must change other protective clothing (e.g. overalls, hats) if it becomes contaminated from the external environment. Please add exclusion for live fish pack-out. What is the appropriate protective clothing for live lobster swim areas? What is the appropriate protective clothing for cold stores?		Wording has been amended as suggested for boot washes to exclude their use in live fish handling areas. Wording has been amended to indicate that protective clothing in live fish areas should be appropriate. If working in cold stores that deal with protected product, food safety is less of a concern. No recommendations have been made about the type of protective clothing to be worn.
8	8.4.4 (2)	Hand sanitisers should be used in areas where cooked or ready-to-		See earlier comments (3.4.17) about hand washing and the use of hand sanitisers.

		eat seafood products is processed or packed. Guidance on when to wash and when to sanitise please.		
8	8.4.4 (GB)	Provide advice on good handwashing practice.		Hand washing procedures added as suggested.
10	10.1	Most maintenance compounds used within the boundaries of the RMP must be approved", should this just be 'processing areas, facilities and equipment', not including offices, outside, amenities, café etc.	Yes – as per HC 3.4	Amended as suggested.
10	10.4 (1)	Rather than "boundaries" should this just be processing areas, facilities and equipment.		See above. Amended as suggested.
11	11.4.2 (6)	Covering of skips or waste bins. Please clarify if this includes waste bins used within the processing room/s.		Clarified that this applies to receptacles that are outside or in areas that are accessible to pests.
12	12.3.3 (1)	"Competencies if producing certain ready-to-eat seafood products". Please clarify "certain".		Added information to clarify the products produced that would require this competency to be met. Part 15 of the HC Spec requires procedures for *Listeria* management. It applies to operators processing chilled RTE animal products, with some exclusions based on the product characteristics e.g. its shelf life, pH or water activity. Personnel who are responsible for the following activities must have the appropriate skills and knowledge: • personnel who design and implement the procedures for *Listeria* management; • personnel involved in RTE product processing (including engineers and maintenance staff); and • samplers.

12	12.3.1 (3)	Guidance box – employed in a supervisory or higher operational role within the premises for 6 months or longer. This doesn't allow for employment of experienced staff.	Suggest this be changed to "Employed in a supervisory or higher operational role or have had previous experience."	Wording amended as suggested.
12	12.3.1 (3)	Guidance box – competencies and equivalent units need to be added.	The following units to be added to the guidance box as alternatives to demonstrate competence: 31493 "Demonstrate knowledge of handling practices, and produce seafood product fit for its intended purpose" 31496 "Demonstrate knowledge of cleaning and sanitation, and clean and sanitise a seafood operation work area" Also add the following as an option for persons responsible for review of records 28264 "Demonstrate understanding of a HACCP application in a food processing operation"	Competencies and equivalent units added.
17	17	Labelling Should we be considering more controls around the checking and issuance of labels for compliance, and regular verification of labels?	Yes.	The mandatory requirements under the Food Standards Code had been added into this section and it is important that operators comply with these requirements. The key points; that the required label information must be present and the correct label should be applied to the correct product is already stated in section 17.3(1). Also the monitoring section (17.4) lists checks that need to be carried out and so no further information will be added here.

25	25	Loadout and transport There is no requirement for loadout checks and records?		A new section on load-out checks has been added (25.4.1).
26	26.3	Provide more information about what is expected for a mock recall.		The link to MPI's Recall Guidance Material contains further information about mock recalls. A statement has also been added that it is important if dealing with other businesses as part of a mock recall (e.g. suppliers or receivers) that they understand that it is an exercise only.
27	27.1 (2)	"Frozen product is not subject to the requirements for LM in the HC Spec. However, if frozen RTE product, … is to be exported, it must meet the requirements in this Part" Clarification is needed here.		This wording has been simplified to better clarify the alignment between the Food Standards Code and the HC Spec. The wording is now:
27	HC Spec 15.4 testing – Guidance	"the products covered by the *listeria* requirements in the HC Spec and the micro limits in standard 1.6.1 FSC don't entirely align. More product types must meet the requirements in the FSC. For example, frozen RTE products must comply with the FSC but are not covered by the HC spec (which applies to chilled product only)" – clarification required or is this the purpose of Table 11?	Need to add more examples into Table 11	The wording in the guidance box has been simplified. The purpose of Table 11 is to illustrate how the requirements of the Food Standards Code and the HC Spec apply to different product types. No further examples have been added (see comments below).
27	Table 11 –	"Frozen raw seafood" vs "frozen RTE seafood (including seafood thawed immediately before consumption)"		No further examples have been added as the categorisation needs to be determined by the operator on a case by case basis. As an example, frozen seafood that is raw and will undergo further preparation before consumption does not need to meet the requirements of the FSC or the HC Spec.

		Clarification on examples or provide further examples here please, e.g. Frozen sashimi or frozen caviar?		If the same product was to be eaten without further preparation, this would be considered frozen RTE product and the FSC would apply.
27	Table 11 –	"Chilled raw RTE seafood" vs "chilled raw fish" – additional examples here as above. Or are you referring to 'sashimi' for "retail ready fish" within chilled raw RTE seafood, or are you referring to 'fillets/portions' for consumers to cook at home? Also 'Product support growth – Yes if shelf life > 5 days' for chilled raw RTE seafood – should this have a limit on the days, e.g. > 5 to <8 days? How does this correspond to the FSC standard 1.6.1 – 4, where it says no greater than 5 days? It also doesn't correspond to 1.6.1-4 (2), "where growth will not occur", but in Table 11 it says only FSC PT is needed even for product of a shelf life greater than 5 days and does support *listeria* growth.	Need to add more examples into Table 11 Need to have another look and consider.	As described above, the determination of which category a product will fall into needs to be made by the operator. If the operator determines that the raw chilled product may be consumed as RTE, the FSC will apply. Raw RTE product does not need to meet the HC Spec currently. However it is recommended that the HC be applied, particularly if the shelf life of the product is more than 5 days. Fillets that are cooked by the consumer are not considered to be RTE and so are not subject to this Part. Shelf life: The FSC applies to RTE product regardless of its shelf life. The impact of FSC standard 1.6.1– 4 is to do with the limit for *L. monocytogenes* that maybe applied. Having a shelf life of less than 6 days does not excuse a product from the need to comply with the FSC.

The FSC states that product with a shelf life of no greater than 5 days will not support the growth of *L. monocytogenes*, in which case a limit of 100cfu/g may be applied. Product is no longer categorised based on a shelf life of 8 days.