Be aware of changing health requirements for traded food products

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Regulations which control food safety are changing more rapidly than ever. International traders need to keep on top of these changes to ensure compliance and avoid rejection.

Costs of failing to comply

The rejection of traded fishery products at their destination continues at a significant rate. This is despite improved communication, which should mean that traders are better informed of the health requirements of their destination market. However, increasing complexity of food regulation makes rejection all too common. The costs of this can be substantial; at the least it may involve re-processing and labelling, plus additional testing of the consignment. Alternatively, there could be a forced re-export, or even destruction of the cargo. Health authorities are increasingly aware of the potential liability they might incur, if unfit food is allowed to re-enter international trade, resulting in a reluctance to permit re-export. The longer-term implications of non-compliance may be much more significant; persistent health problems with a given product from certain region can undermine confidence in the ability of the producers and authorities to exercise sufficient control. This can result in import alerts in the USA, or a de-listing in the EU, both effectively closing down access to the market to all producers in the region. A recent example in the fishery sector is the problems faced by the East African nile perch industry.

Health controls for fishery products

International traders in fishery products need to actively ensure ongoing compliance with the requirements of the markets in which they trade. Regulations in the main importing regions of fishery products such as the EU and North America (which now import more than half of their market requirements) are focused on food safety issues, rather than commercial quality criteria such as grading. Although there are some exceptions in some states, for example minimum compositional requirements for glaze on cooked shrimp in the UK, non-safety issues are generally considered to be the subject of the contract, and not of interest to regulators unless there is evidence of fraudulent practices against the consumer interest.

In recent years food control systems for human health have focused more and more on the conditions of production (including production, harvest and processing) rather than testing and certification of the end product. This is the clear message running throughout EU and US food law, yet many third country authorities still require testing of export consignments and certification of fitness for human consumption. Whilst there is a role for laboratory testing (see box), it has little value in certification. However this continues, when what is required is documentation which attests to the provenance of the material to ensure that it comes from an establishment which has implemented minimum standards of hygiene and which applies the Hazard Analysis and Critical Control Point concept. This provides the evidence that major food safety hazards are controlled by the producer.

Perhaps more significantly, in terms of suppliers to the EU, a Competent Authority must be approved by the Commission. This involves demonstrating that the national control system in the country of origin is *"at least equivalent"* to those described by the relevant directive. This approval can also present problems of a different nature in countries where industry is ahead of the government in terms of understanding and implementation of health controls, resulting in establishments which comply with the directive being barred because their government cannot effectively eliminate non-compliance in other establishments.

In the EU, the vertical hygiene Directive 91/493/EEC "Health conditions for the production and placing on the market of fishery products" defines the main conditions for third country supplies. Although the approval of the Competent Authority has been the main objective in countries wishing to supply the EU, getting the country "onto the list" of approved suppliers should not be regarded as the end of the matter. After a number of scandals in Europe, most notably dioxin and BSE, food safety and its regulation is now a highly political issue and there are many new initiatives in the pipeline.

Enforcement of existing regulations will be tightened, and there is a whole series of new measures proposed in the Commission's White Paper on Food Safety, published in January 2000.

Increasingly strict controls

Controls are now being extended by the more stringent application to third country supplies of existing directives and regulations, which may not have been enforced so rigorously in the past. One example is that governing safety of water used in food processing (Directive 98/83/EC "Quality of water intended for human consumption"). Another area, which is likely to cause problems in the years ahead for producers of fishery products, is control of the use of veterinary medicines in aquaculture. Competent authorities in third countries are required by Council Regulation Nº. 2377/90 of 26 June 1990 ("Community Procedure for the Establishment of Maximum Residue Limits of Veterinary Medicinal Products in Foodstuffs of Animal Origin") to put in place both a control system for veterinary medicines and a verifiable residue monitoring systems for farmed fishery products, but how many do? There is now emerging evidence of poor controls over the apparent extensive use of antibiotics in shrimp farming. A recent survey in Southampton UK[1] indicated that 23 out of 98 samples of imported cooked shrimp showed evidence of antibiotic treatment. The industry can expect a clear and robust response from the authorities to this problem. The EU Commission has already started to show its readiness to de-list countries which do not meet these requirements (as in the case of farmed fish from Turkey in 1998). More de-listing can clearly be expected on this issue, as evidence of abuses becomes more widely recognised (including by the general public). As with other aspects of health controls, it will not be sufficient to show that individual operators meet the requirements; only if the government can clearly show that all production and export of fishery products is adequately controlled will a country retain access to the market.

In addition to these general requirements, there still remain many specific standards which must be met. In the EU these are referred to as horizontal legislation because they apply across commodity sectors. These are generally designed to ensure that injurious materials are not present in the food. This can apply to materials which have acute or cumulative effects. Health Authorities in the countries of destination will not only check on provenance, but also reserve the right to subject any consignment to sampling and testing, in order to check on regulatory compliance. Producers and traders need to be aware of these requirements, since there is a clear risk of ignorance resulting in non-compliance.

One difficult area for ensuring compliance is in the use of additives. Traders need to consider whether any additives may have been used in the supply chain prior to processing and packing for export, in which case there may a requirement to label. An example is the use of sodium metabisulphite onboard shrimp vessels. Where additives are used, exporters need to ensure that the additive is permitted, that the goods are appropriately labelled, and that the level does not exceed that which is permitted. Another area where existing controls may be strengthened is in relation to materials which are in contact with food. Directive 09/128/EEC imposes performance and purity requirements on plastics in contact with food, and again producers should not assume that their packaging material suppliers are producing to these specifications.

The EU White Paper

The European Commission's new White Paper on Food Safety, published in January 2000, proposed 84 specific measures, with ambitious deadlines for introduction, as part of an action plan on food safety.

One of the main steps forward will be the establishment of a independent European Food Authority. In 1999 Romano Prodi announced that this would be the equivalent of a "European FDA". However, the reality is somewhat different. The EFA will deal only with risk assessment, that is strengthen the scientific assessment of food safety problems. Design of legislation and enforcement (that is risk management activities) will still come under Directorate General for Health, Consumer Protection and Food Safety (formerly DG XXIV) of the European Commission. Other policy developments introduced by the White paper, are the enshrining of the precautionary principle, applying to management of risks where the risk is not quantified, and traceability.

Many of the proposals involve new regulations, and a good number of them will relate to fishery products. The Table below provides a brief summary of the main measures which might impact on the seafood trade.

Measure	Deadline for adoption
Priority measures	
General Food Law Directive	December 2001
Regulation on official control of food and feeding stuffs	December 2001
New regulations on animal feeding stuffs	December 2002
New harmonised regulation on hygiene and HACCP; strengthened controls over primary production	June 2002
Decision to ensure efficacy of residue testing in Member States and third countries	December 2000
Amendment of labelling Directive 79/112/EEC to include labelling of allergenic foods (includes fishery products)	December 2001
Directives specifying maximum residue limits of pesticides in food products	September 2000
Animal feeding stuffs	
Maximum limits of dioxins and other environmental contaminants in feed materials;	December 2002
Hygiene and food safety	
Modification of reside monitoring rules regarding dioxin and PCBs in foods of animal origin	June 2000
Decision on maximum limits of micro-organisms in foodstuffs	December 2001
Introduction of new maximum limits for some contaminants in human food, including cadmium, dioxin and possibly PCBs	December 2000
Regulation on smoke flavourings in food	December 2002
Materials in contact with food	
Amendment to update the list of authorised food contact plastics	December 2000

Requirements for improved traceability will be applied particularly in relation to animal feeding stuffs, where several critical contaminants can enter the food chain. These controls will most likely extend to materials used in the production of farmed fish. There will be a requirement placed on producers of composite feeds to ensure that there are adequate records kept, and there is likely to be legislation to exclude the use of unfit material (although the extent to which this will apply to fishmeal is not yet known). Unless these areas are policed by the Competent Authority in third countries, access to the market will be limited to non-aquaculture products.

A similar situation exists in relation to limits for the contaminants derived from the environment, such as pesticides, PCBs (polychlorinated biphenyl compounds) such as dioxin and heavy metals. At the moment, the main requirement imposed on third country suppliers is to monitor products for residual levels of contaminants in foodstuffs. EU Community-wide maximum residue limits are set for only a limited number of contaminants. For others there may be no limits set, or different standards are applied in different member states. Although more scientific and epidemiological research is required before some limits can be set, there will be a concerted drive to harmonise this area (starting with pesticides, heavy metals, dioxin and possibly PCBs), at which point the Community requirements will be imposed on third country suppliers of food products.

Although the basic hygiene requirements for the fishery establishments are not likely to change much, the directives are likely to be recast as a horizontal measure (covering general hygiene issues on food production) with specific requirements for each vertical sector, including fishery and shellfish products. Hygiene requirements are likely to have more depth, with a stronger emphasis than previously on primary production, including fishing vessels and aquaculture establishments.

Other measures proposed are for an update of the regulations for materials in contact with food, and for bringing the use of a wide range of flavouring materials under control for the first time. Specifically these will include artificial smoke flavours, which may affect some fishery product suppliers.

The need for keeping up to date

Ultimately, the solution for producers and exporters is to take particular care to be aware of the regulatory requirements in the export market, particularly before entering new markets, sending a new

product, or modifying the existing one in some way (including changes in raw material sources, ingredients and packaging). The exporter and importer also need to undertake a period review of changes in export market requirements, to ensure timely response to any changes in the regulations. For exporters everywhere, the message is clear; keep your house in order or lose your markets.

Box

What is the value of routine sampling and testing of your products?

Sampling and end-product testing of products is generally recognised to be an unsatisfactory means of controlling the quality of the final product. However, some testing of export batches is prudent, if only to be aware of the extent of variation in some key criteria (such as heavy metals in large pelagic fish) and to verify the effectiveness of the HACCP system. Many processors and exporters rely on government or commercial laboratory services, but bear in mind that the results and any certificates based on them, may not have legal validity in the destination market. Ideally laboratories should be accredited by a recognised body, meet the requirements of EN 45001 "General requirements for the competence of testing calibration laboratories") and participate in an established inter-laboratory testing scheme.

Footnote

[1] C.Willis et al, "Detection of antibacterial agents in warm water prawns", Communicable Diseases and Public Health, Vol.2 No.3 September 1999.

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