



**FOOD AND AGRICULTURE ORGANIZATION OF THE
UNITED NATIONS**

FAO SUB-REGIONAL OFFICE FOR THE PACIFIC ISLANDS

**REVIEW OF THE INSPECTION PROCEDURES
APPLIED TO THE INSPECTION OF FOOD
IN FIJI**

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EXECUTIVE SUMMARY

A review of Fiji's food inspection system was undertaken in light of the promulgation of new legislation, i.e. the *Food Safety Act 2003*, the *Biosecurity Act 2008* and the *Food Safety Regulations 2009*, focusing on the legislation, policy and procedures implemented by the various components of the Government of the Fiji Islands with food inspection responsibilities. The purpose of the review was to identify areas in the food inspection system that may require strengthening/amendments and based on this recommend appropriate actions including capacity building that will increase the effectiveness of the food inspection system in protecting consumers.

It was determined that the Government of Fiji has in place adequate legislation that applies along the entire food continuum thus providing the Government the legal basis to take appropriate action to protect its citizens at any point in the food chain. Furthermore, by referencing and/or adopting the food standards elaborated by the Codex Alimentarius Commission, the measures applied by the Government would be consistent with their WTO obligations under the SPS Agreement. In addition, the recent formation of the Food Unit under the Central Board of Health (CBH), and its recognition by the CBH as a "competent authority", is a positive step towards strengthening the food inspection system.

There are areas however, where several different Acts may apply, due to the generality of the words used in some of the legislation, and it is not always clear which piece of legislation would take precedence should there be conflicting requirements. In order to resolve any potential ambiguity or confusion, it is recommended that clarification be provided as to which Acts take precedence with regards to food.

It was noted that food inspection activities are undertaken by inspectors with the Food Unit as well as by local health inspectors. These local inspectors are subject to the direction of Municipal or Rural Health Authorities which might have different priorities than those of the Food Unit. It was also observed that these inspectors were responsible for additional tasks besides the inspection of food establishments. The multi-tasking of inspection staff coupled with potentially conflicting priorities could hamper strategic planning, national coordination of food inspection activities and could potentially create gaps in the inspection system. It is recommended, therefore, that all food inspection activities currently undertaken at the national level, at municipal council level and under rural health authorities be amalgamated under the Food Unit, Central Board of Health. At least one health inspector in each of the Municipal and Rural Health Authorities should be under the direct control of the Food Unit rather than being under control of the local authority. Such amalgamation will facilitate strategic planning; foster the establishment of national food safety and nutrition priorities; promote/ enhance monitoring of Fiji's food supply and enhance the collection of food related data.

A potential gap in the food safety system was also identified with regards to the sale of fish on the domestic market. It was noted during the review that fish was sometimes being sold under unhygienic conditions or the fish itself was of questionable quality. In light of this potential gap, it is recommended that appropriately qualified fish inspectors be designated as "authorized officers" to administer and enforce the *Food Safety Act 2003* and its regulations as provided for under Section 33(1) of that Act. When these inspectors are functioning under the auspices of the *Food Safety Act* they would do so under the direction of the Food Unit.

It would appear that laboratory support to the food program is used efficiently; however, there is insufficient capacity/resources to provide the full range of analyses that are required

to fully support the inspection system to the extent required. It is important for a “risk-based” system that the range of analytical methods reflects the highest risks prevalent in the food supply. It was noted that a number of analyses which were routinely carried out, such as determination of peroxide value, iodine adsorption number, free fatty acid value, etc, would contribute to ensuring product quality but were not necessarily reflective of greatest risk. While recognizing resource limitations, it is recommended that there be a better alignment of sampling and analysis based on the food hazards posing the greatest risk.

In view of the fact that the *Food Safety Regulations* specifically identify the standards developed by the Codex Alimentarius Commission as the relevant standard to be applied in Fiji, it is important that Fiji be actively engaged in the Codex process. It is recommended that additional resources be made available to the Codex program. Additional resources are required for the administrative support to the program as well as the necessary training that would be required to ensure all stakeholders are aware of the activities of the Codex Alimentarius Commission, the relationship between Codex standards and the WTO as well as the relationship between Codex standards and the *Food Safety Regulations*.

1.0 INTRODUCTION

A Workshop held during June 2005 introduced a cross section of senior inspectors to Codex. During the course of this workshop, participants developed the opinion that there was a considerable degree of duplication and that there were gaps in biosecurity, border protection, health and commerce. This was consistent with findings of an earlier (April 2000) FAO supported study on inspection Procedures applied to imported food items in Fiji. At the workshop the Director of the Consumer Council of Fiji reported an outstanding number of transgressions to the Food Safety Bill 2003, including, *inter alia*, transgressions such as food labels in foreign languages with no English translations, expired food, cooked food in intimate contact with raw food, etc. These violations of the *Food Safety Act 2003* were considered to be indicative that there were gaps in the food control system.

The recent signing of Fiji’s Biosecurity Law 2008 and the Food Safety Act 2003, along with the promulgation in June 2009 of the Food Safety Regulations, provided a new food regulatory framework. However, given to the diversity of inspection services and multitude of stakeholders involved, it was felt that the entire inspection system could benefit from a review to identify remaining areas in the food inspection system that may require strengthening and/or amendments. It was also felt that such a review should take into consideration respective SPS and TBT requirements, as Fiji is a member of the WTO. Furthermore, special consideration to Codex was also required in view of its specific reference in the Food Safety Regulations (2009). In this context, the government of Fiji requested technical assistance from FAO for a review to allow further strengthening of the national food control system.

2.0 PURPOSE OF THE REVIEW

Recognizing that access to safe food is a fundamental right of all Fiji Islanders, the review was undertaken to strengthen the food inspection system as it was applied to food in Fiji, whether the food was imported or domestic, with the aim to protect the health of consumers.

Key building blocks¹ of an effective food control system include food law and regulations applicable to the entire food chain, effective food control management exercised through various policies and procedures, a functioning inspection system to monitor adherence to the food laws and a laboratory system to provide the scientific support to the food control system. Finally, food control systems/agencies should address the specific training needs of their inspectors and provide information and advice to stakeholders across the farm to table continuum.

The purpose of the review was to identify areas in the food inspection system that may require strengthening/amendments and based on this recommend appropriate actions including capacity building that will increase the effectiveness of the food inspection system in protecting consumers.

In this context it must be understood that primary responsibility for adherence to the acts and regulations pertaining to food rests with the food industry; the importers, processors and others involved in the preparation, packaging and storing of food. Government has an oversight role to monitor compliance and to take enforcement action when appropriate.

3.0 CONDUCT OF THE REVIEW

The review examined the inspection system as it applied to the food chain, focusing on the legislation, policy and procedures implemented by the various components of the Government of the Fiji Islands with food inspection responsibilities. Figure 1 illustrates the basic food chain as it functions in Fiji and the principal pieces of “consumer protection oriented” legislation that would apply along the chain.

In reviewing the inspection system, the main focus was on: the existence of a legislative basis for inspection activities; whether there was sufficient clarity in the various regulations, policies or other operating procedures to ensure there were no gaps in the system and that duplication was minimized; and, finally, whether there was sufficient infrastructure support to the food inspection system.

As a first step, various pieces of legislation were reviewed to determine which Ministries had legislated responsibilities for food. Legislation was also reviewed to determine if other ministries, while not having a mandate for food inspection *per se*, might have some jurisdiction over food, food processing/preparation facilities or other aspects of the food chain. Subsequently, meetings were held with officials/representatives from:

- Department of Agriculture, Quarantine Office;
- Ministry of Health, Central Board of Health, Food Unit;
- Ministry of Commerce, Trade Section;
- Fiji Islands Revenue and Customs, Border Control Unit
- Department of the Environment
- Department of Fisheries,
- Quarantine Office, Nadi International Airport;
- Quarantine Office, Lautoka
- Suva City Council, Health Services

¹ Guidelines for Strengthening National Food Control Systems, FAO/WHO 2003, FAO Food and Nutrition Paper 76, Section 4.3

- Nausori Rural Health Authority
- Consumer Council of Fiji, Suva
- College of Agriculture, Food Laboratory
- University of the South Pacific, Institute of Applied Sciences

In addition to the review of legislation, standard operating procedures, duty statements and qualification requirements were also examined.

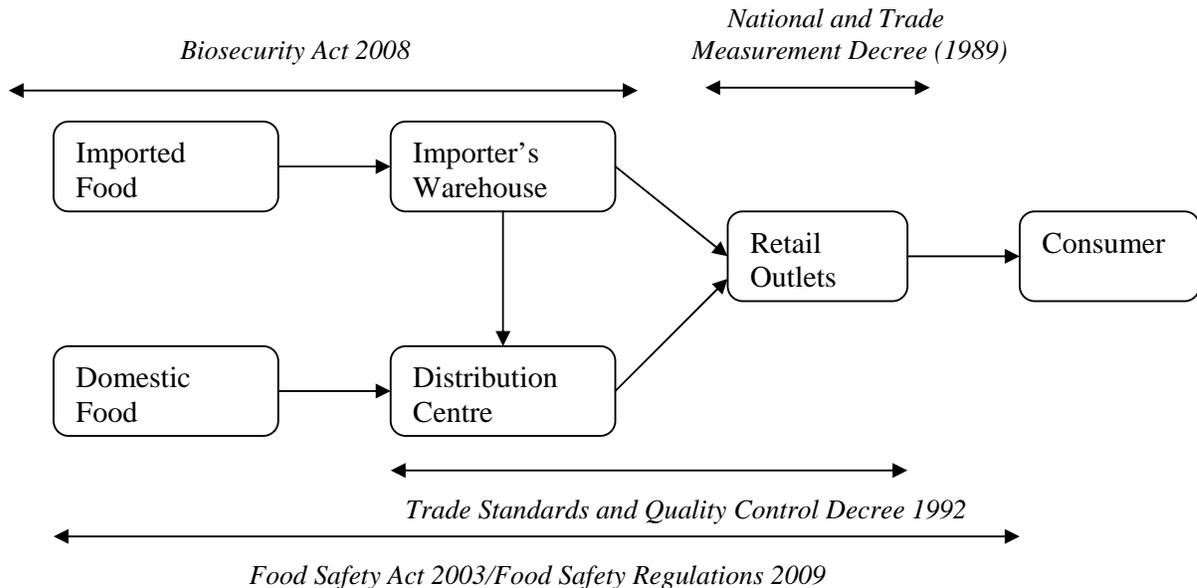


Figure 1: Food chain in Fiji and the food related inspection legislation that applies along the chain

4.0 LEGAL CONTEXT

4.1 PUBLIC HEALTH ACT

Section 3 of the *Public Health Act* establishes an authority called the “Central Board of Health”. This same Act also establishes, in Section 9, urban and rural sanitary districts and further deems them as local authorities in Section 10.

4.2 FOOD SAFETY ACT 2003 AND FOOD SAFETY REGULATIONS 2009

The *Food Safety Act* was promulgated in 2003 and the accompanying *Food Safety Regulations* were promulgated in June, 2009.

Section 28 of the *Food Safety Act* specifically identifies the Central Board of Health, established under Section 3 of the *Public Health Act*, as the body responsible for the administration and enforcement of the *Act*. Section 31(1) of the *Food Safety Act* grants local authorities the status of “food authority” for the purposes of the *Act*, and in Section 31(2) specifies that the functions of the local authority are as provided in the *Public Health Act*.

Section 2 of the *Food Safety Regulations* state that the purpose of the regulations is to “...protect the health of the public and to protect the consumer against deception and from food of unacceptable and poor quality by establishing minimum Standards on food

products". It is important to note that Section 2 also specifies that the Food Regulations apply to food imported into, or produced and processed in Fiji for domestic consumption or export/re-export.

With respect to "standards on food products", Section 4 of the Food Safety Regulations clearly identifies the standards developed by the Codex Alimentarius Commission as the standard to be applied in Fiji unless otherwise specified. It is significant to note that Section 7 of the Food Safety Regulations mandates that where Codex hygienic provisions are adopted for application in Fiji, businesses will have to have a HACCP system in place by 2015 or other transitional period as permitted by the Board. However, where a business exports food, that business needs to have a documented HACCP system in place either before handling the food for subsequent export or as soon as required by the competent authority in the country to which the food will be exported; i.e. in most cases this would mean "immediately" upon promulgation of the Regulations.

4.3 BIOSECURITY ACT 2008

The *Biosecurity Act 2008* was promulgated to "*..prevent the entry of animal and plant pests and diseases into the Fiji Islands; to control their establishment and spread in the Fiji Islands; to regulate the movement of animal and plant pests and diseases and of animals and plants and their products; to facilitate international cooperation in respect of animal and plant diseases; and for related matters.*

The definition of "animal products" as indicated in Section 2(1)(a) of the *Biosecurity Act* includes: meat, fat, milk, whey, cream, butter, cheese, eggs and other foodstuffs derived from an animal. "Plant", as defined in Section 2(1), includes seeds, germplasm, any other part of a plant and a dead or preserved plant. Some of these products, therefore, would satisfy the definition of "food" as defined under Section 2(1) of the *Food Safety Act 2003*.

4.4 FIJI ISLANDS REVENUE AND CUSTOMS AUTHORITY ACT 1998

This Act establishes the Fiji Customs Authority which takes over responsibility for administration and enforcement of various pieces of legislation including the *Customs Act 1986* and the *Customs Tariff Act 1986*. Customs officers are often the first government officials to have contact with imported food products and normally are aware of incoming food shipments before either Quarantine or Health. The primary purpose of Customs' inspections is for the purpose of collecting the appropriate customs duties and other fees.

4.5 ENVIRONMENT MANAGEMENT ACT 2005

This legislation was promulgated for the purpose of protecting the natural resources of Fiji and for the control and management of developments, waste management and pollution control. This legislation has implications for food manufacturing/processing facilities as they would need to be approved prior to construction² and would also need a permit before it could discharge any waste material resulting from that processing operation.³ Given that one of the requirements of a hygienic processing facility is proper waste disposal, the issuance of a permit, which would be based on an inspection conducted by a qualified inspector, could

² *Environment Management Act 2005*, Part 2, Section 1 and 2

³ *Environment Management Act 2005*, Part 5, Section 35(1)(a)

actually complement the requirement under the *Food Safety Regulations* that provision must be made for the removal and storage of waste.⁴

4.6 NATIONAL AND TRADE MEASUREMENT DECREE (1989)

This legislation is relevant to the food inspection system as it establishes a regime for the accuracy of measuring devices such that, in the case of food, the declared weight of a food is accurate. This contributes to protecting the consumer from economic fraud.

4.7 TRADE STANDARDS AND QUALITY CONTROL DECREE (1992)

This legislation is relevant to food as it grants the Minister (of Industry and Trade) the authority to declare any specification to be a Fiji standard specification. According to this Decree, a “safety standard” means “.. standards that are directed at preventing or minimizing risk of injury or impairment of health”⁵. It would be reasonable, therefore, to conclude that the food standards specified in the *Food Safety Regulations*, which are “intended to protect the health of the public”, would satisfy this definition. This same act also gives the Minister the authority to declare any good as “dangerous” and subsequently ban the sale of that product. It was observed that while this authority exists in the Decree, to date no food standard has been established under this legislation.

In September, 2009, the Decree was used to declare a food product, “mini-cup” jelly candy as a dangerous good and the sale of the cups was banned. The product was considered a choking hazard.

4.8 FISHERIES ACT

This Act provides for the licensing of fishing vessels and for the collection of catch data for the purposes of conservation of fish stocks.

5.0 ORGANIZATIONAL CONTEXT

5.1 GENERAL OVERVIEW

While a number of different government bodies inspect food and/or food handling establishments for a variety of reasons, it is the Ministry of Health that has the legislated responsibility under the *Food Safety Act 2003* for the safety of the food supply. The following table provides information on the various government Ministries that have involvement in food inspection, the legislative basis for that involvement and the purpose of the inspection activities.

Organizational Unit	Legislation	Purpose of Activities related to food
Ministry of Health (Central Board of Health; Food Unit; Municipal Health Authorities, Rural Health Authorities)	Public Health Act Food Safety Act 2003 Food Safety Regulations	Protect the health of the public and to protect the consumer against deception and from food of unacceptable or poor quality.

⁴ *Food Safety Regulations*, Fourth Schedule, Section 9 – Drainage and Waste Disposal

⁵ *Trade Standards and Quality Control Decree 1992*, Part I. Section 4.

Agriculture, Quarantine Services	Biosecurity Act 2008	Prevent entry into and/or spread of animal and plant diseases/pests.
Environment (National Environment Council, Municipal and Rural Health Authorities)	Environment Act 2005	Environment protection particularly with regards to waste storage and disposal, approval of plans for building or renovating food establishments.
Customs – Border Control Unit	Fiji Islands Revenue and Customs Act 1998	Collection of customs duties and other fees.
Department of Fisheries – Product Development Unit	Fisheries Act	Collection of catch management data.
Ministry of Industry and Trade – Fair Trading and Consumer Affairs	National Trade Measurement Decree 1989 Trade Standards and Quality Control Decree 1992	Ensure accuracy of weights and measures; contribute to prevention of economic fraud.

Table 1: List of government organizations involved in the inspection of food, food establishments.

While there are a number of agencies that are involved in the inspection of food and food establishments, the two principle agencies are Health and Quarantine whose organizations and activities are discussed below.

5.2 FOOD INSPECTION

The administration and enforcement of the *Food Safety Act 2003* and the *Food Safety Regulations* are carried out by the Food Unit of the Central Board of Health, the Municipal Health Authorities and the Rural Health Authorities. Food inspectors with the Municipal and Rural authorities also have other responsibilities over and above those related to food safety and therefore are not always fully dedicated to food inspection work.

In 2008, Fiji was delisted from the list of third countries eligible to export fishery products into the European Union markets. In response to the de-listing, Fiji formed a unit – the Food Unit - under the Central Board of Health to be responsible for the inspection and certification of fishery products destined for the EU market. The role of the Food Unit has subsequently expanded so that it is the legal authority for the enforcement of national food legislation, national standards and sanitary requirements for all food sectors. This includes, for example:

- the inspection, collection of samples, interpretation of results and release of all imported food items at all ports of entry in Fiji
- policing of all foods that are offered for sale in Fiji
- responsible for verification of inspection activities and record keeping to ensure effective control across the country
- arranging, managing and implementing training programs for all sectors within the food industry to improve standards and control of product safety and quality.

The current structure of the Food Unit, which is subject to change, is outlined in Figure 2. It is likely that this Unit’s organizational structure will change in the future as its roles and responsibilities become better defined and it gains experience in the performance of those functions.

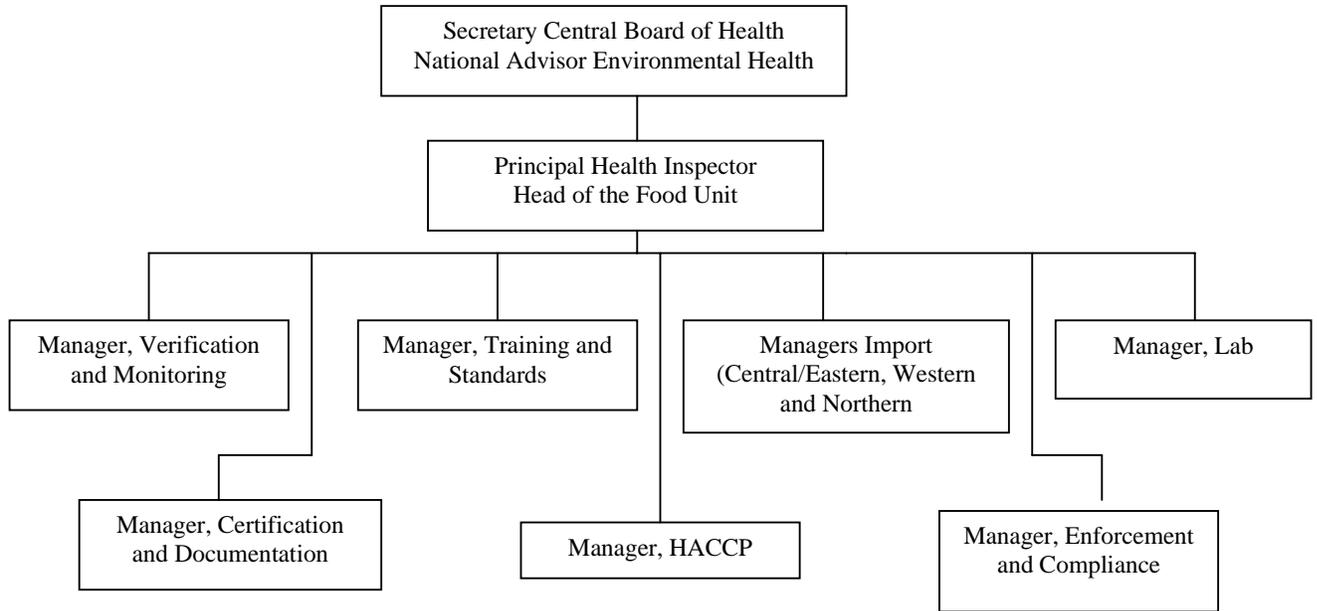


Figure 2: Proposed organizational structure of the Food Unit, Central Board of Health.

5.3 QUARANTINE INSPECTION

Quarantine inspection activities are carried out to prevent the entry into Fiji of animal and plant pests and diseases and to regulate the movement of animal and plant pest and diseases and of animals and plants and their products within Fiji. Quarantine officials also have responsibility for the certification that such products being exported are free of pests and diseases.

The majority of the activities of Quarantine officials with regards to food is directed at the inspection of incoming food shipments for the purpose of preventing the food being a vector of animal and/or plant pests or diseases into Fiji. These activities are conducted principally at the entry ports of Suva, Lautoka and Nadi (airport). Efforts are made to coordinate these inspection activities with the local health inspectors whenever possible.

5.4 LABORATORY SUPPORT

Currently the Food Unit relies on laboratories outside of its organizational structure to perform any required analyses. These labs include the Food Chemistry lab at the College of Agriculture Research Facility in Koronivia, the Institute of Applied Sciences laboratories of the University of the South Pacific (IAS/USP) in Suva and the Public Health Laboratory.

The Food Chemistry lab at Koronivia can analyze food samples for fibre, fat, protein and moisture. This lab is not currently an “accredited” laboratory but they are working on obtaining their ISO 9001 certification. This analytical service is free of charge to government departments but they do charge a fee for the analysis of samples submitted by industry.

The Institute of Applied Sciences laboratories of the University of the South Pacific received international accreditation with the assistance of a FAO project and can undertake the following analyses:

- protein,

- moisture,
- ash,
- total fat and
- total carbohydrates (sugars and starch).
- vitamins A, B and C,
- cholesterol,
- crude and total dietary fibre,
- salt content and
- sulphur dioxide content.

For fats and oils the following analyses are available

- Free fatty acids (FFA) value
- Iodine's absorption number
- Peroxide value
- Unsaponifiable matter
- Saponification number.

The IAS laboratory can also perform some microbiological analyses but will not receive its microbiological accreditation until the end of this year. The laboratory has some limited capacity to undertake mycotoxins analyses. The IAS lab charges a fee for the analysis of any samples.

5.5 CODEX CONTACT POINT

The Codex Contact Point for Fiji is located in the Department of Agriculture. There is also a National Codex Committee which is chaired by the Codex Contact Point. Day to day coordination of Fiji's Codex program is done on a part-time basis by an officer from the Department of Agriculture who has other assigned duties in addition to this role.

6.0 OBSERVATIONS AND RECOMMENDATIONS

6.1 LEGISLATION

The Government of Fiji has in place adequate legislation that applies along the entire food continuum thus providing the Government the legal basis to take appropriate action to protect its citizens at any point in the food chain. Furthermore, by referencing and/or adopting the food standards elaborated by the Codex Alimentarius Commission, the measures applied by the Government would be consistent with their WTO obligations under the SPS Agreement. In addition, the recent formation of the Food Unit under the Central Board of Health (CBH), and its recognition by the CBH as a "competent authority" is a positive step towards strengthening the food inspection system.

There are areas however, where several different Acts may apply to food/food processing, due to the generality of the words used in some of the legislation, and it is not always clear which piece of legislation would take precedence should there be conflicting requirements.

For example, according to the *Trade Standards and Quality Control Decree* only the Minister of Industry and Trade may specify a standard to be a Fiji standard⁶ yet the *Food Safety Regulations*, which fall under the Minister of Health, specifically state that the standards developed by the Codex Alimentarius Commission shall be considered to be the food standard for application in Fiji unless otherwise specified in the Regulations. As is noted in the section above on “legal context”, food safety standards would appear to satisfy the definition of “safety standard” under the Decree. While this has apparently not resulted in conflicting standards being established by two different Ministries, it might create a problem in that the legitimacy of the standards in the *Food Safety Regulations* might be challenged.

It was interesting to note that in the case of the “mini-cup jelly candy”, which is a food, the stop sale order was issued by the Minister of Commerce under the auspices of the *Trade Standards and Quality Control Decree* even though the Minister of Health has the authority to prohibit sale under the *Food Safety Act*.⁷

Recommendation: In order to resolve any potential ambiguity or confusion, it is recommended that clarification be provided as to which Act would take precedence with regards to food. This might require amendments to legislation or interpretive guidance being provided.

6.2 IMPORTED FOOD INSPECTION

Imported foods arrive in Fiji either by sea cargo or by air. Smaller or perishable shipments normally arrive through Nadi by air whereas larger shipments normally enter through the ports of Suva or Lautoka. A system is place to allow for all food shipments entering Fiji to be identified and inspected before release for distribution and sale. Quarantine officers are authorized to examine shipments for pest, plant and animal diseases under the authority of the *Biosecurity Act*. Health inspectors are entitled to examine shipments under the authority of the *Food Safety Act*. Their examinations focus on temperature controls during shipment, hygienic conditions, labelling, etc. Figure 3 provides an overview of the imported food inspection system as it functions in Fiji.

Customs maintains an electronic import notification system, ASYCUDA (Automated System for Customs Data) to which brokers and shipping companies have access. This system facilitates the processing of the relevant customs documentation, however, neither Health nor Quarantine is presently linked to this electronic system.

Recommendation: It is recommended that both Health and Quarantine be linked into this system as it would facilitate earlier notification of incoming shipments, enhance planning and coordination of import inspection activities subsequently contributing to better utilization of resources.

Officials from both Quarantine and Health have indicated that their import inspections are based on risk. Products that are lower risk may not be subjected to the same degree of inspection as products that are considered higher risk. In this regard, it is important that front

⁶ Trade Standards and Quality Decree 1992, Section 27(1)

⁷ Food Safety Act, Section 50(1)(a).

line inspectors are well versed with the concept and application of risk analysis to enhance their decision-making with regards to what, if any, regulatory interventions should be made; i.e. risk management.

It was noted during the review that both Health and Quarantine have initiated training on risk analysis for management staff and intend to eventually provide the training for their front-line inspection staff as well. This initiative is encouraged and should continue.

It was observed that there are some minor differences between the various ports of entry as to the procedures used to coordinate the examination of imported foods; however, effective communication between Health and Quarantine is evident. It was observed nevertheless, that while there is good communication with regards to notification of shipments, sometimes the inspections are carried out independently, especially if the health inspector is provided by a municipal or rural health authority instead of the Food Unit. The issues of multitasking and different priorities are elaborated below in the section on Domestic inspections. This creates a situation where the inspection of a shipment might be limited to document and content verification rather than a visual inspection.

Inspections, when done, are normally carried out at the importers or at bonded warehouse. Quarantine inspectors have a magnifying glass but lighting is limited to the lighting in the warehouse with the exception of the Nadi airport. This could make the identification of pest or diseases difficult, particularly as provision of inspection areas is the responsibility of the importer/distributor and could lead to inconsistencies in the quality of inspection facilities. It is recommended that a standardized inspection kit for quarantine officers be developed to include such things as a portable light, magnifying glass, sampling bags, etc. There should be sufficient kits for each inspector. It was also observed that transportation was a challenge for some offices, particularly those that might have to be at several sites simultaneously.

It was noted that the registration of bonded warehouses was under Customs and as Quarantine and Health have no direct control over the movement of goods to, from or between these warehouses.

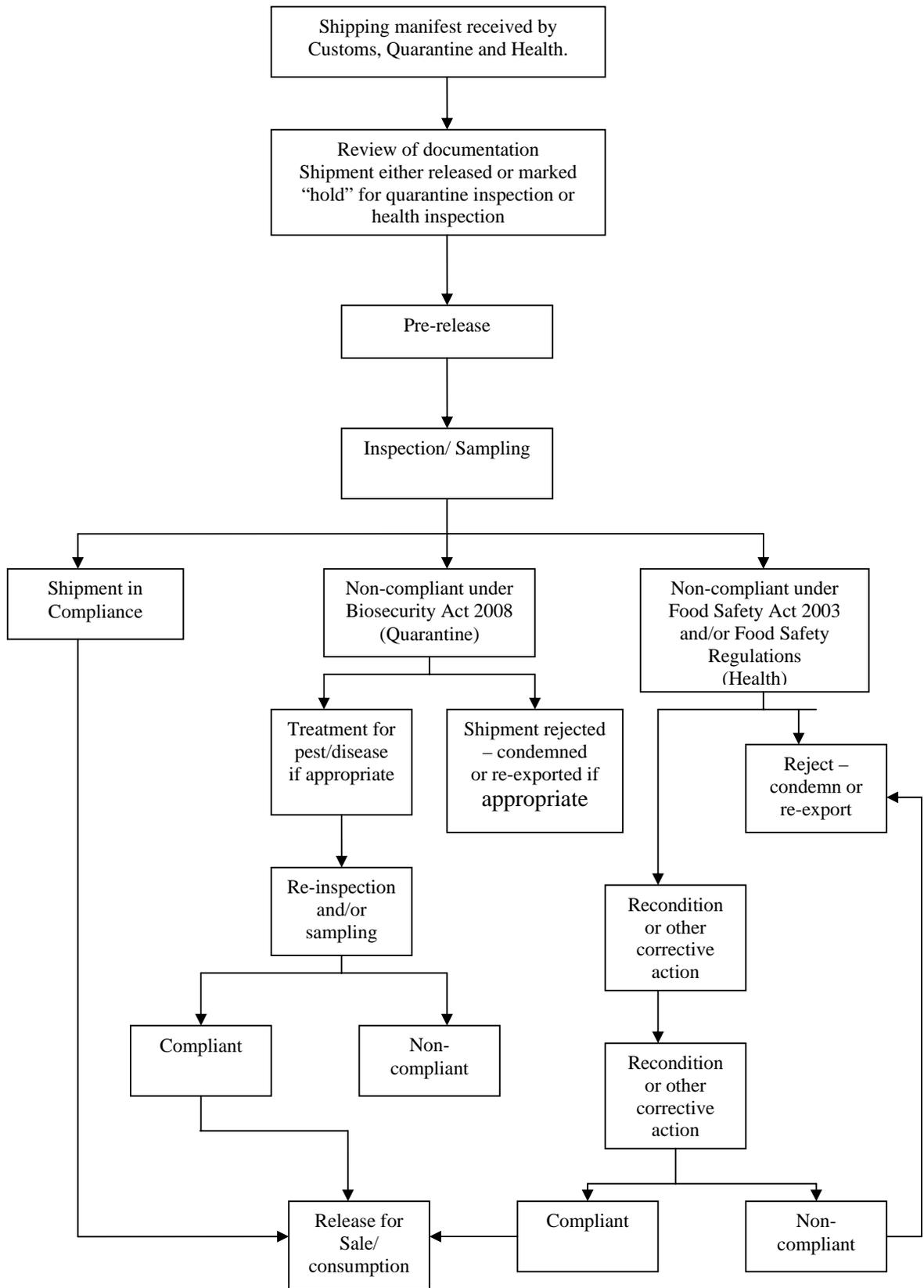


Figure 3: Imported Food Inspection system - Fiji

It was noted that most organizational units had job descriptions for positions involved in food inspection activities. However, a number of these were outdated and in some cases included a reference to older ministerial structures such as the Ministry of Agriculture, Sugar and Land Resettlement. These should be reviewed to ensure the descriptions are still an accurate depiction of the activities undertaken by the incumbent and reflect the correct ministry names.

While most units did have duty statements, not all of the operational units had documented up-to-date standard operating procedures while other units were in the process of either preparing written procedures or updating them. While duty statements are important to describe the particular tasks that are the responsibility of the incumbent, standard operating procedures are essential to promote an understanding by the incumbent as to how to undertake those responsibilities in the context of the organization and promote more effective functioning of the unit.

Recommendation: It is recommended that those operational units that do not yet have, or that have out-dated procedures or that are in the process of updating or developing such procedures, are encouraged to continue to complete these procedures as a priority. Operating procedures should be documented and should be regularly reviewed in light of any new legislation, policy or organizational changes. Once these are completed, they should be shared with those bodies that share food inspection responsibilities to facilitate more effective cooperation and collaboration.

6.3 DOMESTIC INSPECTION

It was noted that Section 9(4) of the *Public Health Act* states that “urban and rural sanitary districts shall respectively be subject to the jurisdiction of the local authorities invested with the powers in this Act mentioned.” While it is recognized that any regulations subsequently framed by a local authority must be submitted to the Board⁸, work priorities, however, are not subject to Board approval. It has been determined during the review that most health inspectors who have a responsibility for food inspection receive their direction from the relevant municipal council or rural health authority. It was also observed that inspectors were responsible for additional tasks besides the inspection of food establishments. The multi-tasking of inspection staff coupled with potentially conflicting priorities could hamper strategic planning, national coordination of food inspection activities and could potentially create gaps in the inspection system.

For example, during the review concerns were raised several times about the sale of fish on the domestic market under unhygienic conditions. Fish inspectors routinely visit retail sites as they have a responsibility to collect data on the number, weight, size and species of fish caught. On occasion these inspectors have observed fish being sold that is of questionable quality but as they have no authority under the Fisheries Act to prevent the sale of such fish, they refer the matter to the local health authority. However, due to multi-tasking and other priorities as outlined above, immediate corrective action was not always taken or possible.

⁸ *Public Health Act*, Section 11(3)

Recommendation: It is recommended that all food inspection activities currently undertaken at the national level, at municipal council level and under rural health authorities be amalgamated under the Food Unit, Central Board of Health. At least one health inspector in each of the Municipal and Rural Health Authorities should be under the control of the Food Unit rather than being under control of the local authority. Such amalgamation will facilitate strategic planning; foster the establishment of national food safety and nutrition priorities; promote/ enhance monitoring of Fiji's food supply and enhance the collection of food related data.

Recommendation: In light of the gap identified with regards to the domestic sale of poor quality fish, it is recommended that qualified fish inspectors be designated as "authorized officers" to administer and enforce the *Food Safety Act 2003* and its regulations as provided for under Section 33(1). In view of the fact that fish inspectors are constantly visiting small processors and retail outlets to collect catch data, this would provide the Food Unit with additional resources as required.

It was observed that not all inspection offices and staff had been provided with copies of the *Food Safety Regulations*. As a result, some inspectors were undertaking their work based on outdated legislation and some were not fully aware of the new requirements, particularly with respect to HACCP, hygiene and Codex.

Recommendation: It is recommended that each inspector who will be responsible for conducting inspections of food or food facilities should be provided with a copy of the *Food Safety Regulations* and be provided with appropriate training on interpretation of the provisions of the *Regulations*. Without being provided with the current legislation and appropriate training, inspection activities amongst the inspectors will be inconsistent.

The food inspection system is ostensibly based on risk. An examination of Schedule 28 specifies a frequency of inspection that requires a more frequent inspection of "higher risk" facilities than lower risk ones. While this reflects the concept of "risk-based" in principle, the scientific rationale for the prescribed frequency is not clear. A mandated frequency may not be conducive to a truly risk based system as it might limit the flexibility for risk managers to devote necessary resources to a high risk issue in a timely manner.

Recommendation: It is recommended that rather than prescribing a set number of inspections, the frequency of inspection should instead be sufficiently flexible to enable risk managers to manage their resources based on actual risks as determined through the risk analysis process.

6.4 LABORATORY SUPPORT

An effective inspection system requires functioning laboratory support. It would appear that laboratory support to the food program is used efficiently; however, there is insufficient capacity/resources to carry out the full range of analyses that are required to fully support the inspection system to the required extent. It is important that for a "risk-based" system that the range of analytical methods reflect the highest risks prevalent in the food supply. It was noted that a number of analysis were routinely carried out (e.g. determination of peroxide value, ash, etc.) that would contribute to ensuring product quality but were not necessarily reflective of greatest risk. Historically most food-borne illnesses are the result of

pathogenic contamination and it was noted that there is a limited capacity for microbiological testing of food. While there is some microbiological testing capacity, for example water testing is conducted on a regular basis, due to lack of capacity it would be difficult for the inspection system to respond to a microbiological food borne illness outbreak. International accreditation may also be required for trade facilitation/market access purposes.

It was also observed that not only were there some limitations with respect to laboratory capacity, there were issues with regards to lab infrastructures. For example, the facilities at Koronivia have issues with unstable water pressure and electricity which affect the ability to operate some of the more sensitive analytical equipment. In addition, there are structural defects (e.g. leaking roof) that impact on the integrity of the laboratory and could compromise analytical results.

Recommendation: While recognizing resource limitations, it is recommended that additional resources be invested in improving laboratory capacity and infrastructure and that there be a better alignment of sampling and analysis based on the greatest risk. Rather than prescribing a frequency of sampling, it is recommended that sampling and analysis reflect the risks in the food supply of Fiji as determined through the risk analysis process.

6.5 CODEX PROGRAM

In view of the fact that the *Food Safety Regulations* specifically identify the standards developed by the Codex Alimentarius Commission as the relevant standard to be applied in Fiji, it is in Fiji's best interests to be actively engaged in the Codex process. At this time, the Codex program is not sufficiently resourced to allow for effective participation in the work of Codex. Currently there is a tendency to rely on the National Codex Committee to not only provide guidance to Fiji's Codex involvement but to also serve as a mechanism to manage and coordinate the Codex program. It is important to understand that the role of the office of the Codex Contact Point is different from the role of a National Codex Committee. The core functions of a codex contact point are outlined in the Codex Procedural Manual.⁹

Recommendation: It is recommended that additional resources be made available to the Codex program. These resources should be of a nature to allow for the individual responsible for the coordination of Fiji's Codex program to devote more time to that task. Additional resources are required for the administrative support to the program as well as the necessary training that would be required to ensure all stakeholders are aware of the activities of the Codex Alimentarius Commission, the relationship between Codex standards and the WTO as well as the relationship between Codex standards and the *Food Safety Regulations*.

It was noted that some interest had been expressed in Fiji becoming the next Coordinator for the FAO/WHO Regional Coordinating Committee for North America and the South-West Pacific (CCNASWP) when Tonga's term expires. The next scheduled meeting of CCNASWP is in October 2010 and a new Coordinator will be nominated at that meeting. If Fiji is interested in taking over the Coordinator's role, the above recommendations would need to be implemented as a matter of priority.

⁹ Codex Procedural Manual, 18th Edition, Section VIII, Page 169;
http://www.codexalimentarius.net/web/procedural_manual.jsp

7. SUMMARY OF RECOMMENDATIONS

(1) In order to resolve any potential ambiguity or confusion, it is recommended that clarification be provided as to which Act would take precedence with regards to food. This might require amendments to legislation or interpretive guidance being provided.

(2) It is recommended that both Health and Quarantine be linked into the ASYCUDA (Automated System for Customs Data) system as it would facilitate earlier notification of incoming shipments, enhance planning and coordination of import inspection activities subsequently contributing to better utilization of resources.

(3) It is recommended that those operational units that do not yet have, or that have outdated procedures or that are in the process of updating or developing such procedures, are encouraged to continue to complete these procedures as a priority. Operating procedures should be documented and should be regularly reviewed in light of any new legislation, policy or organizational changes. Once these are completed, they should be shared with those bodies that share food inspection responsibilities to facilitate more effective cooperation and collaboration.

(4) It is recommended that all food inspection activities currently undertaken at the national level, at municipal council level and under rural health authorities be amalgamated under the Food Unit, Central Board of Health. At least one health inspector in each of the Municipal and Rural Health Authorities should be under the control of the Food Unit rather than being under control of the local authority. Such amalgamation will facilitate strategic planning; foster the establishment of national food safety and nutrition priorities; promote/enhance monitoring of Fiji's food supply and enhance the collection of food related data.

(5) In light of the gap identified with regards to the domestic sale of poor quality fish, it is recommended that qualified fish inspectors be designated as "authorized officers" to administer and enforce the *Food Safety Act 2003* and its regulations as provided for under Section 33(1). In view of the fact that fish inspectors are constantly visiting small processors and retail outlets to collect catch data, this would provide the Food Unit with additional resources as required.

(6) It is recommended that each inspector who will be responsible for conducting inspections of food or food facilities should be provided with a copy of the *Food Safety Regulations* and be provided with appropriate training on interpretation of the provisions of the *Regulations*. Without being provided with the current legislation and appropriate training, inspection activities amongst the inspectors will be inconsistent.

(7) It is recommended that rather than prescribing a set number of inspections, the frequency of inspection should instead be sufficiently flexible to enable risk managers to manage their resources based on actual risks as determined through the risk analysis process.

(8) While recognizing resource limitations, it is recommended that additional resources be invested in improving laboratory capacity and infrastructure and that there be a better alignment of sampling and analysis based on the greatest risk. Rather than prescribing a frequency of sampling, it is recommended that sampling and analysis reflect the risks in the food supply of Fiji as determined through the risk analysis process.

(9) It is recommended that additional resources be made available to the Codex program. These resources should be of a nature to allow for the individual responsible for the coordination of Fiji's Codex program to devote more time to that task. Additional resources are required for the administrative support to the program as well as the necessary training that would be required to ensure all stakeholders are aware of the activities of the Codex Alimentarius Commission, the relationship between Codex standards and the WTO as well as the relationship between Codex standards and the *Food Safety Regulations*.

8. SUGGESTED AREAS FOR TRAINING/CAPACITY BUILDING

In follow up to the findings of this mission, consideration may be given to building capacity in the following areas. More detailed outlines are included in the appendices.

(1) Joint Health/Quarantine workshop on:

- WTO obligations re: SPS/TBT
- Relationship of the *Biosecurity Act* and the *Food Safety Regulations* to these WTO obligations.
- Review of procedures applied where there is joint jurisdiction/interest in product
- case studies/practical exercises.

(2) Workshop/Training for health inspectors on how to interpret the *Food Safety Regulations*, in particular Part IV (Good Hygienic Practices) and Part V (Labelling Rules and Packaging).

Topics would include:

- hygienic vs. non-hygienic conditions
- estimating the risk based on observation of non-hygienic conditions
- interpretation of labels, determining adherence with regulatory requirements
- consideration of what constitutes appropriate intervention by the regulatory authority.
- case studies/practical exercises.

(3) Codex training:

- what is Codex
- why should Fiji be involved in Codex
- Codex standards: where are they found, how to translate into policy in the context of the *Food Safety Regulations*
- practical exercises

(4) Joint Health/Quarantine workshop on regulatory enforcement focusing on:

- education, voluntary compliance, prosecution.
- when to prosecute
- standards of evidence; gathering, securing; evidentiary chain
- giving evidence
- case studies/practical exercises.

Appendices:

Appendix 1 - List of Government Ministries, Departments and other organizations consulted..

Appendix 2 – Outline for joint training on WTO, regulations and procedures.

Appendix 3 - Outline of a workshop on interpretation of elements of the Food Safety Regulations

Appendix 4 – Suggested outline for a workshop on Codex and the use of Codex standards in national policy and standard-setting.

Appendix 5 – Outline of a workshop on regulatory enforcement.

LIST OF REFERENCES

Public Health Act
Food Safety Act 2003
Biosecurity Act 2008
Food Safety Regulations 2009
Fiji Island Revenue and Customs Authority Act 1998
Environment Management Act 2005
National Trade and Measurement Decree 1989
Trade Standards and Quality Control Decree 1992
Fisheries Act
Codex Procedural Manual, 18th Edition, Rome 2008
Codex Guidelines for Food Import Control Systems, CAC/GL 47-2003
Guidelines for Strengthening National Food Control Systems, Joint FAO/WHO Publication, FAO Food and Nutrition Paper 76
Manual of Procedures for the Inspections of Food Products at any Port of Entry, Central Board of Health, Food Unit, 2009
Environmental Health Service Structure, Environmental Health Services Development, Central Board of Health
Position Description, Manager Verification and Monitoring, Food Unit, Central Board of Health
Position Description, Manager Training and Standards, Food Unit, Central Board of Health
Position Description, Manager Certification, Food Unit, Central Board of Health
Position Description, Manager Food Imports, Food Unit, Central Board of Health
Position Description, Manager Laboratory Services, Food Unit, Central Board of Health
Position Description, Manager HACCP, Food Unit, Central Board of Health
Position Description, Manager Licensing, Enforcement and Compliance, Food Unit, Central Board of Health
Position Description, Food Unit Officer, Food Unit, Central Board of Health
Biosecurity Authority of Fiji, Biosecurity Services Division, Organisational Structure
Biosecurity Authority of Fiji, Staff Structure Organisation, Lautoka
Position Description, Principal Agricultural Officer (Animal Production – Central/Eastern), Biosecurity Authority of Fiji
Position Description, Senior Agricultural Officer (Quarantine), Biosecurity Authority of Fiji
Position Description, Agricultural Officer (Quarantine), Biosecurity Authority of Fiji
Position Description, Agricultural Technical Officer, Biosecurity Authority of Fiji
Position Description, Agricultural Technical Officer (Monitoring and Surveillance, Quarantine-Suva), Biosecurity Authority of Fiji
Working Instructions (Job Description), Fisheries Auditor, Department of Fisheries, Product Development Utilization and Research Unit
HACCP Plan Audit Checklist, Department of Fisheries, Product Development Utilization and Research Unit
Draft Memorandum of Understanding between Ministry of Health, Ministry of Fisheries and Forestry, Ministry of Foreign Affairs and External Trade, Fiji Islands Revenue and Customs Authority and the Fiji Islands Maritime and Safety Authority, 2002
Chemistry Laboratory Organizational Structure, College of Agriculture Research Facility, Koronivia

Position Description, Senior Research Officer, College of Agriculture Research Facility,
Koronivia
Position Description, Senior Technical Assistant (Chemistry), College of Agriculture
Research Facility, Koronivia
Job Description, Health Inspector/Zone Supervisor, Suva City Council
Inspection Check-List for Restaurants With/Without Liquor Licence and Refreshment
Bars/Takeaways
List of Food Processing Establishments in Suva
Fiji Total Diet Study Survey 2005/2006, Institute of Applied Science, University of the South
Pacific, Fiji
List of Importers

SUGGESTED OUTLINE
JOINT HEALTH/QUARANTINE WORKSHOP ON
REGULATIONS, PROCEDURES AND THE WTO

This one-day workshop will be conducted through the use of presentations and by working on practical problems and/or case studies in small groups. It is estimated this will be a one day workshop.

- (1) Review of the relevant articles of the SPS Agreement
- (2) Review of Biosecurity Act 2003; relationship between Biosecurity provisions and the relevant articles of the SPS Agreement.
- (3) Review of the *Food Safety Act 2003* and the *Food Safety Regulations*; relationship between these and the relevant articles of the SPS Agreement.
- (4) Review of the inspection operating procedures used by Health and by Quarantine – who does what, how to interface more effectively.
- (5) Practical exercises, case studies.

SUGGESTED OUTLINE
WORKSHOP ON THE INTERPRETATION OF THE
PROVISIONS OF THE *FOOD SAFETY REGULATIONS*

This is a two-day workshop that has the objective of improving the ability of inspectors to interpret and apply the provisions of Part IV (Good Hygienic Practices) and Part V (Labelling Rules and Packaging) of the *Food Safety Regulations*. Upon completion of the workshop inspectors will be expected to more consistently interpret the provisions as they apply to their routine inspection work. The workshop will be conducted through the use of formal presentations, practical exercises and case studies.

- (1) Review the provisions contained in Part IV of the *Food Safety Regulations*
- (2) Identifying/determining the difference between hygienic and unhygienic conditions for:
 - location, design and layout of premises
 - internal structures and fittings
 - equipment and containers
 - processing controls and equipment (e.g. time/temperature controls)
 - water and ice
 - drainage and waste disposal
 - cleaning facilities and schedules
 - employee hygiene facilities and toilets.
 - pest control
 - cross-contamination
 - employee training
 - documentation including recall procedures
- (3) Review of the provisions contained in Part V of the *Food Safety Regulations*.
- (4) Identifying/determining compliance or non-compliance with labelling requirements especially related to:
 - language of the label
 - ingredient listing
 - lot identification
 - date marking and storage instructions
 - instructions for use
 - health claims
 - nutrition labelling and claims
- (5) Small group practical exercises and case studies.

SUGGESTED OUTLINE FOR A WORKSHOP
ON CODEX AND THE USE OF CODEX STANDARDS
IN NATIONAL POLICY AND STANDARD-SETTING

This is a two day workshop that is intended to (a) enhance the inspector's understanding of Codex and how international standards are developed, (b) why it is important for Fiji to be involved in the work of Codex (c) how the Codex program in Fiji functions and (d) how to use Codex standards as the basis for inspections. This workshop will be conducted through the use of formal presentations and through small groups working on practical exercises and case studies. Specific topics will include:

- (1) What is Codex?
- (2) Relationship between Codex and the WTO
- (3) How international standards are developed.
- (4) Why should Fiji be involved in Codex?
- (5) Fiji's Codex Program – how it functions.
- (6) The relationship between Codex standards and the *Food Safety Regulations*.
- (7) Where to find Codex standards and how to use them as the basis for an inspection.
- (8) Practical exercises and case studies.

SUGGESTED OUTLINE FOR A WORKSHOP
ON REGULATORY ENFORCEMENT

This is a one-day workshop intended to enhance the inspector's understanding of the enforcement process and some of the key aspects of preparing for a prosecution. This workshop will be conducted through formal presentations as well as through small groups working on practical exercises and case studies.

Topics will include:

- (1) Review of relevant legislation
- (2) Steps to enforcement: education, voluntary compliance, prosecution.
- (3) Factors influencing a decision to prosecute or not.
- (4) Role of other Government Ministries, Departments, Agencies (e.g. Attorney General)
- (4) Evidence: what is appropriate evidence, chain of evidence, etc.
- (5) Practical exercises and case studies.