

**SUB-REGIONAL OFFICE FOR THE PACIFIC ISLANDS**

**TCP/MIC/3302**

**MISSION II REPORT**

**STRENGTHENING OF THE FOOD CONTROL SYSTEM  
IN THE FEDERATED STATES OF MICRONESIA**

**POHNPEI AND CHUUK, FEDERATED STATES OF MICRONESIA**

**MISSION DURATION: 25 APRIL -15 MAY, 2012**



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

**Prepared by**  
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**(Lead Consultant in Food Control Management)**

The designations employed and the presentation of material in this paper do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

## 1. EXECUTIVE SUMMARY

The writer visited the Federated States of Micronesia from 21 April to 15 May, 2012 for a second mission of the FAO project on Strengthening of Food Control System in FSM (TCP/MIC/3302) with the following terms of reference:

1. Organize and conduct a meeting with National project coordinator, relevant officers of involved government departments, National Consultants and international personnel working on inspection and SME capacity building to develop a coordinated work programme that provides appropriate input to National food control strategies.
2. Discuss with in-country legal consultants any amendments to the existing Food Safety Act and other relevant legislation in the FSM
3. Collaborate with the TCCT/TCDC consultant on food inspection and small and medium enterprises to facilitate the SME capacity building needs assessment and to plan courses for SMEs on GHP, GAP, GMP and quality assurance schemes (HACCP)
4. Prepare a Report at the end of the in-country part of the mission that addresses in-country TORs

The mission (comprising the writer and the the TCCT/TCDC consultant on food inspection and small and medium enterprises, Mr Jope Tamani) met with the National Project Coordinator (NPC) - Mr Moses Pretrick - and with key National and State level officials in Yap, Pohnpei, Kosrae and Chuuk States. Observations were made of food businesses hygienic practices and of inspectors' inspection processes. As a result of this mission and its discussions and observations a number of conclusions are drawn and recommendations made as summarised below:

### Conclusions

1. Project implementation remains behind schedule as a result of the NPC being distracted by the many duties he has as a senior officer of the Department of Health and Social Affairs as well as his other duties as a community leader.
2. For broad stakeholder commitment to strengthening food control in the FSM and the effective implementation of this project, there is a need for a National Steering Committee (NSC) and for similar committees at the state level as well as for an email-based network of these National and state level committees. While this was recognised in the writer's previous mission report, it is reiterated here to draw attention to the need for action to be taken to establish these committees as a matter of some urgency.
3. National food legislation needs to be amended to facilitate a food production and processing chain approach and to enable National Food Inspectors to apply such an approach to food for export.
4. State legislation needs to be amended in all of the States to enable the control of food safety, to place responsibility on food businesses for protecting the safety of the food they produce and sell, and to empower inspectors to enforce food safety.
5. Good hygienic practices were not being practiced in the vast majority of food businesses visited during the mission. This failing in food safety control could be attributed to the limited knowledge of food business managers and food handlers, the lack of legislation making them

responsible for the safety of their food, and the failure of inspectors to effectively enforce the improvement of existing practices.

6. National Food Inspectors generally do not dress in the uniform of inspectors; they appear to have limited training in how to communicate in a professional manner with business personnel; they have limited scientific knowledge related to food safety; and supervision of the way in which they work is not well implemented. Standard Operating Procedures (SOPs) being developed by this project can help address the inconsistencies of approach across the four States but the Environmental Health Coordinator will need to apply a much closer supervisory role to ensure the SOPs are applied.
7. The work of State health inspectors appears to vary across the four States with the major emphasis of inspectors in Kosrae being on water quality and village sanitation while in Yap the inspectors' roles can vary based upon health issues arising at any given time such as a dengue outbreak. In the face of such health concerns much of their time is taken up with vector control. In Pohnpei there are 2 to 3 inspectors focusing on food businesses but the impact of their work is not obvious in relation to good hygienic practices being applied in food businesses. In Chuuk inspectors are responsible for a range of health matters but their work is limited by the same issues found in all the States – limited regulatory powers, a lack of transport, and limited food safety knowledge.
8. The writer has now held several discussions with the NPC regarding legislation proposed by the Forum Fisheries Agency. It remains essential that the work of Forum Fisheries Agency (FFA) and that supported by this project are undertaken in a complementary manner and that communication amongst all is regularly maintained to avoid inconsistencies in legislative developments under this project and under any project with the support of the FFA.
9. The National Food Laboratory has not been made operational in the 8 months since the previous mission. The laboratory was still to have benches ordered, not all equipment had been supplied and power was not yet available to the facility.

### Recommendations

1. The FAO Food and Nutrition Officer (FNO), NPC, and Lead Consultant Food Control Management should continue to monitor progress of the project implementation closely to assess progress and determine the potential need for an alternative mechanism to the current one.
2. The coordinated work program provided in annex 4 of this report should provide the guide for implementation of the Technical Cooperation Project with the FSM to ensure its timely and effective implementation.
3. The NPC should initiate the NSC, facilitate the development of state level committees, and establish the email network of these committees urgently.
4. The National Consultant on food legislation should be appointed as soon as is possible and the appointed person should examine the draft amendments to the existing Food Safety Act provided by the Lead Consultant Food Control management as a matter of high priority.
5. The Lead Consultant Food Control Management and the National Consultant on food legislation should draft State level amendments to legislation to strengthen food safety control at the State levels.
6. The NPC should focus on legislation being developed under this project and not permit inconsistent approaches that may be proposed by the FFA. The FFA work (if it proceeds) should focus on building the competence of staff under the NPC and on addressing any issues associated with the fishing industry. Where legislation is proposed any such proposals should be put to the Lead Consultant Food Control Management to avoid inconsistencies in legislative developments under this project and under any project with the support of the FFA.

7. The NPC should take immediate action to identify the National Consultant on Rural Community Education.
8. The Lead Consultant Food Control Management and the TCCT/TCDC consultant on food inspection and small and medium enterprises, Mr Jope Tamani, should continue work to finalise Standard Operating Procedures (SOPs) for imported food control and SOPs for inspection of food businesses.
9. The NPC should take action to speed up the establishment of the National Food Laboratory – including closer supervision of equipment purchases, bench top purchases and instalment, and the provision of power to the laboratory.

## **2. BACKGROUND**

Based on a request by the government of the Federated States of Micronesia, an FAO project on Strengthening of Food Control System in FSM (TCP/MIC/3302) was approved for implementation from January 2011 until December 2012. Due to some unforeseen delays in the formal signing of the project document, official project implementation was delayed until mid-year 2011. Since then an inception mission has been conducted by the FAO Food and Nutrition Officer (FAO FNO) together with the writer. This report is the result of the second mission by the Lead Consultant on Food Control Management.

## **3. ACTIVITIES AND FINDINGS**

During the period from 21 April to 15 May, the writer visited the Federated States of Micronesia and met with the National Project Coordinator (NPC), Mr Moses Pretrick, the TCCT/TCDC consultant on food inspection and small and medium enterprises, Mr Jope Tamani, and with key National and state level officials in Yap, Pohnpei, Kosrae and Chuuk States as well as with business personnel under the following terms of reference:

1. Organize and conduct a meeting with National project coordinator, relevant officers of involved government departments, National Consultants and international personnel working on inspection and SME capacity building to develop a coordinated work programme that provides appropriate input to National food control strategies.
2. Discuss with in-country legal consultants any amendments to the existing Food Safety Act and other relevant legislation in the FSM
3. Collaborate with the TCCT/TCDC consultant on food inspection and small and medium enterprises to facilitate the SME capacity building needs assessment and to plan courses for SMEs on GHP, GAP, GMP and quality assurance schemes (HACCP)
4. Prepare a Report at the end of the in-country part of the mission that addresses in-country TORs

The list of persons met is included as annex 1. The itinerary of activities of the writer and the TCCT/TCDC consultant on food inspection and small and medium enterprises is included as annex 2.

### 3.1 Planning and preparation of a coordinated work programme for project implementation of TCP/MIC/3302

#### *3.1.1 Organize and conduct a meeting of National and international consultants and stakeholders to develop a coordinated work programme*

The writer met with the NPC and confirmed that National Consultants had not been appointed as had been proposed in the inception mission. The NPC advised that the positions had not been advertised as he had been trying to have Congress approve the project in accordance with common procedures in the FSM. Congress had considered the project but the NPC was unable to attend the hearing and as a consequence Congress consideration of the project had been deferred until its next meeting in May 2012. In the meantime consideration has been given to whether the project's outcomes can be better achieved by focusing the National Consultant funds on the National legal consultant to ensure the timely progress of National and state legislation which is the key to the success of the strengthening of the food control system in the FSM. In addition, it is considered that the human resources in the FSM are likely to be insufficient to identify high quality candidates for the National Food Industry Consultant, the National Food Inspection Consultant and the National Consultant on foodborne diseases surveillance. However there remains a need for the National Consultant on rural community education (final terms of reference are attached in annex 5) and in regard to this the NPC and the writer met with the Vice President for Cooperative Research and Extension of the College of Micronesia – FSM, W. James Currie to identify how to implement this component of the project. The NPC agreed to initiate the process that would lead to the advertising of this consultant position immediately after Congress consideration of the project.

### *3.1.2 National project implementation progress to date*

During the inception mission it was agreed that the NPC, together with the FAO Food and Nutrition Officer (FAO FNO), would monitor implementation progress of the project to determine if indeed a National project implementation administrative assistant is required to support administrative staff already present in the Environmental Health unit to keep the project's progress on track. This mission found that implementation progress was slow and there needed to be additional attention to this issue. As an interim measure the Lead Consultant (Food Control Management) agreed to implement a system of reminding the NPC of the coordinated work program and its associated timings (see annex 4).

### *3.1.3 National steering committee and state-level committees' network*

During the inception mission it was agreed that a National Steering Committee (NSC) would be established to monitor progress of the project and to provide guidance to project directions and implementation. It was also proposed that the NSC would comprise National level government authorities from agriculture, health, trade, legal services, the FAO National correspondent, foreign affairs, and the chamber of commerce (to represent industry) as a minimum. The committee was expected to meet at least twice a year (or more frequently as required) during the life of the project. This mission found that the NPC had yet to take any steps to establish the NSC. The NPC advised that a letter requesting the President to approve such a committee would be prepared immediately for submission to the Secretary of Health and Social Affairs.

### *3.1.4 Report on identifying opportunities for this project to build on and complement achievements made to date and address gaps*

The Lead Consultant (Food Control Management), in conjunction with the NPC, carried out a review of ongoing and recently completed (last five years) activities related to food safety at National level and in each of the States in order to better understand the context in the FSM, learn from relevant experiences, and identify opportunities for this project to build on and complement achievements made to date and address gaps. This report is attached as annex 3.

### 3.2 Amending the Food Safety Act in line with Output 2

The writer met with possible in-country legal consultant Kasio Kembo Mida Jr of the firm of Ramp and Mida (<http://www.rampmida.fm/attorneys.html>) to discuss the contractual processes for a National Consultant. As a result of these discussions the writer revised the terms of reference (see annex 5), and obtained and provided to the FAO Food and Nutrition officer in Apia a quote for services using these amended terms of reference. In addition the writer drafted possible amendments to the existing Food Safety Act in the FSM. A copy of the draft amended Bill is attached as annex 7. The draft takes into account some of the changes proposed by the Forum Fisheries Agency (FFA) which is also collaborating with the NPC to support the National Food Safety Program to be recognised as the Competent Authority for exports of fish and fisheries products to the European Union. Several of the FFA suggestions were not endorsed in the attached draft, especially those related to requiring government to establish a new post which would be a lengthy process in the FSM. The draft also takes into account the standard practice of having a group such as the Food Working Group as a mechanism for reducing the burden of work of the court system in the FSM as well as concerns raised by the NPC.

### 3.3 SME capacity building needs assessment and to plan courses for SMEs on GHP, GAP, GMP and quality assurance schemes (HACCP)

#### *3.3.1 SME capacity building needs assessment*

The writer and the TCCT/TCDC consultant on food inspection and small and medium enterprises, Mr Jope Tamani, accompanied national and State food inspectors in each of the four States to assess to what extent good hygienic practices were being applied in various small and medium enterprises. The types of SME businesses visited included:

- Sea cucumber exports (Yap and Kosrae);
- Reef fish exports (Chuuk);
- Noni juice processors (Pohnpei and Kosrae)
- Fish and food markets (all States);
- Restaurants (all States);
- Take-outs (all States);
- Early Childhood Education feeding programs;
- Hospital kitchen (Kosrae);
- Retailers and Importers (all States);
- Food repacking operations (all States);
- Agricultural produce packers for export (Kosrae)

All restaurants, take-outs and food service operations for children visited lacked in good hygienic practices with failings in construction, food process flow, inadequate separation of raw and ready-to-eat food, temperature abuse of food, poor personal hygiene, lack of training of food handlers, incomplete health permits and several other parameters of GHP. Retailers and importers misunderstood date marking and the legal requirements in relation to this issue. They also frequently repacked frozen meat and poultry products with most thawing food at room temperature

and then refreezing after proportioning – some further abusing the food by holding in a semi-refrozen state.

In relation to export businesses, none (with the exception of Luen Thai Fishing Venture) were found to be applying GHP effectively. Sea cucumber export businesses were either under construction (Kosrae) or operating without approval while a ban on export is in place (Yap). It is anticipated that it might be possible to enhance GHP in both operations should they be operational and legally operating. Reef fish export businesses need to address the same issues as businesses working with reef fish harvested and sold within each State. These issues include temperature abuse and poor hygiene associated with handling by fishermen, poor transportation, and holding and displaying fish for sale. Other issues affecting exports include inadequate chilling facilities at airports, inadequate freight access, the cost of freight, and inconsistency of supply.

In all States, State and National Food Inspectors were not properly trained to effectively assist businesses to improve the good hygienic practices by focusing on the higher risk practices and issues.

### *3.3.2 Needs assessment related to inspection*

The National Food Safety Program employs 9 National Food Inspectors (3 in Chuuk, 2 in Kosrae, 2 in Pohnpei, 2 in Yap) who are meant to focus on food for export, imported food and food in inter-State trade. The latter aspect is not really addressed and it appears such trade is quite limited. In relation to imported food there appears no consistent approach to inspection procedures and existing inspection procedures appear not focused on risk. Decisions to detain and destroy food are often made without a scientific understanding for such actions and frequently appear to impact unnecessarily on the profits of businesses (eg the destruction of whole lots of food even though the damage is restricted to a few units; the destruction of palm oil because of sedimentation commonly associated with the temperatures found in the FSM; the destruction of rice that has been fumigated because it is feared they must have been fumigated because of insects being present etc). On the other hand foods that were labelled as chilled products but arriving frozen were permitted to enter the country despite no understanding of the product's time temperature history.

National Food Inspectors generally do not dress in the uniform of inspectors; they appear to have limited training in how to communicate in a professional manner with business personnel; they have limited scientific knowledge related to food safety; and supervision of the way in which they work is not well implemented.

Inspection of imported food is also often undertaken at the wholesalers' or importers' premises rather than the port of entry. This leads to a level of duplication with some State inspectors also inspecting the same food and premises with differing levels of outcomes for businesses. This is exacerbated by individual hotels, resorts and community stores being individual importers. Thus an inspection of storage facilities and food at the importers facilities means the National Food Inspectors are inspecting hotels, resorts and community stores.

State food inspectors in Pohnpei suffer from limited access to transport and fuel but on top of this generally focus their efforts on inspections associated with licensing and provision of health

certificates and associated health permits. State food inspectors in Yap are also general health inspectors and often find themselves drawn away from their food control responsibilities with current emphasis being given to vector control and general sanitation. Kosrae State inspectors focus their work on water quality of rainwater tanks, wells and other local sources of water as well as spending time on village inspections. Their written monthly reporting of the number of food premises inspections is highly unlikely to be accurate. Rather it appears to be reporting for the sake of meeting quotas established to monitor their work. Factors pointing to the inaccuracy of these reports include: the inspectors themselves advised that they spend approximately 95% of their time on water and village inspections; the reports refer to 4 restaurants although the inspectors advised there are only 3 functioning restaurants; and the operators of businesses visited reported that they rarely saw the inspectors despite the reports suggesting they inspected the premises each month. The State health inspectorate and health education program in Chuuk State appears well staffed and well managed by the Chief of the Division of Environmental Health and Sanitation. However the inspectors also suffer from limited access to transport and fuel, from being responsible for a wide range of health areas, and from a limited knowledge of the science of food safety.

### *3.3.3 Initial planning of courses for inspectors and SMEs on GHP, GAP, GMP and quality assurance schemes (HACCP)*

The Lead Consultant Food Control Management and the TCCT/TCDC consultant on food inspection and small and medium enterprises, Mr Jope Tamani, reviewed the hygienic practices employed by food businesses and inspection practices employed by State and National inspectors and note the importance of training both groups in good hygienic practices. A possible course plan is laid out in annex 6. The course would be repeated in each of the States.

### 3.4 Achieving TCP/MIC/3302 Output 5

An earlier mission report noted that a small National laboratory had been established for basic microbiological and chemical analysis at the Pohnpei Environmental Protection Agency. However it was noted during this mission that the laboratory had not been made operational in the 8 months since the previous mission. The laboratory was still to have benches ordered, not all equipment had been supplied and power was not yet available to the facility. As a result the TCDC Food Analysis may not be able to undertake his/her terms of reference until the last quarter of 2012 or even the first quarter of 2013.

### 3.5 Achieving TCP/MIC/3302 Output 7

The implementation of the foodborne disease surveillance component was discussed with the National Laboratory Coordinator. It was again agreed that initially this component will be revised to focus on: Development of a training manual on foodborne disease outbreak investigation and associated training workshops in the 4 States; Conducting training for doctors on the collection of stool samples associated with cases of gastroenteritis and diarrhoea; and Conducting training for laboratory personnel in the detection of Salmonella and Shigella from stool samples. The focus on these organisms rather than the broad range is based on poor existing capacity to identify even these organisms in cultures with heavy background flora (advice provided by the National Laboratory Coordinator, Lisa Barrow), and the poor history of collecting stool samples as illustrated

by the National microbiology summary report of 2010 in which it was stated that only 12 samples were collected across FSM with 11 of these being collected in Pohnpei.

Initiating a population-based survey of the occurrence of diarrhoea in households or in a specific population group such as schoolchildren will also be discussed among the National Laboratory Coordinator, epidemiologists at US CDC, epidemiologists and laboratory personnel in the World Health Organization and the Lead Consultant Food Control Management.

Again it was confirmed that there is no appropriately qualified National Consultant on foodborne disease surveillance. Consequently it is proposed that funds be redirected away from a National Consultant to other means of implementing this area of work as specified in the coordinated work program.

#### **4. CONCLUSIONS**

##### Conclusions

1. Project implementation remains behind schedule as a result of the NPC being distracted by the many duties he has as a senior officer of the Department of Health and Social Affairs as well as his other duties as a community leader.
2. For broad stakeholder commitment to strengthening food control in the FSM and the effective implementation of this project, there is a need for a National Steering Committee (NSC) and for similar committees at the state level as well as for an email-based network of these National and state level committees. While this was recognised in the writer's previous mission report, it is reiterated here to draw attention to the need for action to be taken to establish these committees as a matter of some urgency.
3. National food legislation needs to be amended to facilitate a food production and processing chain approach and to enable National Food Inspectors to apply such an approach to food for export.
4. State legislation needs to be amended in all of the States to enable the control of food safety, to place responsibility on food businesses for protecting the safety of the food they produce and sell, and to empower inspectors to enforce food safety.
5. Good hygienic practices were not being practiced in the vast majority of food businesses visited during the mission. This failing in food safety control could be attributed to the limited knowledge of food business managers and food handlers, the lack of legislation making them responsible for the safety of their food, and the failure of inspectors to effectively enforce the improvement of existing practices.
6. National Food Inspectors generally do not dress in the uniform of inspectors; they appear to have limited training in how to communicate in a professional manner with business personnel; they have limited scientific knowledge related to food safety; and supervision of the way in which they work is not well implemented. Standard Operating Procedures (SOPs) being developed by this project can help address the inconsistencies of approach across the four States but the Environmental Health Coordinator will need to apply a much closer supervisory role to ensure the SOPs are applied.
7. The work of State health inspectors appears to vary across the four States with the major emphasis of inspectors in Kosrae being on water quality and village sanitation while in Yap the inspectors' roles can vary based upon health issues arising at any given time such as a dengue outbreak. In the face of such health concerns much of their time is taken up with vector control. In Pohnpei there are 2 to 3 inspectors focusing on food businesses but the impact of their work is not obvious in relation to good hygienic practices being applied in

food businesses. In Chuuk inspectors are responsible for a range of health matters but their work is limited by the same issues found in all the States – limited regulatory powers, a lack of transport, and limited food safety knowledge.

8. The writer has now held several discussions with the NPC regarding legislation proposed by the Forum Fisheries Agency. It remains essential that the work of Forum Fisheries Agency (FFA) and that supported by this project are undertaken in a complementary manner and that communication amongst all is regularly maintained to avoid inconsistencies in legislative developments under this project and under any project with the support of the FFA.
9. The National Food Laboratory has not been made operational in the 8 months since the previous mission. The laboratory was still to have benches ordered, not all equipment had been supplied and power was not yet available to the facility.

## **5. RECOMMENDATIONS**

1. The FAO FNO, NPC, and Lead Consultant Food Control Management should continue to monitor progress of the project implementation closely to assess progress and determine the potential need for an alternative mechanism to the current one.
2. The coordinated work program provided in annex 4 of this report should provide the guide for implementation of the Technical Cooperation Project with the FSM to ensure its timely and effective implementation.
3. The NPC should initiate the NSC, facilitate the development of state level committees, and establish the email network of these committees urgently.
4. The National Consultant on food legislation should be appointed as soon as is possible and the appointed person should examine the draft amendments to the existing Food Safety Act provided by the Lead Consultant Food Control management as a matter of high priority.
5. The Lead Consultant Food Control Management and the National Consultant on food legislation should draft State level amendments to legislation to strengthen food safety control at the State levels.
6. The NPC should focus on legislation being developed under this project and not permit inconsistent approaches that may be proposed by the FFA. The FFA work (if it proceeds) should focus on building the competence of staff under the NPC and on addressing any issues associated with the fishing industry. Where legislation is proposed any such proposals should be put to the Lead Consultant Food Control Management to avoid inconsistencies in legislative developments under this project and under any project with the support of the FFA.
7. The NPC should take immediate action to identify the National Consultant on Rural Community Education.
8. The Lead Consultant Food Control Management and the TCCT/TCDC consultant on food inspection and small and medium enterprises, Mr Jope Tamani, should continue work to finalise Standard Operating Procedures (SOPs) for imported food control and SOPs for inspection of food businesses.
9. The NPC should take action to speed up the establishment of the National Food Laboratory – including closer supervision of equipment purchases, bench top purchases and instalment, and the provision of power to the laboratory.

**Partial List of Persons Met**

<b><u>GROUP</u></b>	<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>DEPARTMENT</u></b>	<b><u>EMAIL</u></b>
<b>National Authorities</b>	Ben Jesse	Acting Secretary	Health and Social Affairs	
	Moses Pretrick	Environmental Health Coordinator	Health and Social Affairs	
	Jackson T. Soram	Deputy Ass. Sec. Multilateral Affairs	Foreign Affairs	jtsoram@mail.fm
	Steven George	Staff Attorney	Attorney General's Office	
	Ernest Weirlangt	Assistant Secretary	Div Trade and Investment, Resources and Development	
	Jean Bertrand Azapmo	Trade Policy Analyst	Resources and Development	
	Gibson Susumu	Deputy Assistant Secretary	Div of Agriculture, Resources and Development	
	John P Wichep	Plant and Animal Quarantine	Div of Agriculture, Resources and Development	
	Marlyter Silbanuz	Specialist	Sustainable Agriculture Program, Resources and Development	
	Dave Mathias	Specialist	Marine Conservation, Resources and Development	
	Lisa B. Kohler	National Laboratory Coordinator	Health and Social Affairs	<a href="mailto:lkohler@fsmhealth.fm">lkohler@fsmhealth.fm</a>

<u>GROUP</u>	<u>NAME</u>	<u>POSITION</u>	<u>DEPARTMENT</u>	<u>EMAIL</u>
<b>Pohnpei State Representatives and National Inspectors based in Pohnpei</b>	Marcello Peterson	Lt Governor	Pohnpei State	
	Kadalino Lorens	Administrator	Office of Economic Affairs	
	Albert Roby	Executive Officer	EPA	<a href="mailto:pniepa1@mail.fm">pniepa1@mail.fm</a>
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	Clayton Santos	Env Specialist	EPA	<a href="mailto:pniepa1@mail.fm">pniepa1@mail.fm</a>
	Donna Scheuring	Consultant	EPA	<a href="mailto:pniepa1@mail.fm">pniepa1@mail.fm</a>
	Shinmaysin Gonzaga	National Food Inspector (Trainee)	National Food Safety Program	
	Wiriel Dewey	National Food Inspector	National Food Safety Program	<a href="mailto:wdewey@fsmhealth.fm">wdewey@fsmhealth.fm</a>
<b>Chuuk State Representatives and National Inspectors based in Chuuk</b>	Redis Heldart	Lt Governor	Chuuk State	
	Frank Cholymay	Special Assistant	Governor's Office	
	Innocente Penno	Director	Agriculture	<a href="mailto:ipenno@yahoo.com">ipenno@yahoo.com</a>
	Mr Bravo	Assistant Attorney General	Attorney General's Office	
	Binasto Ruben	Deputy Director	Marine Resources	
	Enjoy Rain	Coordinator	Marine Resources	

<u>GROUP</u>	<u>NAME</u>	<u>POSITION</u>	<u>DEPARTMENT</u>	<u>EMAIL</u>
	Cathy Asor	Chief	Div. Of Environmental Health and Sanitation	<a href="mailto:cmasor@mail.fm">cmasor@mail.fm</a>
	Curtis K. Sis	Environmental Health Specialist	Environmental Health and Sanitation	
	Cutagent Ezra	Health Inspectors		
	Diane Marak			
	Renson Meingin			
	MJ Martin			
	Harry Ewen			
	Kenny Jain			
	Olimpus Samuel			
	Alex Narruhn			Health Educator Supervisor
	Lisa Aunu	Health Educators		
	Rosaline Kichiro			
	Melvin Immy			
	Mertha S. Mori			
	Keison Shotaro	National Food Inspector	National Food Safety Program	<a href="mailto:nfichuuk@mail.fm">nfichuuk@mail.fm</a>
	Puruten Phillip	National Food Inspector	National Food Safety Program	<a href="mailto:nfichuuk@mail.fm">nfichuuk@mail.fm</a>
	Rafaela Hallers	National Food Inspector	National Food Safety Program	<a href="mailto:nfichuuk@mail.fm">nfichuuk@mail.fm</a>
<b>Kosrae Governor</b>	Lyndon H. Jackson	Governor	Kosrae State	
<b>Kosrae State Representatives and National Inspectors based in Kosrae</b>	Livinson Taulung	Director	Kosrae Health Department	

<u>GROUP</u>	<u>NAME</u>	<u>POSITION</u>	<u>DEPARTMENT</u>	<u>EMAIL</u>
	Paul Skilling and Ryan William	Surgeon/ Administrator	Department of Health	
	Mason Timothy	National Food Inspector	National Food Safety Program	
	Meriam Sighah	National Food Inspector	National Food Safety Program	
	Noorlyn	State health inspector	State Sanitation	
	Issac Issac	State health inspector		
<b>Yap State Representatives and National Inspectors based in Yap</b>	Lawrence Yug	Sanitarian III	Department of Health Services	
	Mary Tided	Sanitarian II	Department of Health Services	
	Aloysius Wag	Sanitarian II	Department of Health Services	
	Charles Futumai	Sanitarian I	Department of Health Services	
	Lucy Gubgow	Quality Assurance Officer	Department of Health Services	
	Julie Yoruw	Chief of Public Health	Department of Health Services	

**Itinerary of Mission**

<b><u>DATE</u></b>	<b><u>STATE</u></b>	<b><u>ITINERARY</u></b>
<b>21 April</b>	Yap	<ul style="list-style-type: none"> <li>• Arrive in Yap</li> </ul>
<b>22 April</b>		<ul style="list-style-type: none"> <li>• Sunday</li> </ul>
<b>23 April</b>		<ul style="list-style-type: none"> <li>• Meeting with National Food Safety Program inspectors</li> <li>• Meeting with State food inspectors</li> <li>• Observe inspection procedures and visits to SMEs, Early Childhood Education Centre, Sea Cucumber and Reef Fish exporters</li> </ul>
<b>24 April</b>		<ul style="list-style-type: none"> <li>• Meeting with Chief of Public Health, Department of Health Services, Yap and Quality Assurance officer</li> <li>• Observe inspection procedures and visits to SMEs</li> <li>• Visit Yap Fisheries Authority</li> </ul>
<b>25 April</b>	Pohnpei	<ul style="list-style-type: none"> <li>• Arrive in Pohnpei</li> <li>• Meeting with National Project Coordinator (NPC),</li> <li>•</li> </ul>
<b>26 April</b>		<ul style="list-style-type: none"> <li>• Meeting with Resources and Development personnel, Palikir</li> <li>• Meetings with acting Secretary of Health and Social Affairs and law officer of FSM Attorney General's (AG) office in Palikir</li> <li>• Meeting with local legal expert</li> </ul>
<b>27 April</b>		<ul style="list-style-type: none"> <li>• Meeting with EPA of Pohnpei State and acting AG of Pohnpei State</li> <li>• Observe inspection procedures and visits to SMEs, pepper farms and processor, Early Childhood Education Centre and school</li> </ul>
<b>28 April</b>		<ul style="list-style-type: none"> <li>• Observe inspection procedures and assess seafood markets and seafood processing operations</li> </ul>
<b>29 April</b>		<ul style="list-style-type: none"> <li>• Sunday</li> </ul>
<b>30 April</b>		<ul style="list-style-type: none"> <li>• Meeting with Lt Governor of Pohnpei State</li> <li>• Observe inspection procedures</li> </ul>
<b>1 May</b>		<ul style="list-style-type: none"> <li>• Observe inspection procedures</li> <li>• Observe fish landing procedures associated with seafood processing</li> </ul>
<b>2 May</b>		<ul style="list-style-type: none"> <li>• Meeting with officer of College of Micronesia</li> <li>• Meeting with FAO contact officer</li> <li>• Preliminary training of EPA officers and National Food Safety Program inspectors</li> </ul>
<b>3 May</b>		Kosrae
<b>4 May</b>	<ul style="list-style-type: none"> <li>• LCFCM met with local legal expert</li> <li>• TCDC on inspection and SMEs conducted training for seafood exporters</li> <li>• Observe inspection procedures</li> </ul>	
<b>5 May</b>	<ul style="list-style-type: none"> <li>• TCDC on inspection and SMEs conducted training for seafood exporters</li> <li>• Meet with NPC</li> </ul>	
<b>6 May</b>	<ul style="list-style-type: none"> <li>• Sunday</li> </ul>	
<b>7 May</b>	<ul style="list-style-type: none"> <li>• Arrive in Kosrae</li> </ul>	
<b>8 May</b>	<ul style="list-style-type: none"> <li>• Meet with Director of Health, Governor, Attorney General</li> <li>• Visit State water laboratory</li> <li>• Visit premises thought to process noni juice and rice</li> </ul>	

		<ul style="list-style-type: none"> <li>• Observe fish market</li> </ul>
<b>9 May</b>		<ul style="list-style-type: none"> <li>• Observe imported food control procedures on the dock and at the premises of importers</li> <li>• Visit early childhood education</li> <li>• Assess GHP in SMEs preparing baked food and ready-to-eat food and observe inspection procedures</li> </ul>
<b>10 May</b>		<ul style="list-style-type: none"> <li>• Assess sea cucumber export processor, observe fish markets, and observe inspection procedures associated with food retailers /importers</li> </ul>
<b>11 May</b>		<ul style="list-style-type: none"> <li>• Visit to Kosrae Island Resource Management Authority</li> <li>• Visit to water bottling plant now in receivership</li> <li>• Assess GHP in SMEs preparing ready-to-eat food and observe inspection procedures</li> <li>• Discuss inspection procedures with State inspectors</li> </ul>
<b>12 May</b>	Chuuk	<ul style="list-style-type: none"> <li>• Depart Kosrae – Arrive in Chuuk</li> </ul>
<b>13 May</b>		<ul style="list-style-type: none"> <li>• Sunday</li> </ul>
<b>14 May</b>		<ul style="list-style-type: none"> <li>• Meetings with Lt Governor, AG’s office, Director of Agriculture, Marine Resources</li> <li>• Meeting with National Food Inspectors</li> <li>• Meeting with State Sanitation officers</li> </ul>
<b>15 May</b>		<ul style="list-style-type: none"> <li>• LCFCM departs Chuuk</li> </ul>
<b>16 May</b>		<ul style="list-style-type: none"> <li>•</li> </ul>
<b>17 May</b>		<ul style="list-style-type: none"> <li>•</li> </ul>
<b>18 May</b>		<ul style="list-style-type: none"> <li>•</li> </ul>
<b>19 May</b>		<ul style="list-style-type: none"> <li>• TCDC Inspection and SMEs departs Chuuk</li> </ul>

## **A REVIEW OF ONGOING AND RECENTLY COMPLETED (LAST FIVE YEARS) ACTIVITIES RELATED TO FOOD SAFETY AT NATIONAL LEVEL AND IN EACH OF THE STATES**

### **Background**

The Lead Consultant Food Control Management and the National Project Coordinator conducted a review of ongoing and recently completed activities related to food safety at National level and in each of the States in the period 2007-2012 in order to better understand the context in FSM, learn from relevant experiences, and identify opportunities for this project to build on and complement achievements made to date and address gaps.

### **Findings**

#### **1. Activities aimed at strengthening food control supported by the National and/or state Governments**

The National Food Safety Program has sought government support to implement food control activities at a National level and has been successful in obtaining a relatively high percentage of the Department of Health and Social Affairs recurring funds as well as receiving funds focused on the establishment of a food analysis laboratory. As a consequence:

- New National Food Safety Program inspectors have been appointed at the National level in Pohnpei and Kosrae to fill existing vacancies;
- A National Food Laboratory has been constructed and laboratory equipment ordered but the laboratory has not been completed by the inclusion of benches, power, or installation of equipment;
- National Food Safety Program inspectors have access to vehicles and fuel.

At a State level efforts to draft or revise food regulations have been initiated in Pohnpei and Yap but such drafts have not paid attention to international guidance provided by Codex and have not really progressed beyond the draft stage. All existing regulations were approved prior to 1996 and, with the exception of Pohnpei, can only indirectly be applied to food control.

#### **2. Activities aimed at strengthening food control supported by international organizations**

The Food and Agriculture Organization of the United Nations has:

- Assisted the development of a National Agricultural Policy with a strategic action plan;
- Conducted a Workshop on Risk-Based Food Inspection (Pohnpei, 18-21 October 2011);
- Provided technical and other support for trade facilitation through regional round table dialogues in collaboration with WTO and New Zealand Food Safety Authority;
- Built the capacity of National resources and development personnel to enhance sustainable agriculture in the FSM;
- Carried out a Risk assessment in Aquaculture development for FSM; and
- Built capacity of stakeholders in food processing.

The World Health Organization has provided consultancy services to:

- Draft National food standards in accordance with Codex guidance and supported the National Food Safety Program in discussions on these draft standards with industry representatives and National and state regulators in Pohnpei, Chuuk and Kosrae States;
- Conduct training for National and state level inspectors for the purposes of recertifying National inspectors as required in current legislation;
- Make an assessment of existing laboratories in the FSM;
- Detail the need for, sustainability of, and the financial, human resource and equipment requirements to establish National food analytical capacity in the FSM;
- Support efforts to establish a food security policy in the FSM.

### **3. Activities aimed at strengthening food control supported by regional organizations**

The Forum Fisheries Agency is currently seeking to provide support for enhancing regulatory control of seafood exports and support for industry to meet European Union (EU) requirements for seafood exports to the EU.

### **Conclusions**

The food control system in the FSM:

- Has a foundation in the existing National Food Safety Act and its 6 subsidiary regulations but this legislation does not allow a farm to table approach to food control nor does it protect the consumer of food produced, processed, handled, and consumed within the FSM. Rather it focuses on imported food at the point of import and food for export for part of the food production and processing chain;
- Is restricted by the paucity of legislation at the State level;
- Is inhibited by the lack of training, knowledge and skills of food inspectors both at the National and State levels;
- Faces a significant task of improving hygiene in the production, processing, preparing, handling, storing and sale of food;
- Is hampered by the limited food analysis and foodborne disease agent detection and isolation capacity as well as the rudimentary syndromic surveillance system; and
- Struggles to provide adequate training and education on good agricultural practices, good hygiene and simple food safety precautions to rural and outer-island communities.

### **Recommendations**

Despite the aforementioned support, activities and funding there is still a great need for this project to:

1. Support the modernization of the National Food Safety Act;
2. Support the establishment of National food standards in accordance with Codex guidance;
3. Support primary and subsidiary legislation development in each of the States
4. Build the capacity of inspectors operating at a National level to ensure they have the knowledge and skills to operate effectively as a competent authority for the inspection and certification of food for export, for the inspection of imported food and for supporting State level inspectors in their work;

5. Build the capacity of inspectors operating at a State level to ensure they have the knowledge and skills to operate effectively;
6. Build cooperation between National and State inspectors to increase the capacity to better protect consumers in the FSM;
7. Enhance training and education on good agricultural practices, good hygiene and simple food safety precautions to rural and outer-island communities;
8. Build analytical capacity in food analysis for the national laboratory which is currently in its infancy; and
9. Build foodborne disease surveillance capacity by increasing the awareness of doctors for the need to culture samples to better understand the priority hazards associated with diarrhoea in the FSM and by increasing the capacity of laboratory personnel to detect pathogens in faecal samples.

## COORDINATED WORK PROGRAM

	ACTIONS	PERSON RESPONSIBLE	TIME PROPOSED FOR ACTION	PERSON RESPONSIBLE TO FOLLOW UP IF WORKPLAN NOT FOLLOWED ON TIME
<b>Project Monitoring and Management</b>				
The National Steering Committee	• Written request to establish NSC submitted to Secretary	NPC	May 2012	Lead Consultant Food Control Management (LCFCM)
	• Written request to establish NSC submitted to President		June 2012	
	• Steering Committee convened		July 2012	
State level Steering Committees	• Written request to establish NSC submitted to Secretary		May 2012	
	• Written request to establish NSC submitted to Governors		August 2012	
	• Steering Committee convened		September 2012	
<b>Human Resources</b>				
National legal consultant	• Submission of TORs, quotation to HQ Rome	FAO FNO	May 2012	LCFCM
	• Recruitment		June 2012	
National Consultant rural community education	• Written request to Secretary	NPC	May 2012	
	• Advertising		June 2012	
	• Recruitment	FAO FNO	July 2012	
TCDC Food Analysis	• Recruitment (post laboratory completed and equipment purchased)	FAO FNO	Possibly Q1 2013	
Technical support for enteric detection in stools and support for outbreak investigation	• Establish email contact to discuss implementation	Lisa Barrow Kohler (LBK)	May 2012	
	• Arrange activities schedule in detail for activities under 7	LBK and LCFCM	June-August 2012	NPC

<b>Output 1 Increased political support for food safety at the National and State levels and the endorsement of the relevant government officials for a farm-to-table approach to food safety in the FSM.</b>				
<b>Activity 1.1</b> Review of food safety activities	<ul style="list-style-type: none"> <li>Write review</li> </ul>	LCFCM, NPC	Completed	See annex 3
<b>Activity 1.2</b> Organization of a seminar for high level officials (responsible – LCFCM, NPC)	<ul style="list-style-type: none"> <li>Seek approval to use ~USD12,000 of FWG local costs to add to ~USD12,000 for high level meeting</li> </ul>	NPC to FAO FNO	July 2012	LCFCM
	<ul style="list-style-type: none"> <li>Written request to conduct meeting to Secretary</li> </ul>	NPC	July 2012	
	<ul style="list-style-type: none"> <li>Written request submitted to President</li> </ul>		August 2012	
	<ul style="list-style-type: none"> <li>Written invitation to participate</li> </ul>		September 2012	
	<ul style="list-style-type: none"> <li>Conduct seminar</li> </ul>		November 2012	
<b>Activity 1.3</b> National Food Working Group (FWG)	<ul style="list-style-type: none"> <li>Written request to re-establish FWG submitted to Secretary</li> </ul>	NPC	July 2012	
	<ul style="list-style-type: none"> <li>Written request to participate in FWG</li> </ul>		August 2012	
	<ul style="list-style-type: none"> <li>FWG convened and training provided by NPC &amp; LCFCM</li> <li>Funds for training limited to ~USD3,000</li> </ul>		November 2012	
<b>Output 2 Comprehensive and coherent National food law and regulations in the FSM</b>				
<b>Activity 2.1</b> Review the National Food Safety Act, subsidiary legislation & other relevant legis'n	<ul style="list-style-type: none"> <li>Write review</li> </ul>	LCFCM	July 2012	NPC
<b>Activity 2.2</b> Draft any amendments to, or redraft, the existing primary legislation	<ul style="list-style-type: none"> <li>Initial amendments drafted</li> </ul>	LCFCM	May 2012	
	<ul style="list-style-type: none"> <li>Review and suggest revisions to initial amendments</li> </ul>	National Legal Consultant and FAO HQ Legal	June 2012	
	<ul style="list-style-type: none"> <li>Revise</li> </ul>	National Legal Consultant and LCFCM	July 2012	
	<ul style="list-style-type: none"> <li>Organize meetings in each State for all stakeholders</li> </ul>	NPC	June 2012	LCFCM

	<ul style="list-style-type: none"> <li>Conduct meetings in each State for all relevant stakeholders</li> </ul>	NPC & LCFCM	July 2012	NPC & LCFCM
	<ul style="list-style-type: none"> <li>Prepare memorandum accompanying draft Bill</li> </ul>	National Legal Consultant	July 2012	
<b>Activity 2.3</b> Facilitate the draft Bill's passage through Congress	<ul style="list-style-type: none"> <li>Provide legal opinion and support</li> </ul>	National Legal Consultant	Prior to Q2 2013	
<b>Activity 2.4</b> Advance food legislation for the States	<ul style="list-style-type: none"> <li>Draft initial amendments to primary legislation for States</li> </ul>	LCFCM	July 2012	NPC
	<ul style="list-style-type: none"> <li>Draft initial amendments to secondary legislation for Pohnpei</li> </ul>			
	<ul style="list-style-type: none"> <li>Draft secondary legislation for other States</li> </ul>			
	<ul style="list-style-type: none"> <li>Review and Revise</li> </ul>	National Legal Consultant and FAO HQ Legal	July-November 2012	NPC & LCFCM
	<ul style="list-style-type: none"> <li>Conduct meetings in each State for all relevant stakeholders</li> </ul>	NPC & LCFCM	July & November 2012	
	<ul style="list-style-type: none"> <li>Draft guidance to the States</li> </ul>	National Legal Consultant and LCFCM		
<b>Activity 2.5</b> Finalize and get approved food regulations and standards	<ul style="list-style-type: none"> <li>Review draft food standards</li> </ul>	National Legal Consultant and FAO HQ Legal	June-July 2012	
	<ul style="list-style-type: none"> <li>Revise draft food standards</li> </ul>	LCFCM	July – August 2012	
	<ul style="list-style-type: none"> <li>Conduct meetings in each State for all relevant stakeholders</li> </ul>	NPC & LCFCM	July & November 2012	
	<ul style="list-style-type: none"> <li>Provide legal opinion and support</li> </ul>	National Legal Consultant	Prior to Q2 2013	
<b>Output 3 Food inspectors in FSM trained according to modern food inspection system</b>				
<b>Activity 3.1</b> Inspection assessment	<ul style="list-style-type: none"> <li>Review of inspection process in the country and prepare assessment</li> </ul>	TCDC Food Inspection and SMEs & LCFCM	May – July 2012	NPC & FAONUT

	<ul style="list-style-type: none"> <li>• Prepare inspection equipment list and revise</li> </ul>	TCDC Food Inspection and SMEs	May-June 2012	
	<ul style="list-style-type: none"> <li>• Initiate purchase process – obtain quotes</li> </ul>	NPC	June 2012	
	<ul style="list-style-type: none"> <li>• Seek approvals and place orders</li> </ul>	NPC	June – September 2012	
	<ul style="list-style-type: none"> <li>• Check-off equipment received and follow up that not</li> </ul>	NPC and FAONUT	October 2012	
<b>Activity 3.2</b> Inspection manuals	<ul style="list-style-type: none"> <li>• Draft imported food inspection standard operating procedures</li> </ul>	TCDC Food Inspection and SMEs & LCFCM	May –July 2012	NPC & FAONUT
	<ul style="list-style-type: none"> <li>• Draft imported food inspection standard operating procedures</li> </ul>			
	<ul style="list-style-type: none"> <li>• Conduct meetings with National and State inspectors in each of the States to discuss review and the SOPs</li> </ul>			
<b>Activity 3.3</b> Training courses for inspectors	<ul style="list-style-type: none"> <li>• Conduct 5 day courses in each state in conjunction with SMEs and in conjunction with above meetings</li> </ul>	TCDC Food Inspection and SMEs & LCFCM	July 2012	
<b>Output 4</b> Review of food analysis needs and elaboration of a project proposal for co-funding by Government and potential donors				
<b>Activity 4.1</b> Train food analysts	<ul style="list-style-type: none"> <li>• Conduct training</li> </ul>	TCDC Food analysis	2013 (Subject to laboratory completion)	NPC & LCFCM
<b>Activity 4.2</b> Study of food contamination along the chain	<ul style="list-style-type: none"> <li>• Conduct study</li> </ul>			
<b>Activity 4.3</b> Complementing any basic National capacity for food analysis	<ul style="list-style-type: none"> <li>• Identify a mechanism and describe in detail the associated protocols for complementing any basic National capacity for food analysis</li> </ul>			
<b>Activity 4.4</b> Future action with donors	<ul style="list-style-type: none"> <li>• Elaboration of a project proposal</li> </ul>			

Output 5 Enhance safety and quality of SMEs to facilitate trade and reduce health risks.				
<b>Activity 5.1</b> Assess the situation	<ul style="list-style-type: none"> <li>Review and prepare report</li> </ul>	TCDC Food Inspection and SMEs & LCFCM	May-June 2012	NPC & LCFCM
<b>Activity 5.2</b> Report back	<ul style="list-style-type: none"> <li>Conduct a workshop in each of the States to present the outcomes of the needs assessments and enable representatives of food industry to comment on the findings in association with trainings</li> </ul>		July 2012	
<b>Activity 5.3</b> Organize courses on the application of GHP, GAP/GMP and HACCP for key food industries (	<ul style="list-style-type: none"> <li>Conduct training in each of the States</li> </ul>		July 2012	
<b>Activity 5.4</b> Review and retrain	<ul style="list-style-type: none"> <li>Observe and assess any operational changes in those key food industries exposed to the above training and provide further guidance to industry personnel (responsible TCDC SMEs)</li> </ul>	TCDC Food Inspection and SMEs	September 2012	
<b>Activity 5.5</b> Provide the National laboratory analysts food samples from at least one food product	<ul style="list-style-type: none"> <li>Possibly pepper sample along chain/ also possibly bottled water from source and end product</li> </ul>	NPC	2013	
Output 6 Increase rural community awareness about food safety				
<b>Activity 6.1</b> Review existing education	<ul style="list-style-type: none"> <li>Organize a review of existing food safety education for rural communities and identify key partners to engage in food safety education</li> </ul>	National Consultant on Rural Community Education (NCRCE)	July-August 2012	NPC & LCFCM
<b>Activity 6.2</b> Survey	<ul style="list-style-type: none"> <li>Training on surveying/reviewing food GAP</li> </ul>		August 2012	
	<ul style="list-style-type: none"> <li>Survey conducted</li> <li></li> </ul>	Trainees and NCRCE	September 2012	

<ul style="list-style-type: none"> <li>• <b>Activity 6.3</b> Development of training material for behaviour change</li> </ul>	National Consultant on Rural Community Education	October 2012	NPC & LCFCM
<ul style="list-style-type: none"> <li>• <b>Activity 6.4</b> Train trainers in how to implement effective communication for behaviour change</li> </ul>		November 2012	
<ul style="list-style-type: none"> <li>• <b>Activity 6.5</b> Review the outcomes of efforts to conduct training by trainers in rural communities &amp; report</li> </ul>		December 2012	
<b>Output 7 Enhancing surveillance system for foodborne diseases</b>			
<b>Activity 7.1</b> foodborne disease outbreak investigation	<ul style="list-style-type: none"> <li>• Develop a training manual on foodborne disease outbreak investigation</li> <li>• Conduct a National training workshop for participants from the 4 States.</li> </ul>	To be determined	NPC, LBK & LCFCM
<b>Activity 7.2</b> Conduct training for doctors	<ul style="list-style-type: none"> <li>• Conduct training for doctors on the collection of stool samples associated with cases of gastroenteritis and diarrhoea</li> </ul>		
<b>Activity 7.3</b> Conduct training for laboratory personnel in the detection of <i>Salmonella and Shigella</i>		To be determined by email dialogue described above	NPC, LBK & LCFCM
<b>Activity 7.4</b> Initiate a survey of diarrhoea in households/children in at least one State			
<b>Activity 7.5</b> Conduct a study based on stool culturing of patients presenting with diarrhoeal illness to district clinics and hospitals in selected sites and prepare report			

## PROPOSED MODIFICATIONS TO CONSULTANT TERMS OF REFERENCE

### 1. National Consultant on Rural Community Education

**Duration:** Two months WAE

Under the overall supervision of the Budget Holder/Subregional Representative, the technical supervision of the FAO Food and Nutrition Officer in the subregion and field supervision of the Project Director the consultant will undertake the following duties in close cooperation with national officials and other consultants:

- ✓ Organize a review of existing food safety education for rural communities and identify key partners to engage in food safety education activities.
- ✓ Organize training of trainers in methods for reviewing food handling and reviewing agricultural practices related to animal feed, pesticide usage and application of fertilizers in rural communities.
- ✓ Support a survey of practices to identify those good practices not being followed in rural communities.
- ✓ Development of training materials (drawing on available FAO guidelines and materials) aimed at improving application of good agricultural practices and of good hygienic practices in food production and basic primary processing and train trainers in how to implement effective communication for behaviour change using these materials and using existing training/extension systems where available.
- ✓ Provide ongoing advice to those who have been trained in field training and review the outcomes of efforts to conduct training by these trainers in rural communities.
- ✓ Prepare an interim and final report.

**Qualifications:** Food scientist, veterinary officer, environmental health, agriculture, agricultural extension, or adult education. Experience in practices of food hygiene and food safety applied from production to consumption is essential and experience in working with rural communities to achieve behaviour change is recommended.

## 2. National Legal Consultant on Food Legislation

### Duty Station: FSM-based

Under the overall supervision of the Budget Holder/Subregional Representative and under the technical supervision of the Chief, Development Law Service, FAO Legal Office, as well as in close cooperation with national officials (National Project Coordinator), the Lead Consultant in Food Control Management, and the FAO Food and Nutrition Officer in the subregion, the consultant will undertake the following duties:

- ✓ Review the National Food Safety Act and the suggested draft amendments Bill provided by the Lead Consultant in Food Control Management and determine if the amendments:
  - Are correctly formatted for FSM legislation;
  - Do not contravene States rights in the federated system of FSM;
  - Result in the Act providing a legislative framework that protects the safety and quality of food imported, exported and sold for human consumption in FSM and not just imported and exported food;
  - Enable the national food safety programme and national food inspectors to be the appropriate programme and authorities for inspecting and certifying the safety and quality of food (including seafood) for export by inspecting premises, processes etc. along the food production and processing chain;
  - Make correct use of the Food Working Group in accord with standard practice in FSM;
- ✓ Draft any subsequent amendments required for the draft Bill to appropriately consider the above criteria and discuss these electronically via email with the National Project Coordinator, the Lead Consultant in Food Control Management, and the International Legal Consultant;
- ✓ Provide legal input to facilitate the draft Bill's passage through the Attorney General's office and Congress, as may be required for successful passage of the Bill;
- ✓ Review legislation in operation at the state level in each of the States and:
  - Identify what Acts currently exist in each State under which food regulations might be properly and ideally located ;
  - Identify how best to establish any required legislation to minimize reliance on old Trust Territory Codes as the primary legislation under which food regulations are to be housed;
  - Identify what subsidiary legislation related to food is approved and in place in each of the States;
- ✓ Review draft Bills and regulations provided by the Lead Consultant in Food Control Management for possible application by each of the States;
- ✓ Revise the drafts prepared for the States by the Lead Consultant Food Control Management and discuss these electronically via email with the National Project Coordinator, the Lead Consultant in Food Control Management, and the International Legal Consultant;
- ✓ Engage with the States attorneys general offices to ensure draft legislation is prepared consistent with their requirements, and finalise legislation;
- ✓ Draft guidance to the States to enable them to pass whatever legislation is required to empower the appropriate State level authorities to adopt national minimum standards to address the safety of food for local consumption.

**Qualifications:** Appropriate tertiary qualifications in Law.

Experience in constitutional law and familiarity with federated legal systems is essential. Extensive expertise in developing/ reviewing national legislation with proven ability to critically assess existing legislation and regulations and highlight areas where strengthening is essential Experience in development of legal frameworks and facilitating their passage through parliamentary processes, preferably in the Pacific or small island developing states is essential. Experience in developing/ reviewing food legislation at national and state levels is recommended; Fluency in English.

## Proposed Training to Inspectors and SMEs

Day/Time	Topic	Duration (min)	Presenter/Format	Trainees
1/ morning	Introduction	10	M. Pretrick	National and State Inspectors only
	Reporting back on April/ May assessment of GHP	30	A. Hazzard	
	Reporting back on April/ May assessment of inspection practices	30	J. Tamani	
	Understanding the risk – microorganisms, chemicals and physical hazards and how the risk can be assessed in checklists	90	A. Hazzard/ participants	
1/ afternoon	The importance of improving inspection practices	15	M. Pretrick	National Inspectors only
	Proposed regulatory developments	30	A. Hazzard	
	Discussing SOPs for inspection of food service sector and food retailers	60	J. Tamani	
	Discussing SOPs for imported food control	45	J. Tamani	
2/ morning	Review of day 1	15	M. Pretrick	National and State Inspectors only
	Introduction to field work on SOPs for inspection of food service sector and food retailers	15	J. Tamani	
	Using checklists effectively	20	J. Tamani	
	Practising Opening	20	Workshop room	
	Practising Closing	20	Workshop room	
	Opening, Inspection and Closing	60	Field work	
	Documenting the Inspection	30	Workshop room	
2/ afternoon	Identifying follow-up	20	Discussion	National and State Inspectors only
	Preparation	20	Workshop room	

2/ Afternoon session 3- 5pm	Introduction	15	M. Pretrick	Food service business personnel as participants and National and State inspectors as future trainers
	Understanding the risk – microorganisms, chemicals and physical hazards and how poor hygiene impacts food safety	45	A. Hazzard/ participants	
	Understanding inspection procedures and checklists and how they relate to GHP	45	J. Tamani/participants	
3/ morning	Review of day 2	15	M. Pretrick	National and State Inspectors only
	Practising Opening, Inspection and Closing	60	Field work	
	Documenting the Inspection	30	Workshop room	
	Identifying follow-up	20	Discussion	
	Feedback session	30	Discussion	
3/ afternoon session 2- 4pm	Introduction	15	M. Pretrick	Food importers
	Understanding the risk – microorganisms, chemicals and physical hazards and how poor hygiene impacts food safety	45	National inspectors/ participants	
	Understanding inspection procedures and checklists and how they relate to GHP	45	National inspectors/participants	
4/ morning session 8- 10am	Introduction	15	M. Pretrick	Food service business personnel
	Understanding the risk – microorganisms, chemicals and physical hazards and how poor hygiene impacts food safety	45	State inspectors/ participants	
	Understanding inspection procedures and checklists and how they relate to GHP	45	State inspectors/participants	
4/ morning session 10- 12noon	Introduction	15	M. Pretrick	Food Business personnel

	Understanding the risk – microorganisms, chemicals and physical hazards and how poor hygiene impacts food safety	45	National inspectors/ participants	
	Understanding inspection procedures and checklists and how they relate to GHP	45	State inspectors/participants	
4/ afternoon	Inspectors conduct 3 inspections each and prepare to present findings	180	Participants	National and State Inspectors only
5/ 0830-1000	Inspectors report back to workshop	90	Inspectors	
5/ 1000-1200	One report from each inspector cross-checked by Tamani/Hazzard/Pretrick			
5/ afternoon	Feedback on inspection reports	120	J. Tamani/participants	

1 **A BILL FOR AN ACT**

2  
3 To further amend title 41 of the Code of the Federated States of  
4 Micronesia, as amended, by providing protection for the safety of  
5 food all along the food production and processing chain in line  
6 with modern food control procedures, by enabling inspectors to  
7 take all appropriate and necessary actions to protect food safety,  
8 and for related purposes.

9  
10 **BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:**

11 Section 1. Title 41 of the Code of the Federated States of  
12 Micronesia, as amended by Public Law No. 14-59, is hereby further  
13 amended by amending section 1002 of chapter 10 to read as  
14 follows:

15  
16 **"§ 1002. Purpose and Intent.** It is the policy of the  
17 National Government to assist in the protection of the public from  
18 consuming ~~imported~~ food that is adulterated or mislabelled, and to  
19 assist efforts by the States to accomplish this objective. It is  
20 also the policy of the National Government to ensure that food  
21 exported out of the Federated States of Micronesia is safe and of  
22 the highest quality. The Secretary of the Department of Health  
23 ~~Services~~ and Social Affairs shall cooperate with the appropriate  
24 National or State department or agency in administering a food  
25 safety program furthering the stated purposes of this act. If a

1 State has enacted and is implementing food safety standards covering  
2 the areas of production, harvesting, processing, preparing, storing,  
3 handling, labelling, packaging, distributing, sanitation, food  
4 inspection for purity, quality and fitness for human consumption,  
5 and other areas of food safety covered by this act, the State has  
6 only to meet the minimum standards set forth in this act and the  
7 regulations promulgated pursuant to this act. If a State has  
8 not enacted or implemented food safety standards, the National  
9 Government should assist the State, guided by a Memorandum of  
10 Understanding, to establish relevant regulations where necessary and  
11 meet the minimum standards set forth in this act. This act shall  
12 apply to advertisements, articles, food, food businesses and their  
13 operations, labelling and sales pertaining to food intended for  
14 interstate and foreign commerce and to food articles imported into  
15 the Federated States of Micronesia, ~~and still located at the port of~~  
16 ~~entry~~ as well as food produced, processed, prepared and consumed in  
17 within each of the States.

18 Section 2. Title 41 of the Code of the Federated States of  
19 Micronesia, as amended by Public Law No. 14-59, is hereby further  
20 amended by amending section 1003 of chapter 10 to read as  
21 follows:

22 **"§ 1003. Definitions.**

23 As used in this chapter, the following terms shall have the  
24 meanings set forth below:

25 (1) "Advertisement" means words, whether written or spoken,

1 symbolic or pictorial representation or design, or any  
2 other representation which has the effect of promoting a  
3 product for sale.

4 (2) "Article" means:

5 (a) Any food, or anything used to label or advertise  
6 food; or

7 (b) Any thing or machine used for the preparation,  
8 preservation, packing or storing of any food.

9 (3) "Export" means to send, mail, ship or carry out of the  
10 Federated States of Micronesia in any way food or any food  
11 product for sale, trade, exchange, or for any consideration  
12 or in pursuance of any sale, trade, exchange or consideration.

13 (4) "Facility" means any premises engaged in preparing any  
14 article under this act, including but not limited to any vessel  
15 vehicle, processing plant, ice facility, restaurant and store.

16 (45) "Food" means any article ~~manufactured~~ (in its raw, semi-  
17 raw, or prepared state), produced, harvested, processed, prepared,  
18 stored, distributed, ~~sold and represented to be~~ for human  
19 consumption, and includes:

20 (a) All beverages except sakau and tuba;

21 (b) All chewing substances except betel nut and the  
22 articles used to prepare betel nut for consumption;

23 (c) Any ingredient, food additive or other substance  
24 that enters into or is capable of entering into or is  
25 used in the composition or preparation of food.

1 (56) "Import" means to bring or carry into the Federated  
2 States of Micronesia any food or food product for sale,  
3 trade, exchange or consideration, or in pursuance of any  
4 sale, trade, exchange or consideration, by any means of  
5 transportation, and includes transshipment as defined in  
6 Title 24 of the Code of the Federated States of Micronesia.

7 (67) "Label" means any tag, ticket, stamp, brand, or mark  
8 containing any writing, picture, symbol or design, attached  
9 to, included in, or accompanying any food or food package.

10 (8) "Operator" in relation to a premises or facility means any  
11 person who is in charge of, responsible for the operations of,  
12 directs or controls such premises or facility, including the owner,  
13 director and manager and includes the beneficiary of the  
14 economic or financial benefit of the facility's operations.

15 (79) "Package" includes anything in which any food is  
16 wholly or partly placed or packed and includes any basket,  
17 pail, tray, or any receptacle whether open or closed.

18 (810) "Person" includes individuals, partnerships,  
19 corporations, associations, and all other entities doing  
20 business in the FSM Federated States of Micronesia.

21 (911) "Premises" means;

22 (a) Any building or tent, or facility or other  
23 structure, permanent or temporary, the land on which  
24 it is situated, and any adjoining land used in connection with it;

1 (b) Any vehicle or vessel; and

2 (c) Any place, including a street, open space, or  
3 place of public resort, used in the preparation,  
4 preservation, packaging, ~~or~~ storage or sale of any article.

5 (1012) "Preparation" and "prepare" include  
6 production, manufacture, processing, and any form of treatment.

7 (13) "Processing" includes butchering, storing, packaging,  
8 filleting, slicing, skinning, mincing, dismembering, cleaning,  
9 washing, chilling, heating, treating, freezing, drying, smoking,  
10 cooking, canning, baking, packing of live seafood or other  
11 preservation and further processing techniques; and "process" and  
12 "processed" and "processor" shall have a corresponding  
13 meaning.

14 (1114) "Secretary" means the Secretary of the Department of  
15 Health Services and Social Affairs.

16 (1215) "~~Sell" means to offer, advertise, keep, deliver, or~~  
17 ~~prepare for sale or exchange, to dispose of for~~  
18 ~~consideration, or to deliver in pursuance of a sale or~~  
19 ~~exchange.~~ includes-

20 (a) any method of disposition for consideration, including  
21 cash, anything which has value or which can be exchanged  
22 for cash, and barter;

23 (b) disposition to an agent for sale on consignment;

24 (c) offering or attempting to sell, or receiving or having

1 in possession for sale, or displaying for sale, or sending  
2 or delivering for sale, or causing or permitting to be  
3 sold, offered, or displayed for sale;

4 (d) disposition by way of raffle, lottery, or other game of  
5 chance;

6 and "sale" and "sold" have a corresponding meaning.

7 (1316) "*Unsanitary conditions*" means such conditions as  
8 could cause contamination of a food with dirt or filth, or  
9 could render the food injurious or dangerous to health,  
10 whether such contamination or injury or danger actually  
11 occurs or not.

12 (1417) "*Vehicle*" means any device, whether operational or  
13 not, that is usually a means of conveyance by land, water  
14 or air."

15 Section 3. Title 41 of the Code of the Federated States of  
16 Micronesia, as amended by Public Law No. 14-59, is hereby further  
17 amended by amending section 1004 of chapter 10 to read as  
18 follows:

19 "**§ 1004. Unfit food.** No person may import, export, produce,  
20 harvest, prepare, advertise, package, or store, display for sale or  
21 sell any food that ~~has been imported or will be exported~~ that is  
22 unfit for human consumption, adulterated, damaged, deteriorated  
23 or perished."

1 Section 4. Title 41 of the Code of the Federated States of  
2 Micronesia, as amended by Public Law No. 14-59, is hereby further  
3 amended by amending section 1007 of chapter 10 to read as  
4 follows:

5 **"§ 1007. Food standards.**

6 Where a standard has been prescribed by regulation for any  
7 ~~food that has been imported or is being prepared for export~~  
8 no person may label, package, prepare, sell, or advertise  
9 that food when it does not comply with that standard, ~~in~~  
10 ~~such a way that the food could be mistaken for food which~~  
11 ~~meets the standard."~~

12 Section 5. Title 41 of the Code of the Federated States of  
13 Micronesia, as amended by Public Law No. 14-59, is hereby further  
14 amended by amending section 1008 of chapter 10 to read as  
15 follows:

16 **"§ 1008. Unsanitary conditions.** No person may ~~sell,~~  
17 produce, harvest, prepare, package, transport, ~~or store~~ or sell any  
18 food that has been ~~imported,~~ produced, harvested, ~~or is being~~  
19 prepared, transported, stored, or displayed for sale ~~for export~~  
20 under unsanitary conditions, ~~and may not sell any food which has~~  
21 ~~been shipped under unsanitary conditions."~~

22 Section 6. Title 41 of the Code of the Federated States of  
23 Micronesia, as amended by Public Law No. 14-59, is hereby further  
24 amended by amending section 1009 of chapter 10 to read as  
25 follows:

1    **"§ 1009. Compliance.**

2           (1) Except as provided in section 10, no person may import,  
3   produce, harvest, prepare, package, transport, store or sell any  
4   article which does not comply with the provisions of this act.

5           (2) No person may import any article into the ~~FSM~~ Federated  
6   States of Micronesia which is restricted in its sales in  
7   the country of origin, including but not limited to import of  
8   any article labelled as for domestic use only in the country  
9   of origin.

10          (3) No person may import, export, transport, sell, receive,  
11 acquire or purchase any article that is in violation of  
12 any reciprocal agreement between the Government of the  
13 Federated States of Micronesia and any other foreign state  
14 or states.

15          (34) No person may import any food or package containing  
16 food which is marked with an expiration date or date of minimum  
17 durability which has passed.

18          (5) No person may sell any food or package containing food  
19 which is marked with an expiration date which has passed."

20 Section 7. Title 41 of the Code of the Federated States of  
21 Micronesia, as amended by Public Law No. 14-59, is hereby further  
22 amended by amending section 1010 of chapter 10 to read as follows:

23    **"§ 1010. Reconditioning.**

1 (1) An article may be imported into the ~~FSM~~ Federated States  
2 of Micronesia to ~~relabel or~~ recondition it so that it complies with  
3 the provisions of this act.

4 (2) An article that does not comply with the labelling  
5 requirements of this act and its regulations may not be imported  
6 into the Federated States of Micronesia with the intention of  
7 modifying the label after import.

8 (2 3) If ~~relabelling or~~ reconditioning is not completed  
9 within a time reasonably required by the Secretary within 3  
10 ~~months of the date of importation,~~ article shall be exported at  
11 the expense of the importer within one month, unless the Secretary  
12 grants an ~~enlargement~~ extension of the time. If the article is not  
13 exported, it may be seized and disposed of ~~by the Secretary.~~

14 Section 8. Title 41 of the Code of the Federated States of  
15 Micronesia, as amended by Public Law No. 14-59, is hereby further  
16 amended by amending section 1013 of chapter 10 to read as follows:

17 **"§ 1013. Powers of food inspectors.**

18 (1) A food inspector may, upon reasonable belief and at any  
19 reasonable hour:

20 (a) Enter any ~~port of entry~~ premises where articles  
21 subject to this act are ~~being received, shipped or~~  
22 ~~prepared for export~~ located or reasonably believed to be located,

1 and examine and take samples of articles, and examine anything  
2 which appears capable of being used for ~~such~~ preparation,  
3 packaging, advertising, storage, sale or conveyance of any article  
4 subject to this act;

5 (b) Detain and search any vehicle, ~~or~~ vessel, or container  
6 ~~at any port of entry~~ which is conveying any article subject to this  
7 ~~act, and examine and take samples of any such article;~~

8 (c) Open and inspect any container or package which  
9 contains any article subject to this act, and examine and take  
10 samples of any such article;

11 (d) Examine any books, accounts, documents, or other  
12 records that could contain any relevant information  
13 about articles subject to this act and make copies  
14 of them;

15 (e) Detain, seize, dDestroy or dispose of food for export  
16 or food which has been imported which is decayed or putrefied, past  
17 its expiration date, past its date of minimum durability at the  
18 point of import, subject of a recall, or otherwise a danger to the  
19 public health, with prior notice to the owner or operator;

20 (f) Call a member of the local or national police  
21 force for necessary assistance. Any member of the  
22 national police force shall aid the food inspector as  
23 required;

1 (g) Question any person to determine compliance with  
2 this act;

3 (h) Carry out any other actions prescribed for food  
4 inspectors in regulations established under this act.

5 (2) After any inspection, the food inspector shall give to  
6 the owner or person in charge a written report noting any  
7 violation of this act or the regulations. A copy of  
8 this report shall be given to the Secretary.

9 (3) Any person aggrieved by any of these actions has a  
10 right to a hearing before the Food Working Group, which shall  
11 be conducted according to regulations promulgated by the Secretary.

12 (4) National food inspectors appointed under this act shall be  
13 empowered to act to protect the safety and quality of:

14 (a) imported articles at the point of import, at import  
15 warehouses, associated premises, vehicles and vessels;

16 (b) articles intended for export and interstate commerce at  
17 all stages of producing and preparing the articles for export or  
18 interstate Commerce.

19 (5) National food inspectors appointed under this act shall be  
20 empowered to act to protect the safety and quality of articles  
21 other than those specified in sub-section(4)when they:

22 (a) conduct, or collaborate with food businesses to  
23 conduct, a recall of an article not complying with the requirements  
24 of the act;

1 (b) do so in accord with a memorandum of understanding  
2 established between the Secretary and the appropriate State  
3 department or agency;

4 (c) do so in the company of officers of the appropriate  
5 State department or agency.

6 (6)State officers employed to conduct food inspections shall  
7 have the powers identified in sub-section(1) in relation to articles  
8 produced, prepared, offered for sale and sold within their  
9 respective States."

10 Section 9. Title 41 of the Code of the Federated States of  
11 Micronesia, as amended by Public Law No. 14-59, is hereby further  
12 amended by amending section 1024 of chapter 10 to read as follows:

13 "**§ 1024. Licenses.**

14 (1) The Secretary may license any persons or facility to:

15 (a) import,

16 (b) export,

17 (c) prepare, pack, transport or store food that has been  
18 imported, or

19 (d) is being produced, harvested, prepared, packed, transported,  
20 or stored for export, ~~or transport food that has been imported or is~~  
21 ~~being transported for export,~~ according to regulations promulgated by  
22 him or her under this act. All license fees shall be paid into the  
General Fund.

23 (2) A person commits a National crime if he knowingly imports,  
24 exports, prepares, packs, or stores food that has been imported or is

1 being prepared for export without a valid license.

2 (3) A person convicted under section 24(2) shall be  
3 be punished by a fine of not more than \$1,000 or imprisonment for not  
4 more than six months, or both."

5 Section 10. Title 41 of the Code of the Federated States of  
6 Micronesia, as amended by Public Law No. 14-59, is hereby further  
7 amended by amending section 1025 of chapter 10 to read as  
8 follows:

9 **"§ 1025. Regulations.**

10 (1) Before any program authorized by this act may go  
11 into effect, the Secretary shall promulgate regulations  
12 providing for the training of food inspectors and setting  
13 forth the procedures to be followed by food inspectors in  
14 administering and enforcing this act, in order to  
15 insure that the food inspectors exercise their powers with  
16 due regard to the safety of the public, and in such a way  
17 as to avoid unnecessary disruptions of business operations.

18 (2) The Secretary may also promulgate regulations regarding  
19 food standards; import, export, ~~processing~~, preparing, packaging  
20 labelling, storage, sale, export, conveying, testing,  
21 advertising, bookkeeping, ~~and licensing standards~~, and food recalls;  
22 licensing fees; methods of sampling and analysis; food  
23 handlers; certification; and the procedures to be followed  
24 in the exercise of his or her duties and those of the Food  
Working Group, ~~its employees~~ and food analysts.

1 (3) When regulations proposed under this act will affect an  
2 industry, the members of the Food Working Group shall supply the  
3 Secretary with a list of the names of all members of that industry ~~of~~  
4 operating within the Federated States of Micronesia of which they are  
5 aware. In addition to the requirements of chapter 1 of  
6 title 17 of the Code of the Federated States of Micronesia, the  
7 Secretary shall give notice of the proposed regulations to those members  
8 of the affected industry, and shall conduct at least one public hearing  
9 no sooner than 10 days after the public and the industry have been  
10 notified. In addition any proposed regulations shall be provided in  
11 a manner that will permit an affected trading partner country's food  
12 regulators to have an opportunity to comment prior to the regulations  
13 coming into force."

14 Section 11. Title 41 of the Code of the Federated States of  
15 Micronesia, as amended by Public Law No. 14-59, is hereby further  
16 amended by amending section 1027 of chapter 10 to read as  
17 follows:

18 "**§ 1027. Sanctions.**

19 (1) The Secretary may suspend or revoke a license awarded under  
20 this act if there is a failure to comply with the conditions of the  
21 license, the requirements of this act, or any regulations  
22 promulgated under this act.

23 (12) If the Secretary ~~Food Working Group~~ finds after a  
24 hearing of the Food Working Group, initiated by the Secretary in  
25 response to an aggrieved person, that a violation of the license or the

1 requirements of this act or regulations has occurred, the Secretary  
2 ~~Food Working Group~~ may suspend or revoke the license of any person who  
3 has violated, or whose employees or agents have violated, any provisions  
4 of this act or the regulations promulgated under it.

5 (23) In addition to suspension or revocation of a license,  
6 the Secretary ~~Food Working Group~~ may order that any  
7 article, vehicle, or premises involved in the violation be  
8 forfeited. The Secretary ~~Food Working Group~~ may dispose of  
9 such articles, vehicles, or premises as ~~it~~ he or she sees fit. The  
10 costs of disposal shall be paid from the proceeds; all  
11 remaining amounts shall be paid into the General Fund."

12 Section 12. Title 41 of the Code of the Federated States of  
13 Micronesia, as amended by Public Law No. 14-59, is hereby further  
14 amended by amending section 1028 of chapter 10 to read as  
15 follows:

16 "**§ 1028. Inspection for export certification.** Upon the application  
17 of any ~~commercial packer of seafood~~ person whose export food business  
18 is located within the ~~FSM~~ Federated States of Micronesia, the Secretary  
19 may designate a food inspector to examine and inspect the  
20 ~~seafood~~ for export and its harvest, production, ~~packing, canning,~~  
21 preparation, storage, distribution, and labelling and any other process  
22 required for certification purposes. ~~All fees paid for~~  
23 ~~certification shall be paid into the General Fund."~~

24 Section 13. Title 41 of the Code of the Federated States of  
25 Micronesia, as amended by Public Law No. 14-59, is hereby further

1 amended by amending section 1029 of chapter 10 to read as

2 follows:

3 "**§ 1029. Certification.** If the food inspector finds that  
4 the inspected ~~seafood~~ for export ~~complies~~, premises and operations  
5 comply with the requirements of this act and the applicable  
6 regulations and comply with the destination country's regulatory  
7 requirements, the food inspector shall imprint or attach a certification  
8 ~~mark~~ on the relevant consignment of food or its packaging."

9 Section 14. Title 41 of the Code of the Federated States of  
10 Micronesia, as amended by Public Law No. 14-59, is hereby further  
11 amended by amending section 1030 of chapter 10 to read as  
12 follows:

13 "**§ 1030. Regulations for export certification.** After consultation  
14 with the Secretary of the Department of Resources and Development,  
15 the Secretary of Health ~~Services~~ and Social Affairs shall promulgate  
16 regulations under chapter 1 of title 17 of this code governing the  
17 certification program, including the sanitary and other conditions  
18 which ~~seafood processors~~ packers must meet."

19 Section 15. Title 41 of the Code of the Federated States of  
20 Micronesia, as amended by Public Law No. 14-59, is hereby further  
21 amended by amending section 1031 of chapter 10 to read as  
22 follows:

23 "**§ 1031. False certification.**

24 (1) Any person who uses ~~an FSM~~ a Federated States of Micronesia  
25 certification ~~mark~~ without authorization, or who uses a false

1 certification ~~mark~~, shall be guilty of a National crime.

2 (2) A person convicted under section 31(1) shall be punished by a  
3 fine of not more than \$100,000 or imprisonment for not more than 5  
4 years, or both."

Section 16. This act shall become law upon approval by the  
President of the Federated States of Micronesia or upon its  
becoming law without such approval.

15 Dated: \_\_\_\_\_ Introduced by: \_\_\_\_\_