codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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AGENDA ITEM 8 **CX/FICS 00/8**
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

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Discussion Paper on Risk Management Guidelines for Food Control Emergency Situations Involving International Trade

BACKGROUND

1. At the 23rd Session of the Codex Alimentarius Commission (CAC) in July 1999, the Delegation of Belgium provided the Commission with information on the contamination of poultry, cattle and pigs and derived products with dioxin and dioxin-like polychlorinated biphenyls (PCBs), and noted that the incident had resulted in widespread concern among consumers and significant disruption to international trade (ALINORM 99/37 para 235).

2. While recognizing the existence of the Codex *Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995), the Commission also noted that the incident drew attention to the lack of suitable Codex guidance on the nature of measures to be applied at import and export under such circumstances.

3. The Secretariat suggested that the Committee on Food Import and Export Inspection and Certification Systems (CCFICS) might consider developing a draft guidance document to assist Member countries in the event of similar future unforseen emergencies (ALINORM 99/37 para 237).

4. At the 8th session of the CCFICS, the Australian delegation presented a discussion paper entitled "*Risk Management Guidelines for Food Control Emergency Situations Involving International Trade*." The Committee accepted Australia's offer to revise the paper for consideration at the 9th Session of CCFICs, taking into account the following points:

- that the paper lacked guidance on import and export measures in those circumstance in which the information on the food emergency incident is very scant.
- that the provisions for the exchange of timely information needed to be strengthened.
- that there should be recognition that each food emergency situation has unique factors.

5. In particular, the Committee asked that the paper outline the issues involved in food control emergency situations and that the revised paper address the adequacy of the existing Codex *Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995), as well as related texts to determine whether or not the development of addition guidelines are necessary (ALINORM 01/30, paras. 70-72).

ISSUES INVOLVED IN FOOD CONTROL EMERGENCY SITUATIONS

The application of risk analysis to food emergency situations and information exchange

6. Following the finalisation of the World Trade Organization (WTO) Agreement on the Application of Sanitary Phytosanitary (SPS) Measures (SPS Agreement), the Codex Alimentarius Commission (CAC) has given a major priority to incorporating risk analysis approaches in the development of food standards[1]. Risk analysis should be considered first and foremost as a tool for informed decision making, and which involves three interdependent components, risk assessment, risk management and risk communication. Countries should utilise risk analysis principles in the management of food safety incidents whilst recognising that risk management decisions may need to be rapidly made in order to protect public health and safety.

7. One of the greatest impediments to the successful application of risk analysis principles in food emergency situations is commonly the lack of timely provision of detailed information on the situation by the exporting country to the importing countries. In these circumstances, importing countries can find that their main information sources are through the media and through anecdotal reports, sometimes through third countries. This paucity of data makes the application of a truly risk-based and evidence-approach difficult to implement and can lead to importing countries applying risk management measures that are disproportionate to the level of risk.

8. It is the responsibility of the exporting country to ensure that the most up-to-date information, including any scientific data (eg. concentrations of contaminants), is made available to all importing countries in a timely manner. Provision of such information helps to ensure that the risk management response of the importing country is proportionate to the risk to public health and safety. On receipt of information from the exporting country, the importing country has a responsibility to ensure that risk analysis principles are applied and that risk management measures that are put into effect, are no more stringent, than are necessary to ensure the protection of public health and safety.

9. Importing countries should ensure that their risk management measure are sufficiently flexible, such they may be amended in timely fashion on the provision of further information. This is particularly the case where the original application of risk analysis principles to the Food Emergency situation was hindered by the paucity of relevant information.

Model food emergency plan

10. Importing countries should develop a national food emergency plan, which would outline the procedure to be followed in the case of a Food Control Emergency Situation. These plans should incorporate the following principles:

- that measures are based on scientific risk analysis

[1] ALINORM 95/37, para. 30.

- to the extent that scientific uncertainty is a factor in the risk assessment that measures may be applied provisionally and adjusted in a flexible and timely manner in the light of new information
- that the risk management measures are the minimum that will ensure the protection of public health and safety
- that there is maximum transparency between exporting and importing country authorities and relevant stakeholders
- ensuring full cooperation between exporting and importing country authorities, including in respect of sampling/testing matters, evaluation of scientific evidence and risk communication
- conducting a review of the response measures to assist with planning for possible future emergencies.

11. Model Food Emergency Plans commonly contain the following broad phases:

a) Scoping the problem and Information Gathering
b) Risk Assessment
c) Risk Management and Communication Phase
d) Implementation and Review Phase

12. Scoping the problem and information gathering

The essential elements of this phase are as follows:

- Initial report precipitating the emergency management response
- Information gathering around the issue including contacting the exporting country as appropriate
- Hazard identification including the determination of the food commodities affected
- Quantification and/or characterisation of the food hazard where possible
- Notification of relevant national and regulatory authorities and industry
- Mobilisation of a national response team with expertise appropriate for the particular food hazard
- Gathering of existing monitoring, surveillance and trade data on the food hazard in the identified food commodities
- Obtaining information of the programs and precautions put in place by the exporting country to reduce the risk
- Determination of the laboratory testing capacity for the food hazard where relevant

13. Risk Assessment phase

The essential elements of this phase are as follows:

- Confirmation of Hazard Identification. Suspected contaminant identified and levels independently characterised/quantified.
- Hazard characterisation in order to evaluate the nature of the adverse effects associated with biological, chemical and physical agents which may be present in food.
- Exposure assessment where relevant, eg. for chemical residues in food

- A risk characterisation, based on the hazard identification, hazard characterisation and exposure assessment. This should allow an estimation of any adverse effects that may be likely in any given population, including attendant uncertainties

14. Risk management and communication phase

The essential elements of this phase are as follows:

- The weighing of policy alternatives by the national response team to decide what risk management measures may be needed. This risk management process should use the risk characterisation derived from the above risk assessment phase in order to determine the appropriateness, or otherwise, of corrective action
- Consultation with the exporting country on the risk management measures that have been identified as being appropriate
- Communication with importers, other international trading partners and major stakeholders on the measures to be applied

15. Implementation and review phase

The essential elements of this phase are as follows:

- Implementation of the Risk Management Measures by the importing country
- Notification of the these measures to the WTO in relevant cases
- Continuing communication with the exporting country to ensure full exchange of information
- Generation of targeted testing data, as well as routine monitoring and surveillance, to evaluate the success of the Risk Management measures.
- As new information and testing data becomes available, regular review of the Risk Management Measures put into place with a revised risk assessment wherever appropriate.
- Removal of the Risk Management Measures once the primary reason(s) for the food safety emergency have been corrected and evidence of effectiveness provided
- Evaluation of the success of the Food Emergency Plan that was used and the risk management measures that were applied

Level of food distribution

16. In deciding on the appropriate risk management measures to apply, Food Control Authorities should consider both the quantity of food that is involved, the stage of its distribution and the level (eg. wholesale, retail) at which it has been distributed. In some cases, the affected food may not yet have entered the importing country and risk management measures will focus on import controls and testing of these foods where appropriate. However, in other cases the food will have entered and being distributed within the country. In these cases, the national response team should take account of whether the food has been distributed at the wholesale, retail or consumer level, which may necessitate a recall at one or more of these levels of food distribution.

17. A wholesale recall involves recovery of the product from wholesalers, distribution centres and importers. A retail recall involves recovery of the product from supermarkets, grocery stores, hospitals, restaurants and other major catering establishments, and retail outlets such as take-away

and health food stores. A consumer level recall involves the recovery of the product from consumers.

Re-export of food to third countries.

18. In applying appropriate risk management measures, the importing country may apply import controls at the point of entry into a country. These controls may include the option to re-export the food products. Where these food products are not being returned to the country of origin, the importing country should ensure that the third country that are to receive the products are notified of their status, including the reason for their rejection.

Communication between export and importing countries

19. As outlined in the Model Food Emergency Plan, effective communication between the exporting and importing countries is fundamental to ensuring the success and appropriateness of an effective response to emerging Food Control Emergency Situations. A list of contacts for Food Import Control and Information Exchange in Food Control Emergency Situations is available[2].

ADEQUACY OF EXISTING RELEVANT CODEX TEXTS

20. The Codex *Guidelines for the Exchange of Information Between Countries on Rejections of Imported Food* (CAC/GL 25-1997) does not deal with the issue of information exchange in the food control emergencies situations. The guideline makes it clear (paragraph 2) that it deals only with those situations where import rejections are caused by failure with importing country requirements.

21. The Codex *Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995) outlines a broad framework for information exchange between importing and exporting countries in Food Control Emergency Situations. However, the experience of some countries following recent Food Control Emergency Situations, such as the contamination of certain animal products with dioxin and dioxin-like polychlorinated biphenyls (PCBs), is that information is still not being exchanged through official channels in timeframes that meet the needs of the importing countries. In these cases, the media has remained the main source of information in first few days of Food Control Emergency Situations. Whilst recognising that the *Codex Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995) is a useful framework more detailed procedures need to be developed to ensure that contact points are informed within the first 24 hours of a major Food Control Emergency Situation.

22. Existing Codex texts do not provide guidance to importing and exporting countries on appropriate response measures to a Food Control Emergency Situation. A Codex guidelines outlining a Model Food Emergency Plan would assist authorities in ensuring a consistent response, whilst recognising that each emergency situation is unique and will therefore require some modification within the broad framework. In addition, the Model Food Emergency Plan will help ensure that the risk management measures applied are proportionate to the risks involved and may also help to address public concerns that may have arisen from sensational media reporting, by allowing competent authorities to cite that their proposed response measures are consistent with an internationally agreed approach.

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[2] The list of contacts for Food Import Control and Information Exchange in Food Control Emergency Situations is available from the Codex Contact Point for Australia, Agriculture, Fisheries and Forestry – Australia, GPO Box 858, Canberra, ACT 2601, Australia (Email: codex.contact@affa.gov.au).

23. A number of other issues are also not addressed by existing Codex texts. These include: the importance of scientific risk analysis in Food Control Emergency Situations; the consideration of the level of food distribution once the food products have entered the importing country, and the obligation of the importing country in cases where they allow re-export of food that is subject to a Food Control Emergency Situation.

Conclusion

24. Although the *Codex Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995) successfully sets a broad framework for information exchange in Food Control Emergency Situations, the recent experience of some importing countries is that, in practice, information is still not being exchanged in a timely way to the designated contact points. In this regard, a more detailed information exchange protocol would be helpful.

25. It is also considered desirable that a generic model for the management of food emergency situations be developed. This model would recognise that each Food Control Emergency Situations have different considerations but would provide a framework to ensure a consistent approach is taken in response to these emergency situations. In addition, a number of other issues, associated with Food Control Emergency Situations, are not adequately addressed by existing Codex texts.

26. These aspects could be addressed by either:

a) expanding the existing *Codex Guidelines for the Exchange of Information in Food Control Emergency Situations* (CAC/GL 19-1995), or
b) writing companion guidelines specifically addressing emergency response issues.