

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 4

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON MEAT AND POULTRY HYGIENE

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PROPOSED DRAFT GENERAL CODE OF HYGIENIC PRACTICE FOR FRESH MEAT (at Step 3 of the Codex Procedure)

Government Comments

Comments from: Israel, Paraguay and Consumers International

General Remarks

CONSUMERS INTERNATIONAL

Despite Codex's acceptance of HACCP as "the food control system of choice," the increasing number and magnitude of meat and poultry product recalls from establishments with HACCP programs in several Codex member countries indicates that acceptance by Codex has yet to translate into effective implementation and enforcement of HACCP to protect consumer health. HACCP has entailed a change in the respective roles of governments and industry in the delivery of meat hygiene. Under HACCP, the role of government in some Codex members is limited to verifying that establishments meet regulatory requirements in their delivery of meat and poultry hygiene. Hence the draft definitions relating to verification and the "risk-based" system are crucial to advising Codex members on how to make HACCP an effective means to protect consumer health.

As is detailed below, Consumers International (CI) does not believe that the explanations provided by the Codex consultant concerning the definitions employed in the definition of "risk based" provide a clear delineation of where in the food chain the risk-based outcomes are measured. CI believes that the controversy in the Eighth Session of CCMPH and in the Codex Committee on Food Hygiene (CCFH) over the definition and use of "performance parameters" is illustrative of the disagreement over how HACCP is to be implemented and enforced. Rather than confine discussion of "performance parameters" and other terms employed in the definition of "risk-based" to CCFH, CI would encourage CCMPH to deliberate thoroughly the question posed by the European Community in the Eighth Session: "who is responsible for setting these performance parameters; is it the competent authority or is it the operator?"¹ Discussing thoroughly this question and definitions pertaining to it is particularly important for governments and for consumers, who have traditionally relied on the competent authority of government for protection from food-borne pathogens. The discussion becomes all the more urgent since the Global Food Safety Network (www.globalfoodsafety.com) is proposing to subsume HACCP and Codex principles into an ISO (International Organization for Standardization) standard for food safety management. Neither governments nor consumer organizations would be able to intervene directly in the development of such a standard, which would be assumed to conform to the World Trade Organization's SPS Agreement.²

¹ CX/MPH 03/4, Annex II at p. 73.

² "Grocery industry aims for international food safety standard," FOOD CHEMICAL NEWS, 2 December 2002.

Introduction

CONSUMERS INTERNATIONAL

Paragraph 2

The last sentence in this paragraph concerning the “measure of success” of meat hygiene programs confuses the means of the program, i.e. “objective measures of levels of hazard control . . .,” with the end of protecting consumer health. CI proposes to amend this sentence to read (all CI proposed amendments are in *italics*). “The measure of success *of meat hygiene activities is protection of consumer health through a reduction in meat-borne pathogens and a reduction in the number and magnitude of meat product recalls for food safety reasons.*” CI would delete “of contemporary programmes is an objective demonstration of levels of hazard control in food that are correlated with required levels of consumer protection, rather than by concentrating on detailed and prescriptive measures that give an unknown outcome.”

Paragraph 3

Because of possible confusion that may arise over whether “verification” is an activity of the operator or of the competent authority, according to the present draft code definitions, CI proposes the following amendment to the last sentence in the paragraph. “The competent authority is responsible for defining the role of personnel involved in meat hygiene activities and verifying that all regulatory requirements are met *through monitoring, enforcement and other activities.*” CI recommends deleting “Irrespective of the delivery system” and “where appropriate” since the authority of government to define roles in meat hygiene activities should not be subject to the qualification “where appropriate,” which may infer that operators may define roles of personnel involved in verification.

Definitions

ISRAEL

1. We propose a separation between the definition of meat and fresh meat.

Fresh meat should be meat that don't past any treatment apart from chilling/freezing, de-boning, cutting, modified atmosphere or vacuum packaging and have not been treated in any way for the propose of preservation.

We propose also elaboration of a discussion paper about the use of organic acids, irradiation au other methods for the purpose of pathogen reduction. If it is possible that WHO and FAO should prepared this document.

2. Ante-mortem examination: We propose to change the competent person with the Veterinary Official Inspector. Only the Veterinary Inspector can be the competent person.

3. Organoleptic examination: We propose to introduce also flavor. In some times we can find only changes in the flavor of the meat. For example bitter flavor.

4. Post-mortem examination: We propose to change the " competent person" with the Veterinary Official Inspector.

5. Safe for human consumption: We propose to introduce in the last bullet - does not contain chemical residues and contaminants

6. Suitable for human consumption: The first criteria for suitable for human consumption should be that the meat is safe for human consumption.

PARAGUAY

It is suggested to change the definition for *offal* “Meat other than skeletal muscle” with the following : “Edible parts other than skeletal muscle”.

CONSUMERS INTERNATIONAL

“**Competent body.**” To more clearly delineate the relationship between the “competent authority” and “competent body,” CI would amend the definition of “competent body” to read: “A body officially recognized and overseen by the competent authority *to perform meat hygiene activities specified by the competent authority according to regulatory requirements.*”

“**Competent person.**” The present definition does not make clear whether the “competent person” is an employee of the competent authority or competent body or whether the “competent person” can be the “establishment operator” or one of the operator’s employees. To clarify this definition, CI proposes the following amendment: “A person who has the training, knowledge, skills and ability to perform *meat hygiene activities under the supervision of and according to* the requirements of the competent authority.”

“**Equivalence.**” In support of comments made by the United States and the European Community in the Eighth Session³, CI suggests deleting discussion of equivalence from the draft Code and hence would likewise delete the term “equivalence” from the draft definitions. If, however, CCMPH agrees to include the definition and subparagraph on equivalence in the draft Code, CI would propose the following amendment to the definition: “The *achievement* [deleting “capability”] *of the same food safety and/or suitability objectives by different food hygiene systems.*” This redefinition would be more coherent with the discussion of equivalence in paragraph 108, section 9.2.7, where achievement, not “capability” is the measure of equivalence.

“**[Food safety objective]**” See our comment on “risk based.”

“**Official inspector.**” This redefinition, proposed by the United States, removes the distinction between “official inspector” (“An inspector who is employed by the government to perform official meat hygiene activities.”) and “inspector” (“A person appointed, accredited or otherwise recognized by the competent authority.”) presented to the Eighth Session. The redefinition further removes the brackets about the definitions that was obtained in the Eighth Session.⁴ CI believes that this distinction and its consequences merit further discussion by CCMPH.

In arguing for the removal of this distinction the United States commented that “Employment directly by the government is not a critical issue. Rather, it is critical an inspector not be employed by an abattoir.”⁵ Since, the U.S. affirms that an official inspector cannot be employed by an establishment and since it is not critical for the U.S. that an official inspector be a government employee, we are left to wonder, who will employ an official inspector to ensure that regulatory requirements are met to protect consumer health? We believe that the United States and supporters of this new definition are sanctioning the delegation of competent authority by government to a company contracted by establishments and officially recognized as a competent body by the competent authority. If this is the case, then CCMPH would benefit by having a frank and thorough discussion about possible conflicts of interest that might arise, due to the financial dependence of the competent body on the contracting establishment or establishments. The draft Code acknowledges that it is the responsibility of the competent authority to “[C]arry out enforcement actions as necessary.” (Section 9.2.5, para. 100, v), yet it is not clear who would carry out such enforcement actions nor indeed is there a definition of “enforcement” (see the CI proposed definition below). If the official inspector is not a government employee of the competent authority, would employees of a competent body financially dependent on establishments be given the responsibility to carry out enforcement actions, as well as verifying the conformity of the operator’s product with all legal requirements? If employees of a competent body were delegated enforcement powers, might not such competent bodies have a disincentive to carry out enforcement actions against establishment operators?

In sum, CI has many questions and concerns about possible consequences of blurring the distinction between “official inspector” and “inspector.” When clear lines of responsibility are not drawn between government and private sector functions in meat hygiene activities, the potential exists for a breakdown in meat hygiene systems, which can only lead to harming consumer health. Pending the resolution of these questions and concerns, CI would put the present definition of “official inspector” in brackets. CI believes that the definitions for “inspector” and “official inspector” presented to the Eighth Session would be preferable to the present definition of “official inspector” and should be the basis for further discussion.

“**[Performance parameter]**” See our comment on “risk based”

“**Risk based.**” (CI also comments here on the definitions for “performance parameter,” “process parameter” and “food safety objective.) The explanation⁶ of this term states that “For the purposes of the CCMH [sic], “risk-based” is defined as: *Containing performance and/or process parameters developed according to*

³ CX/MPH 03/4, Annex II at p. 76.

⁴ ALINORM 03/16, para. 54 and ALINORM, 03/16, Appendix III at 33.

⁵ CX/MPH 03/4, Annex II at 50.

⁶ CX/MPH 03/4, pp. ii-iii.

principles of risk analysis.” First, CI believes that since the Principles of Risk Analysis are being developed at the Codex Committee on General Principles (CCGP), any definition of “risk-based” should acknowledge that fact in a footnote and any such definition should remain in brackets, pending the adoption of Principles of Risk Analysis by the Commission. Furthermore, CI does not believe that a definition based on Principles of Risk Analysis that are to apply to all Codex Committees, as well as to advise governments, can be restricted in its application to only CCMPH. Therefore, CI would add to its comments concerning proposed Draft General Principles of Meat Hygiene the following footnote to the Fourth Principle: “*CCMPH recognizes that all definitions pertaining to risk analysis in the draft Code are interim, pending the outcome of the development of General Principles of Risk Analysis in the Codex Committee on General Principles.*”

The proposed definition of “risk-based” contains three definitions, “performance parameter,” “food safety objective” a particular kind of performance parameter, and “process parameter.” The operational context of these definitions is HACCP, characterized as “the food control system of choice.” The definition of “performance parameter” proposes an outcome, “a required level of hazard control,” at the interface of a specific HACCP step and a specified Appropriate Level of Protection (ALOP) for consumers.

It is confusing to read then that the putatively precise outcome for consumer protection that is to result from a “performance parameter” is characterized in the explanation of these terms as a “stochastic”, i.e. random, “relationship between the level of hazard control in food and the level of consumer protection achieved” in a particular kind of “performance parameter,” the “food safety objective” (FSO). Insofar as an FSO is defined as “*A performance parameter at the point of consumption,*” the burden of risk is put squarely on the consumer, particularly because, according to the explanation, “FSOs will be unlikely to be subject to verification.” As if to placate consumer concerns about the unlikelihood of verification, the explanation of the FSO definition then continues, “performance and process parameters that meet the FSO can be established at other steps in the food chain.” CI does not find this explanation to be clarifying or reassuring, particularly when we read that “Most MRLs are not considered to be performance parameters,”⁷ without any explanation about why they are so considered. If the FSO is not subject to verification, are the other parameters that might meet the FSO subject to verification? The definitions do not provide a clear answer to this question, since, according to the explanation of “process parameter,” “performance parameters are unlikely to be of a nature that they can be verified on an ongoing basis.” Only “time and temperature” process parameters are given as examples of what might be correlated with specified ALOPs to enhance protection of consumer health beyond what is possible through implementation and enforcement of process controls in good hygienic practice.

To judge by these crucial and interrelated definitions, the Codex consultant has come to an impasse at explaining where these parameters can be verified in the risk-based system that is HACCP. CI believes that in view of this impasse, CCMPH should bracket “risk-based”, its constituent terms and their respective definitions. CI also believes that CCMPH should consider holding a workshop to discuss examples of meat hygiene performance criteria and where they would be verified in sample HACCP programs both in abattoirs and in processing plants. Perhaps working inductively from empirical examples would enable CCMPH to draw up a clear list of performance criteria to be verified, from which definitions could subsequently be redrafted.

“Safe for human consumption/ Suitable for human consumption.” CI’s comment for the Ninth Session on proposed Draft General Principles of Meat Hygiene states, “CI would welcome further discussion of the term “suitable” and how it differs from the term “wholesome,” a traditional term of food hygiene.” Part of the reason for inviting this discussion is the overlapping or even interchangeability of the terms “safe” and “suitable” as revealed in these definitions. With the caveat that the use of “performance parameters” should remain in brackets, the definition of “safe for human consumption” seems fairly clear, although the criteria list for the definition could be specified to a greater extent. (CI recommends deleting footnote 20 to this definition, since it is unclear why “Most MRLs are not considered to be performance parameters.”) However, part of the criteria list for “suitable for human consumption” suggests that “suitable” overlaps with “safe” or is even subsumed within “safe.” The criterion that “suitable for human consumption” “meets outcome based parameters for specific diseases or defects” could readily be subsumed under “safe for human consumption,” if process controls determine that defects and gross pathologies in products were such that the product could not be processed as safe for human consumption.

⁷ CX/MPH 03/4, Annex I, footnote 20 at p. 6.

Recourse to the traditional term “wholesome” would eliminate the ambiguity in the present definition of “suitable for human consumption.” Therefore CI proposes to amend “suitable for human consumption” as follows: “[**Wholesome for human consumption.** *Wholesome* for human consumption according to the following *criterion*: has been produced by applying *all officially recognized standards of food quality* (delete “and”) appropriate to its intended end-use.]” If CCMPH wishes to establish a further criteria list for “consumer acceptability requirements,” then CI recommends that such a list distinguish between what consumers lacking inspection technology and training can perceive about meat products (e.g. discoloration, odor, bone chips) vs the consumer acceptability requirements that are merely implied in a production process or standard, such as the example of ‘halal’ given in footnote 21. Since CI recognizes that “food suitability” is accepted in the Codex General Principles of Food Hygiene (CAC/RCP 1 – 1969, Rev. – 1997, Amd. (1999), the term and definition of “Wholesome for human consumption” are put in brackets as CCMPH deliberates these two terms and their relation. Pending development of consensus on the terms and definitions used in “risk-based,” CI would amend “safe for human consumption” by deleting the last two bullets.

“**Verification (operator)/Verification.**” To clarify the responsible agent and nature of the verification undertaken, CI would rename this term “Operator verification” to distinguish it from “official verification.” The definition for “operator verification” would be an amended version of the definition of “verification (operator), as follows: “The continual review of process control systems *by the establishment operator*, including corrective and preventative actions to ensure that regulatory requirements and/or *requirements specified by the operator* are met.” The proposed term “official verification” would replace current term “verification.” The definition of “official verification” would be an amended version of “verification”, as follows: “Activities performed by the competent authority or competent body *to determine whether establishment operators are compliant with regulatory requirements.*” CI does not understand the intended meaning of “and/or” in the current definition of “verification” and so has deleted “and.” The only occasion on which CI would understand the need for the competent authority to replicate the activities of a competent body would be during a performance audit of the competent body by the competent authority. Such performance audits would ensure that the competent body was discharging the authority delegated to it by the competent authority in a manner that fulfilled all legal requirements pertaining to meat hygiene. CI believes that CCMPH should specify how the competent body is to be reviewed by the competent authority to ensure fulfillment of such legal requirements. However, CI believes that specification should take place within the draft Code section on “regulatory systems,” rather than within the section on definitions.

“**Veterinary inspector**” Pending consensus on the definition of “official inspector,” CI would put the definition of this term in brackets.

In addition to the aforementioned amendments, CI believes that the draft Code would benefit by the additional definitions proposed below.

“**Enforcement.**” The range of management options available to the competent authority to fulfill the statutory or regulatory obligations to insure compliance by establishments and companies with standards, guidelines, codes, or other administrative measures intended to eliminate or reduce the level of harm from food poisoning or other hazards related to food borne illnesses that may otherwise kill or injure citizens to whom the competent authority is responsible, i.e., designated by lawful order to protect.

“**Inspection**”: A risk avoidance measure to identify and remove unsafe, unwholesome and deleterious carcasses or parts thereof of animals and poultry intended for human consumption before entry into the food system may occur. Such a measure is:

- i) performed by employees of the competent authority;
- ii) recognized by the competent authority as mandatory in food safety systems⁸ ;
- iii) subject to withdrawal when establishments fail to comply with standards, guidelines, codes or administrative measures adopted by the competent authority.⁹

⁸ E.g., Sale of meat and poultry or products containing meat and poultry that do not carry a symbol indicating performance of inspection activities as prescribed by competent authority is prohibited.

⁹ E.g., Actions by the establishment operator, its employees or company management to suborn, subvert or intimidate employees of the competent authority in applying risk avoidance measures are grounds for immediate withdrawal of inspection activities.

“**Recalls**”: An enforcement option and risk communication measure to inform food processors, distributors and retailers in a timely manner of the entry into the food system of product that is not intended for consumption and to avoid harm to the public by instructing these components of the food system in actions necessary to remove unsafe, unwholesome and deleterious product that have escaped detection by the competent authority.

“**Technical assistance**”: The competent authority should acquire and update competence in research and development services to assist establishments and companies by upgrading management skills in applying sanitation and hygienic procedures essential to good manufacturing practices; in early adoption of new technologies in food safety essential to maintaining and improving quality control methods; and, in applying standards, guidelines, codes and other measures to quantify quality control objectives.

Section 4

CONSUMERS INTERNATIONAL

Comments on General Principles of Meat Hygiene: CI has already submitted comments on these proposed draft principles, and believes that disagreements about definitions of terms used in the draft Code need to be resolved before the draft Principles are advanced to the next Step of Codex deliberation.

Section 5.1

CONSUMERS INTERNATIONAL

Comments on Principles of Meat Hygiene Applying to Primary Production: CI proposes amending section 5.1.vi, to remove the ambiguity associated with the word “appropriately,” as follows: “Voluntary or officially recognized QA systems implemented at primary production *may* be [delete “appropriately”] taken into account during verification of regulatory requirements. *However, competent authority should not reduce the frequency or intensity of verification, monitoring or enforcement activities on the basis of evidence from QA systems not subject to verification, monitoring and enforcement by the competent authority.*” Rationale: It is unacceptable to use food quality evidence from QA systems to make determinations about verification, monitoring or enforcement activities pertaining to food safety.

Section 6.2

CONSUMERS INTERNATIONAL

Comments on Conditions of Lairage: CI recommends amending paragraph 37 to read: “The competent authority *may* take into account QA systems properly implemented by the establishment operator *during verification of regulatory requirements. However, competent authority should not reduce the frequency or intensity of verification, monitoring or enforcement activities on the basis of evidence from QA systems not subject to verification, monitoring and enforcement by the competent authority.*” Rationale: It is unacceptable to use food quality evidence from operator QA systems to make determinations about verification, monitoring or enforcement activities pertaining to food safety.

Section 6.3

ISRAEL

Paragraph 38: I propose to change in the first sentence the "competent person" with Veterinary Official Inspector.

CONSUMERS INTERNATIONAL

Comments on Ante-Mortem Examination: CI supports the amendment and rationale proposed by Germany¹⁰ in the Eighth Session to the first sentence of what is now paragraph 38. Therefore: “All animals presented for slaughter should be subjected to an ante-mortem examination *performed by an official veterinary inspector or under the supervision of an official veterinary inspector*, whether on an individual or lot basis.” The proposed changes would make this sentence more clearly cohere with the import of the second principle in the proposed Draft General Principles of Meat Hygiene and with paragraph 44.

¹⁰ CX/MPH 03/4, Annex II at p. 61.

Section 9.1

CONSUMERS INTERNATIONAL

Comments on Principles of Meat Hygiene Applying to Process Control: CI supports the amendment and rationale proposed by Germany¹¹ in the Eighth Session to section 9.1.xi: Therefore, “*Independent competent bodies may under the conditions prescribed by competent authority undertake prescribed control activities; these may include post-mortem inspection activities under the supervision of an official veterinary inspector.*” The proposed changes would clarify the lines of authority and responsibility governing process control activities. CI would propose a similar amendment to paragraph 86 for similar reasons.

Section 9.2.4

CONSUMERS INTERNATIONAL

Comments on Outcome-based parameters for process control outcomes: CI recommends deleting paragraph 94 as too hortatory to advise governments. CI is puzzled by the expression “hazards of concern” in paragraph 99 and wonders whether the expression pertains only to the example given of BSE or whether there are categories of hazards that are not “of concern.” CI believes that this paragraph should be redrafted to reflect more generally on what is to be done when performance parameters fail to achieve a specified ALOP.

Section 9.3

ISRAEL

Paragraph 110: We propose to introduce in the laboratory testing "residue and contaminants monitoring", specially heavy metals monitoring.

Section 9.5

ISRAEL

Paragraph 131: Second Text Box: Post mortem examination systems, should include:

Bullet 9: other organoleptical examination procedures e.g. smell, touch, flavor;

Conclusion

CONSUMERS INTERNATIONAL

CI notes that it is evidently unable to comment on the many issues in this complex, detailed and often highly prescriptive draft Code. CI believes that if the proposed draft Code is adopted as it is at Step 5, and then adopted by the Commission under the accelerated procedure, then this would lead to management confusion amongst implementing Codex member countries. Indeed, already amongst some Codex members where HACCP is being implemented in abattoirs and processing plants, there is evidence of confusion about the authority of government employed inspectors to carry out enforcement duties that has resulted in harm to consumer health. In view of the lack of clarity in crucial definitions and other aspects of the draft Code, CI believes that the draft Code should remain at Step 3, awaiting further elaboration by CCMPH and guidance from CCGP on advice to governments regarding General Principles of Risk Analysis.

¹¹ CX/MPH 03/4, Annex II at p. 61.