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REPORT

FOOD SAFETY AND FOOD CONTROL IN SOUTH AFRICA: SPECIFIC REFERENCE TO MEAT LABELLING

Report from the Department of Health (DoH); Department of Trade and Industry (the dti) and Department of Agriculture, Forestry and Fisheries DAFF)



**agriculture,
forestry & fisheries**

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REPUBLIC OF SOUTH AFRICA



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PREFACE

Meat Labelling

The Department of Agriculture, Forestry and Fisheries (DAFF), the Department of Health (DoH) and the Department of Trade and Industry (the dti) embarked on a joint consultative process regarding food labelling and general food control following a joint sitting of the Portfolio committees of the respective departments.

The report is a product of the outcomes of the consultative process and is intended to outline some of the key challenges identified as well as proposal for interventions. In developing the report, the three departments held joint exploratory meeting in which a ‘technical committee’ (TC) was established. Other key strategic role players of the dti such as the National Consumer Commission (NCC) and National Regulator for Compulsory Specifications (NRCS) participated.

The TC held several consultations with experts and interest groups within and outside the regulatory environment. Such consultations culminated in a multi-disciplinarily broad workshop held with all stakeholders on the 30th of May 2013. The report is guided by the presentation, dialogue, opinions and proceedings of the aforementioned workshop, and is regarded as a “collective view” of all role-players in the sector.

The report identifies several key issues to be addressed and several actions to be taken – as such, the report shall be considered as an initial step of many interventions to be taken.

Meat Inspection Service

The Department of Agriculture, Forestry and Fisheries (DAFF) undertook a separate consultative process with boarder stakeholders and interest groups. A government proposal on the proposed Meat Inspection Services was *gazetted* on the 4th of January 2013 in which stakeholders were invited to provide written input.

Subsequently, several consultative meetings were held nationally, and across all nine (9) provinces from the 29th January to 20th February 2013. The meetings were aimed at providing a platform for an oral dialogue among all role-players. The Portfolio Committee on Agriculture, Forestry and Fisheries was briefed on the 26th of February 2013.

A special *ad hoc* committee was established in March 2013 to analyse the comments received from both the written and oral presentations, and to frame the broader all-inclusive recommendation as a collective sector decision. The committee consisted of government and industry representatives.

The aforementioned *ad hoc* committee has recommended a public-private-partnership model for the delivery of Meat Inspection Services in South Africa. The model consists of government and private sector multiple assignees jointly operating at abattoirs.

A separate final report on Meat Inspection Service has been produced. The recommended model has been accepted by the veterinary authorities and the report is undergoing DAFF formal approval processes.

LIST OF ABBREVIATIONS

APHFS:	Agricultural Production, Health and Food Safety
DoH:	Department of Health
DAFF:	Department of Agriculture, Forestry and Fisheries
EHP:	Environmental Health Practitioner
FLAG:	Food Legislators Advisory Group
HMP:	Hygiene Manufacturing Practices
IFSS:	Integrated Food Security Strategy
NCC:	National Consumer Commission
NRCS:	National Regulator for Compulsory Specifications
SARS:	South African Revenue Services
SPS:	Sanitary and Phytosanitary
the dti:	The Department of Trade and Industry
WTO SPS:	World Trade Organization's Agreement on the Sanitary and Phytosanitary Measures

EXECUTIVE SUMMARY

The Department of Agriculture, Forestry and Fisheries (DAFF), the Department of Health (DoH) and the Department of Trade and Industry (the dti) embarked on a joint consultative process regarding food labelling and general food control following a joint seating of the Portfolio committees of the respective departments.

The report back is a product of the outcomes of the consultative process and is intended to outline some of the key challenges identified as well as proposal for interventions. In developing the report, the three departments held joint exploratory meeting in which a 'technical committee' (TC) was established. Other key strategic role players of the dti such as the National Consumer Commission (NCC) and National Regulator for Compulsory Specifications (NRCS) participated.

The TC held several consultations with experts and interest groups within and outside the regulatory environment. Such consultations culminated in a multi-disciplinarily broad workshop held with all stakeholders on the 30th of May 2013. The report is guided by the presentation, dialogue, opinions and proceedings of the aforementioned workshop, and is regarded as a "collective view" of all role-players in the sector.

The report identifies several key issues to be addressed and several actions to be taken. These areas include stakeholder coordination, import control and food inspection services, overlapping roles and responsibilities, delegations and mandates, resources and capacity constraints, laboratory and diagnostic capacity and human and financial capacity and structuring within the food control system. The report also offers probable solutions to resolve the gaps identified for ensuring the Constitutional mandate to ensure that the food eaten is continues to be safe. The report shall be considered as an initial step of many interventions to be taken.

MEAT INSPECTION BRIEF

With regard to Meat Inspection Service, the Department of Agriculture, Forestry and Fisheries (DAFF) undertook a separate consultative process with boarder stakeholders and interest groups. A government proposal on the proposed Meat Inspection Services was *gazetted* on the 4th of January 2013 in which stakeholders were invited to provide written input.

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1. INTRODUCTION

The governance in plant and animal health; and food safety or Sanitary and Phytosanitary (SPS) measures is a vital cog that ensures the ability of a country to meet its food safety and biosecurity requirements, as well as to participate in international trade. The Departments of Agriculture, Forestry and Fisheries (DAFF), Health (DoH), Trade & Industry (the dti) play a vital role by enhancing national food security, protecting livestock from disease, facilitating market access for livestock and their products and protecting people from food borne illness and other zoonoses. For these mandates to be fulfilled, it is essential that the departments are appropriately resourced, technically competent and independent, and work closely with stakeholders to promote access to markets.

The food safety environment is changing rapidly, but South Africa's multiple agencies of food safety and food control systems [characterised by fragmentation of legislation, structure and functions] has not been able to respond strategically to re-adapt as a modernised holistic National Food Control Systems both in terms of integration and coordination. Challenges include lack of political and technical structures in the coordination of functions, as well as duplication and sometimes unclear/ competing/ conflicting jurisdiction of functions within and between involved government departments. There is lack of an integrated strategy on national food audits and food laboratory network from different jurisdictions with a mandate for food safety remains a key challenge.

The interpretation of the Constitution indicates that food control is a concurrent responsibility, with multiplicity of government departments at national, provincial and municipality tiers of government has brought challenges in cases where a break in the food control chain of command in some departments has been identified as one of the key challenge.

An option to establish a streamlined food control authority or an interdepartmental specialised food control inspection unit has been explored, the report proposes some interventions.

2. CURRENT STATUS OF FOOD CONTROL SYSTEMS

Emerging infectious diseases and food safety problems are increasingly recognised as global and regional issues, with potentially serious impacts on human health, animal health, the environment and national economies. Often these problems are difficult to control because they require interdisciplinary and international partnerships and there are many barriers to such collaborations.

In South Africa, the creation of several food control and management programmes under different government departments and directorates has resulted in the development and use of different risk management frameworks, inspection methods, compliance verification and enforcement approaches. The present scenario challenges the government departments responsible for food controls to manage risks consistently across different types of establishments and different foods. It also creates situations in which foods of similar risks are inspected at different frequencies and/or in different ways.

The complex South African food laws also result in the industry having to meet multiple and different requirements on the same product. Globally, the *One Health* approach seeks to break down those barriers and to engage public health, veterinary health, and environmental health professionals in problem solving and is considered the best way to tackle some of today's most troubling problems.

South Africa relies on trade and travel; hence robust sanitary measures are fundamental to South Africa's future prosperity and well-being. Sanitary measures are therefore meant to safeguard the health and safety of South Africa's consumers, ensuring that the application of sanitary measures is consistent with South Africa's obligations under the World Trade Organisation's Agreement on Sanitary and Phytosanitary Measures (WTO SPS Agreement) and the WTO SPS Agreement's standard setting bodies. The sanitary management system requires

adequate support in terms of legislative frameworks, institutional capacity, human and financial resources, infrastructure (laboratories, quarantine facilities), systems (inspection and certifications systems) and other regulatory capacity and capability requirements.

2.1 Sanitary and Phytosanitary Regulatory Framework

South Africa’s Sanitary management capacity is supported by an extensive regulatory framework with principal Acts in the disciplines of plant health, animal health and food safety and these are supported by subordinate regulations, strategies and relevant norms and standards (see Table 1 below).

Within the Department of Agriculture, Forestry and Fisheries (DAFF) several pieces of sanitary legislation are currently subjected to a process of legislative review in order to ensure coherence with other relevant legislation including the Constitutional framework, benchmarking with international standards and improving technical justification and improving efficiencies in administrative processes.

Table 1: List of applicable SPS legislation

Act	Act No. and year Promulgated	Administering dept/ agency	Directorate/ Cluster	Enforced	Summary
Agricultural Pests Act	Act No. 36 of 1983	DAFF	DPH	National	Provide for measures by which agricultural may be prevented and combated
Agricultural Products Standards Act	Act No. 119 of 1990	DAFF	FSQA	National/ PPECB	Provides control over the sale and export of certain agricultural products.

Animal Diseases Act	Act No. 35 of 1984	DAFF	DAH	National	Provides for the control of animal diseases and parasites and provides measures for the promotion of animal health.
Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act	Act No. 36 of 1947	DAFF	DAIC	National	Provides for the registration of fertilizers, farm feeds, agricultural remedies, sterilising plants and pest control operators among others.
Foodstuff, Cosmetics and Disinfectants Act	Act No. 54 of 1972	DoH	Food Control	Provincial/ Local	Control the sale, manufacture and importation and exportation of food stuffs, cosmetics and disinfectants.
Liquor Products Act	Act No. 60 of 1989	DAFF	FSQA	National	Provides for the control over the sale of certain alcoholic products.
Meat Safety Act	Act No. 40 of 2000	DAFF	Veterinary Public Health	National	Provides for measures to promote meat safety and the safety of animal products.
Medicines and Related Substances Act	Act No. 101 of 1965	DoH	Medicines Regulatory Affairs	National	Provides for the registration of medicines intended for human and for animal use.
National Regulator for Compulsory Specifications Act	Act No. 5 of 2008	the dti	NRCS	National	Provides for the existence of the NRCS, which is responsible for Compulsory standards regarding certain forms of meat and fish .

2.2 Institutional arrangements for Food Control in South Africa

The DAFF is the leading regulatory authority responsible for food security and SPS issues related to agricultural products. The DoH is responsible for foodstuffs (agricultural & non agricultural products including fish as they are released on the market from the jurisdiction of DAFF or imported into South Africa) while the dti through the National Regulator for Compulsory Specifications (NRCS) is responsible for canned meat and meat products as well as canned and frozen fish. Furthermore the dti through the National Consumer Commission (NCC) is responsible for fair, accessible and sustainable market place for consumer products (including products as regulated by the DAFF, DoH and the NRCS).

Within DAFF, the branch for Agricultural Production, Health and Food Safety (APHFS) is responsible for administering various legislations applicable to the management of SPS issues. In relation to SPS, a primary objective of the APHFS branch is to support agricultural production and provide an enabling environment for safe and fair trade of agricultural products through managing and maintaining effective risk management systems for animal diseases, food safety and plant pests and ensuring compliance to relevant regulatory frameworks.

In achieving its objectives, the various technical components within the APHFS branch are responsible for risk analysis, surveillance and maintenance of early warning and response plans, development of national SPS standards, monitoring compliance to national legislation and SPS requirements of trading partners, diagnostic services, promotion and awareness, providing inspections and certification services and SPS diplomacy within the international standard setting arena and the WTO SPS Agreement.

2.3 Gaps in Meat Inspection labelling in South Africa

Researchers from Universities of Stellenbosch and Western Cape published work on mislabelling of meat in 2012 and 2013. These publications were at the same time that the horse

meat scandal was raging in Europe. These Universities were invited to present their findings to the Joint sitting of the Portfolio Committees of Agriculture, Forestry and Fisheries; Health and Trade and Industry on the 26th March 2013. Soon after the presentations of the results by the two Universities, the three Departments' officials (from the Departments of Agriculture, Forestry and Fisheries; Health and the dti) briefed the joint sitting on the current meat and animal products inspection and labelling situation in South Africa and the challenges in compliance verification as well as enforcement of the various food laws covering the whole food chain.

During the discussions in Parliament, it was noted that the whole function of food control was fragmented with a multiplicity of players resulting in overlaps and gaps, break down of the chain of command, lack of effective coordination and inefficient use of resources. The Portfolio Committees instructed the departments to develop a clear action plan on how future collaboration would be established – and further tasked the Departments to focus on labelling, safety, research, food control, traceability, branding, registration of abattoirs and related matters.

Subsequently, the three Departments held a series of meetings to internalise the brief from Parliament and resolved to convene a one day brain storming and consultative seminar with the aim to further give stakeholders the opportunity to identify the challenges in the whole food value chain for the South African food industry and draft an action plan to address the challenges.

3. CURRENT AND PREVIOUSLY IDENTIFIED KEY FOOD CONTROL CHALLENGES: A CRITICAL REVIEW AND PROPOSED INTERVENTIONS

The Integrated Food Security Strategy (IFSS) document for South Africa amongst others identified specific challenges and priority areas for food hygiene of which DAFF, DoH and the dti

(national and provincial) should contribute towards addressing some of the challenges. The food control challenges identified in the IFSS mirror the challenges as identified in the consultative Stakeholder Workshop held on the 30th of May 2013 and these are:

- Coordination;
- Import control and food inspection services;
- Departmental overlapping roles and functions in food control;
- Delegations and mandates;
- Resource and capacity constraints ;
 - Laboratory and diagnostic capacity
 - Human and financial capacity
- Structured Food safety networks/ coordinated communication platforms for internal and external communication; and
- Changes to industrial practices

3.1 Coordination

The Workshop deliberated on the effectiveness of the existing coordination, collaboration and cooperation mechanisms within regulatory authorities and stakeholders. The following were captured as highlights within the deliberations:

- a) There are virtually no specific food-control-tailored formal structured consultations between and within the respective departments, provinces, municipalities and private sector. Where some interactions exist, there is limited contact across sectors as these are more directed at line specific issues resulting in a silo mentality and operations.
- b) Cooperation between the Municipality and other stakeholders where Food Control committees are active varies from excellent to poor with no uniform approach across the country. This has led to the current lack of formalised co-ordination of the inspection tasks and consistency of inspection procedures between and within provinces. There is also a gap and inconsistency between the food laws in the

monitoring and enforcement of food hygiene practices, especially of animal origin as these functions are done separately in production and in retail outlets by the DAFF and the DoH, respectively.

- c) There is lack of shared monitoring and enforcement data bases results in less effective food control management and information flow between technical and operational staff. This situation of breakdown in the chain of command and communication presents gaps and challenges in realising the ideals of the 'farm to fork' approach to food controls in South Africa.

An in depth analysis at the workshop indicates that the underlying factors leading to ineffective coordination are mainly communication issues and mandate obligations in particular:

- Lack of horizontal communication, mandate and obligations which effects communication between national government as well as other levels of government;
- Lack of uniformity in terms of structures as each province has its own way of doing things;
- Regulations are not harmonised e.g. no auditing in terms of the Certificate of Acceptability. After the Certificate is issued there should be follow up inspections and enforcement of other regulatory risks management functions;
- Lack of Norms and Standards i.e. how often should there be inspections (inspection intervals). However the challenge is whether it would be done at provincial or national level.
- In terms of capacity challenges, some regions opted for infrequent checks or spot checks. However, such a system cannot be sufficient though at times it is based of risk management criteria;
- Participants were of the view that challenges exist more at the provincial and local level as capacity and focus within municipalities differ. Additionally, capacity issue within the local level - there are too few inspectors at municipal level to carry out inspections. Most municipalities are challenged with financial and technical resources constraints;

- Each municipality is required to have a Council Resolution in order to be authorised to carry monitoring and enforcement in terms of the Act. At this level, there is a legislative gap in order to enforce compliance if municipalities are not authorised to carry out monitoring and enforcement functions;
- Financial and hierarchal /red-tape obstacles - local municipalities may not have the resources to conduct inspections or have organisational/ institutional red-tapes;
- SPS committee is not inclusive of all the stakeholders – there is a need to have the industry stakeholders as part of the SPS committee or a system of notification of any issue in respect of food Safety. A whole notification system on Food safety related issues, to comply with WTO requirements as well as an internal reporting structuring in place, a database is proposed;
- Uniformity issues should be addressed as each province does something different with no coordination. This brings credibility of the accreditation system in all of South Africa to a questionable standing – participants also felt that not all border controls are as effective as they should be; and
- It is not clear how food products are brought into each province - uniformity of food legislation across each province should be advocated.

Although the Food Legislators Advisory Group (FLAG) as well as the sector specific SPS advisory committees should be sufficient in addressing coordination in the field of food control, it is clear in view of the current challenges these institutional structures may have to be reconsidered and / or expanded. Considerations should therefore be given to the establishment of sector specific scientific committees or expert working groups where universities and research institutions are included.

In addition, considerations for the establishment of a forum with an appropriate name which will be a high level Inter-Ministerial Food Safety Coordinating Forum (focusing on strategy and policy) is highly recommended. This committee has to be supported by subject matter sub-

committees with a task of addressing, amongst a plethora of matters, issues in the fields of legislation, inspections, laboratories and research.

3.2 Import Control and Food Inspections

The main challenge identified is the perceived effectiveness in harmonization of food importation policy and tracing of imported products. Three critical questions arose from the discussions:

- How can synergies be developed between enforcement authorities to ensure rapid exchange of information on intentional violations of food chain rules?
- How to promote the involvement of law enforcement officers in investigations?; and
- Whether there is a legal case for considering harmonised financial penalties for intentional violations of food chain rules?

Section 14 of the Foodstuff, Cosmetic and Disinfectant Act harmonises this Act with the Customs and Excise Act, 1964 (Act No. 91 of 1964). Section 107 and 109 of the Customs and Excise Act may be applicable to various commodities under the various Food laws. While there is an import advisory committee established to deal with this focus area from the three departments is functional, there are however no written protocols to guide the officials at ports of entry. Additionally there are inadequacies in the audit mechanisms to measure the performance of the agreed requirements.

At present, import declarations are lodged by the importer with the South African Revenue Service (SARS) with specific reference to the Customs Division. Due to lack of an electronic information and management system interphase between the DAFF and DoH with Customs system, officials within Customs cannot electronically alert or send pre-arrival notifications of consignments. It is therefore difficult for the DAFF and DoH officials to know of any product under their respective control unless the importer voluntarily informs the competent

authorities' officials of the DoH and DAFF or if customs officials relay such information upon arrival of the consignment to the competent authorities.

It is currently not a requirement that a person submitting prior notice of imported food must report the name of any country that has refused entry of that product where applicable. In some instances, it is difficult to figure out how the different South African food laws are factored into the import permits.

Foodstuffs under the Foodstuff, Cosmetic and Disinfectant Act can be imported into the country without the need of an import permit – this is presumed to create a grey area. As soon as imports are released at the port of entry, it is difficult to trace them in the system as the current traceability legislation is weak with gaps.

The Workshop participants recommended for the crafting and approval of a harmonised policy and Act. This should allow for a fluid regulatory system which allows for cross training and development of inspectors in the regulatory areas of the DAFF, DoH, NRCS and other assignees of government. The authorities will then benefit from these communities of practice which will strengthen the authorities to develop clear from 'farm to fork' regulations related to tracing and recalling of food, and the appropriate tools to take action on potentially unsafe food commodities placed on the market where there is threat to Public health.

Harmonisation of health certificates should be considered to cover the relevant RSA regulations to ensure fair trade between local producers and importers. Import controls should be risk based and consistent with international standards. Harmonised written inspection, sampling, analysis and release protocol on food products should also be introduced based on the requirements of all applicable food laws. Standard operating procedures should be developed and there has to be clear definition of the roles and responsibilities of the various competent authorities and agencies operating at the border and ports of entries.

Inspection and verification processes shall be standardised across food processing establishments and importers. Training on national bio-security policy matters should be provided periodically to all involved officials.

It is recommended that rules on information required in prior notice of imported food are implemented in addition to the currently existing rules under Customs. Both DAFF and DoH should introduce electronic filing of import inspection applications for regulated products. This could be an extension of the existing portal for the collection and use of international trade data maintained by Customs from which the departments will then get a notification and transfer to their web-based data system through a message set as the data that customs collect electronically from importers and clearing agents.

This data will enable agencies to receive pre-arrival notifications on products and allow for the departments to follow up on suspicious consignments without the multiple paper forms currently used. In products where omission of certain information might mislead the consumer, consideration shall be made for the introduction of mandatory country of origin labelling of imported products and food products manufactured locally using imported primary ingredients. This will assist to ascertain the place of origin and or registered province, as well as species identification in case of products of animal origin along the whole food chain.

Unfortunately, there is no severe penalty in terms of food safety and food fraud - this drives the behaviour of industry 'cowboys' responsible for fraud where there is very little to lose if caught. Lack of enforcement of penalties or increase in illegal actions creates a situation where consumers lose faith if no "policing" is being done in the industry. Industry must know and understand regulations and standards applicable to them.

Third-party verification on behalf of the retail sector is becoming more prevalent as a tool to ensure that suppliers meet buyer requirements for safety and quality. Where there is alignment with government requirements, third-party verification could potentially complement

regulatory authorities' inspection. To address lack of synergies of food inspections between enforcement authorities - interdepartmental linked registered food facilities databases should be created where all information on registered facilities and audits reports are collated and are easily accessible. The databases should be enabled and accessible to registered third party auditors such that third party verification audits can be uploaded to assist with prioritisation and risk based inspections in resource limited situations.

3.3 Departmental Roles and Functions in Food control

Participants specifically explored how can streamlining of roles and functions (overlaps) along the entire food chain be done to increase food control efficiency?

Taken into the context, Food control is defined as: *a mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and ensure that all foods during production, handling, storage, processing, and distribution are safe, wholesome and fit for human consumption; conform to safety and quality requirements; and are honestly and accurately labelled as prescribed by law.*

Scope of Food control included in the discussion covered Food Safety, Food Fraud/misinterpretation/deception/ representation (Food Labelling), Quality and regulatory nutrition. Food security is part of the section 27 Constitutional rights in South Africa. In particular, the Constitution states that every citizen has the right to have access to sufficient food and water, and that the state must by legislation and other measures, within its available resources, avail to progressive realisation of the right to sufficient food.

The vision of the IFSS is to attain universal physical, social and economic access to sufficient, safe and nutritious food by all South Africans at all times to meet their dietary and food preferences for an active and healthy life. The DoH was previously proposed as the lead agency

in this area with other members forming part of the cluster in this area being the then Departments of Agriculture, Water Affairs and Forestry, and Trade and Industry.

While multiple food control agencies may be the norm, they suffer from serious drawbacks including –

- Lack of overall coordination at national level;
- Frequent confusion over jurisdiction and resultant inefficiencies in performance;
- Limited capacity for appropriate scientific inputs in decision-making processes; and
- Lack of coherence leading to over-regulation or time gaps in adequate regulatory activity; and reduction in the confidence of domestic consumers (confusion).

It is proposed that there is an allowance for the creation of specialised inspection unit (composed of specialised support legal team on food laws) to support technical enforcement teams, sound control of zoonosis and control of plant production. The specialised support legal team will assist Departmental officials with interaction with prosecutors prosecuting, procedure in terms of transgressions and on chain of custody of samples taken by inspectors to ensure effective implementation.

Differences in expertise and resources have resulted in uneven policy implementation. Regulations which are not streamlined at National level have also led to haphazard interpretation and application of regulations. Similarly the participants noted that the scope of Environmental Health Practitioner's (EHP's) is considered too broad hence streamlining should reduce the scope of EHP's and strengthen their capabilities (hygiene).

3.4 Delegations and Mandates

Functional Areas of exclusive Provincial legislative competence are defined in schedule 5 of the Constitution. The challenge of powers delegated by Schedule 4 and 5 of the Constitution and further delegations in terms of the Foodstuffs, Cosmetics and Disinfectant Act and Meat Safety

Act has already been determined to be a problematic area in Food law enforcement in South Africa.

This Constitutional challenge has introduced a break in the chain of command as food control has become a concurrent responsibility of different departments and both national and provincial and municipality political authorities. Lack of background policy clarifying the Constitutional basis of the national legislation of certain Acts such as Meat Safety Act provide further confusion for national technical experts involved in National audits of Provincial food control systems efficiency reviews.

From DAFF perspective, this is a long standing problem with regard to abattoirs and has been debated for quite some time. Possible solutions from a legal point of view should be considered.

It is recommended that legal expertise shall be sought to look into the issue on Constitutional imperatives (delegations and mandates, accountability), defining competencies at national, provincial and municipality in terms of food control. For effective and efficient service delivery departments should consider consolidating delegation of specific tasks to well established official control bodies or assignees where applicable.

3.5 Resources and capacity constraints

3.5.1 Laboratories

Testing for harmful substances within food or the food manufacturing facility serves an important role in verifying the safety of the food supply. While food safety professionals point to the execution of the food safety system to ensure the safety of foods, it is often the piece of paper from the laboratory, confirming the sample was “cleared,” that signals, for many, that it is a product is safe.

While sampling and testing for adulterants can fulfil significant objectives in a food hygiene control programme, the implications are profound and often painful if not done properly. Capability and resources of laboratories is therefore fundamental. Accreditation for food tests that are important to the country is needed in all officially recognised laboratories.

Few official laboratories have accredited analytical methods for common biological (STEC, *Campylobacter* spp, *Salmonella* spp serotyping, *Listerial* spp and viruses) and chemical hazards (chemical contaminants and allergens) common in food. There is a need to implement integrated laboratory quality management system and training to standardise various food testing methodologies in food laboratories.

Establishment of auditing programme as well as proficiency tests should be considered. The departments should work in collaboration with reference laboratories and international organisations. Consideration should be given to the development of integrated laboratory information management system. There is an anomaly in the distribution of laboratories throughout the country. Lack of reference laboratories is visible with only some government labs e.g. DoH forensic labs in Pretoria and Cape Town. Other challenges identified include:

- Lack of standardised methods; and
- Lack of accredited food laboratories/ certifiers / auditors.

There is fragmentation of authority within and between departmental structures. This fragmentation manifests with the jurisdiction over the control of a product as some products are intertwined and regulated by multiple authorities. Fragmentation of legislation / inspection (importation / exports) is visible for all levels products (raw, processed, final products) and the following notates the level of fragmentation:

- Agricultural Production, Health and Food Safety Branch in DAFF is responsible for Animal Disease Control Act, Animal Welfare, Veterinary Services and Farms Feeds, Fertilizers, Stock Remedies and Agricultural Remedies Act, part of extension officers' mandate,

traceability / movement / identification, assisting the South African Police Services in stock theft cases);

- The DoH operates at national, provincial (Port Health) and delegates responsibilities to municipalities relating to the Medicines and Related Substances Act; Foodstuff, Cosmetic and Disinfectants Act, food labelling, milking sheds, packing sheds, food site registration, residues, processing aids; and
- the dti deals with Trade Metrology, Compulsory Standards while the NCC deals with consumer affairs. the dti has strong links with SARS.

3.5.2 Financial and Human capacity

One of the problems facing the DAFF and DoH and provinces relates to the fact that national priorities differ with provincial and municipality priorities hence the distribution of resources to the various food control programmes is not uniform. There is lack of human capacity and financial resources at port of entries for efficient service delivery. There is skills shortage in the areas of food risk analysts in South Africa as the subject area is not covered at both undergraduate and post graduate level.

This is exacerbated by the fact that government lacks skills retention incentives for such critical areas. Some organisational structures within the departments are not properly designed in order to meet strategic goals. The inadequacy of specialised skills and improperly structured organisation is hampering efficient service delivery in critical operational areas of the departments with prominence in the areas of food safety and zoonosis, animal welfare at slaughter, veterinary medicinal products and residue testing, traceability of animal products, food safety risk analyses.

The gap on sector specific experts should be addressed as well as the development of institutes with concomitant resources, capacities and capabilities. Consumer, producer and processor and stakeholder education and research on emerging issues needs to be fostered.

3.5.3 Communication (internal and external)

Internal and external communication within and between public institutions exists at most levels. However this should be improved especially with DAFF and DoH on the control of zoonoses, veterinary medicines, residues and food safety. External communication with industry stakeholders also exists however improving communication is needed through the establishment of an integrated web-based alert application programme that can provide subscribers with automatic food control notification and an opportunity to comment on documents that require comments. Moreover focus has to be shifted to interaction with stakeholders on SPS issues (SPS diplomacy).

3.5.4 Changes to industrial practices

Government should provide guidelines on interpretation of legislation as cleaning and contamination are not defined in the Meat Safety Act and its regulations and seems to have a different interpretation to the definitions in R962 and Codex standards. Poultry regulations Section 53 (h) (x) describes a requirement for a Hygiene Management Practices (HMP) for sanitation and continuous cleaning including a cleaning schedule-- providing for laboratory checks as control of effectiveness of the cleaning programmes to be instituted and documented. Section 81(1) stipulates that the entire carcass and organs must be condemned if: (f) the carcass is contaminated and it cannot be trimmed off effectively. 81(2) (b) contaminated; Red meat regulations Section 55 (h) (x) a HMP for sanitation and continuous cleaning including a cleaning schedule-- providing for laboratory checks as control of effectiveness of the cleaning programmes to be instituted and documented. Though the definitions of "contamination" and unsound are available in R962 and may be read together with section 69(4) (a) and (b) of the same regulation, section 6(4)(b) (1) and (11) is not worded clearly to reflect as such.

Food law competent authorities should continue investigating incidents of gross contamination and identify issues related to trace contamination of meat from domestic species with horse, donkey and other exotic meats. Cut off tolerance limits between food contaminations versus substitution should be stipulated for the local industry. It is important for the food industry to explore what levels are achievable, detectable and acceptable. Research studies that focuses at addressing levels of crossover contamination that could occur in "a well-run and hygienic abattoir or processing plant in South Africa" should be promoted. Possibility of a food business facility reporting to the competent authority registry within 24 hours if it determines that a food transferred to another party contains a contaminant or species substitute should be explored in cases where there is a reasonable probability that use of or exposure to, that food will cause serious adverse health consequences or death to either humans or animals or violates food laws.

The following would serve as bedrock for addressing the issues related to changes in industrial practices:

- Formal agreement on standards (e.g. Codex Alimentarius) between Industry and Government should be established for food control matters where no regulations exist;
- Systems of raw material and ingredient integrity; Third Party Verification and other mechanisms to ensure general integrity, supply chain processes integrity, screening and monitoring of ingredients until the end product;
- Application of a single compliance and enforcement strategy that is based on the principle that industry is responsible for producing safe food that complies with regulatory requirements;
- Clear and practical aligned regulations without gaps (as current regulations are not aligned) – to avoid duplication of regulations – (meat as an example);
- Express recall system to enable quick and effective recall communication and automatic reporting to NCC, DoH and DAFF;
- Regulatory compliance which keeps abreast with innovation around the world, and sharing experiences with different industries;

- Involvement of all the other quality inspectorates (making sure that government is still accountable/be in control with the industry being responsible);
- Consumer awareness and education is strengthened (posters at ports of entry);
- Researchers must enable industry and government to proactive instead of reactive;
- Researchers should identify food safety strategies and share research and best practices related to prevention and control;
- Research funding should be made available. However it is noted that researchers may need to deal with the Promotion of Access to Information Act and its requirements on disclosure; and
- Government should work hand in hand with institutions and prioritise research accordingly and carry out significant programme of risk based surveillance to verify industry compliance.

4. CONCLUSION AND RECOMMENDATIONS

Taking into cognisance the complexity of food control in South Africa and the intricacies involved in the execution of food laws in South Africa, the departments recommendations are reflected in **Annexure A – Detailed Action**. The recommendations are expected to improve coordination, strengthen accountability and ensure policy and strategic direction for the role players within the ambit of food control.

Annexure A

Action plan from Departments of Health, Agriculture, Forestry and Fisheries and Trade and Industry on the coordination of Food Safety and Food Control in South Africa

Policy and Strategic Direction			
Challenge	Strategies	Interventions	Action Plan Activities
A need for a high level decision to ensure the strengthening of Food Safety Controls	Strengthening food safety control oversight	Cabinet level approval to strengthen food safety controls oversight in South Africa through configuration of a Ministerial Cluster/ Committee	-Foster an integrated approach to governance that is aimed at improving government planning, decision making and service delivery on food safety matters at national, provincial and local levels.
Fragmentation of food control authorities	Strengthening of food safety, surveillance and compliance systems Reinforcement of Interdepartmental coordination and collaboration	Establishment of an Inter-Departmental Food Safety Coordinating Committee (IDFSCC)	-Systematic review of regulatory frameworks for food safety and food control -Draft the National Food Safety and Food Control Policy document and a Road Map of Food safety and Food Control in South Africa -Carry out a feasibility evaluation of an integrated model of governance for food safety and food control -Oversee development of norms and standards for Food Safety and Food Control
Resources and Capabilities			
Limited capacity for appropriate scientific inputs in decision-making processes	Promoting transparent, open and scientific approach in decision making Maximise scientific expertise consultations in risk assessments	Appoint a Scientific Advisory group under the IDFSCC	-To advise the IDFSCC and coordinate or carry out interdepartmental food safety risk assessments. -Research and risk assessments on emerging food safety and control issues. -Harmonization of food imports risk assessment - To advise on food safety and food control
Lack of an integrated strategy and capacity on food laboratories.	Integrate current individual departments and agencies strategies into a single integrated food laboratory strategy Develop food laboratory capacities within the country	Appoint a Laboratory Advisory group under the IDFSCC	-Develop and advise the IDFSCC on the strategy for an integrated food laboratory network -Develop Memorandum of Understanding on laboratory services between Departments, SOE's and Academic Institutions
Lack of capacity to conduct DNA traces quantification in food products	Build corporate synergies on laboratories	Identify laboratories and institution responsible for leading quantification of species DNA traces	-Design and carry out studies on the levels of species contamination that is achievable, detectable, and acceptable in RSA through partnerships with research institutions.
A requisite for the approval of an official traceability and recall policy and system	Strengthening tracing and recall systems	Establish a national policy on food traceability and recall System to enable quick and effective recall communication	-Establish legal basis for Industry to report their 'recalls' to the IDFSCC

		and automatic reporting to the IDFSCC	
Fragmentation and poor coordination within Departmental structures	Reinforcing departments' and agencies' coordination and collaboration	Realignment and more streamlining of related activities/ Strengthening of internal coordination within departments for efficient services delivery	-DAFF to consolidate units dealing with all aspects of Food Safety -DoH to address urgent food control matters raised in the consultative seminar i.e. consideration for the establishment of a food inspection unit to support local authorities and provinces -DTI to relook and close gaps in its internal systems
		Strengthen the various food control sub-committees throughout the country	-Create and provide oversight to the various food control committees and subcommittees operating throughout the country
Fragmented Food inspections - compromising enforcement and compliance	Harmonization of inspection and compliance systems Building country-wide multidisciplinary inspection teams	Review food inspection system within DAFF, the dti and DoH Establish an Inspections Committee under IDFSCC	-Conduct audits of existing inspection services -Address capacity issues and identified gaps identified from audits -Create linked databases for inspectors and registered food facilities. -Create data base for reporting of third party verification audits. -Explore the use of a Memorandum of Understanding between Departments -Finalise independent meat inspection proposal
Insufficient specialised legal expertise on food safety and food control matters	Build capacity in the food law environment	Establishment of a specialised support legal team on food laws	-Appointment of a food law expert/s may be seconded from SLA in the Interim. -Engagement with Academic Institutions to develop legal capacity in food laws -Capacitate officials regarding instant legal enforcement for food safety -Facilitate improved access to facilities beyond normal jurisdiction to facilitate better investigations (entire food chain should be covered) -Interaction with prosecutors.
Inadequate information, Education and Communication to consumers on food safety and food control matters	Strengthen stakeholder communication Improve consumer education and awareness Improve Food Control ICT systems	IDFSCC to develop a communication strategy and training on food safety and food control matters	-Implementation of the approved communication strategy -Establish a dedicated(single) site/link for food safety and food control communication purposes - Implement an effective consumer education program on food safety matters -Establish a single point of communication on Food Safety and Food Control.
A need to broaden access and participation between the Public and Private sector on SPS issues	Strengthening food safety diplomacy within the country	Develop an electronic/ physical coordination mechanism between national SPS committee and all interested stakeholders and consumers	-Improving SPS coordination in terms of broader consultations and reporting to include private Sector
A need to improve border controls	Further entrench cooperation mechanisms in the border environment Integration and inter-phasing of ICT systems of all regulatory bodies within the border environment	Maximise and increase capacity at ports of entry Participation in border coordination platforms Development of a mechanism for the Exchange of information amongst regulators	-Develop an electronic filing system of import inspection to facilitate the exchange of import information with agencies involved with border control -Development of training material for inspections and implementation of joint training platforms -Develop Memorandum of Understanding with other law enforcement agencies -Amend import permits for the declaration of final destination and usage of imported material