

Food Act 2008 Regulatory Guideline No. 5

The preparation of raw egg-based products – consistent approach to be adopted by enforcement agencies

The Chief Executive Officer (CEO) of the Department of Health, under section 120 of the *Food Act 2008*, has adopted the following guideline and requires the guideline be adopted and implemented by Enforcement Agencies in Western Australia:

Purpose

To outline the approach to the assessment, and subsequent compliance and enforcement, of Standard 3.2.2, Division 3 – Food Handling Controls of the Australia New Zealand Food Standards Code (the Code), in relation to food safety risks associated with raw egg including processing of raw egg-based products.

Policy Goal

To provide for a consistent approach by enforcement agencies in the application of the *Food Act 2008* (Food Act) to food handling controls relating to eggs and raw egg-based products. This policy goal has been identified in response to the strong epidemiological link between consumption of raw or undercooked eggs and human Salmonellosis cases, and aligns with the aim of the Western Australian Foodborne Illness Reduction Strategy 2018-2021+.

Commencement

This regulatory guideline is operational from the date signed by the CEO, or the delegate of the CEO, until revoked.

Part 1 – Preliminary Matters:

- 1.1. Section 22 of the Food Act requires food businesses in WA to comply with any provision imposed on that business by the Code.
- 1.2. Local government is the appropriate enforcement agency under the Food Act for food businesses operating within their municipal districts.
- 1.3. Enforcement Agencies must take a risk based approach to enforcement of the Code in WA.
- 1.4. When surveillance identifies a close association between certain handling activities and foodborne illness, a consistent approach to managing risk can be enacted through a regulatory guideline.
- 1.5. For the purpose of this guideline, raw egg-based products are foods that are prepared with raw egg and consumed without further processing (e.g. without

cooking).

Part 2 – Assessment of egg food handling controls:

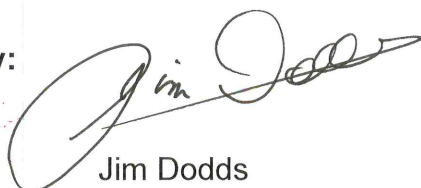
- 2.1. As part of their food safety monitoring and surveillance programs, enforcement agencies are requested to prioritise assessment of raw egg handling controls.
- 2.2. The assessment should closely follow the information contained within notices and templates provided by the CEO, and determine food businesses are utilising effective controls including:
 - 2.2.1. Checking for unacceptable eggs (cracked or dirty eggs) during receipt, storage and processing steps; and
 - 2.2.2. During processing, either remove raw egg processing by using safer alternatives; substitute raw egg with pasteurised egg product or another ingredient; and/or demonstrate that pathogen reduction to safe levels is occurring.

Part 3 – Enforcement of egg food handling controls:

- 3.1. Following an assessment, if there are reasonable grounds to believe the processing of raw egg-based product constitutes a serious danger to public health, the enforcement agency may issue a Prohibition Order to mitigate or prevent the danger from occurring (Section 65 of the Food Act).
- 3.2. In this scenario, serious danger may include the raw egg-based product being:
 - 3.2.1. Epidemiologically and/or environmentally linked to a foodborne illness outbreak; and/or
 - 3.2.2. Analysed in accordance with the Food Act and Code, and being found to contain *Salmonella spp.*
- 3.3. If there are non-compliances identified during the assessment that do not constitute a serious danger to public health, an Improvement Notice is to be issued by the authorised officer. If this Notice is not complied with, a Prohibition Order may be issued by the enforcement agency.
- 3.4. Other enforcement tools may also be utilised, in accordance with the enforcement agency's compliance and enforcement policy.

Approved on: 19 December 2018

Approved by:



Jim Dodds

Executive Director Environmental Health Directorate
Public and Aboriginal Health Division
As delegate of the Chief Executive Officer