



Food Notice

Waiver from evaluation for custom food control plans developed through the 'What I need to do' tool

[Subtitle]

19 December 2018

TITLE

Food Notice: Waiver from evaluation for custom food control plans developed through the 'What I need to do' tool

COMMENCEMENT

This Food Notice comes into force on [Effective Date]

ISSUING AUTHORITY

This Food Notice is issued under sections 53(4)(b) and 405 of the Food Act 2014.

Dated at Wellington, 19 December 2018

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(acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of the Food Notice, but is intended to indicate its general effect.

Purpose

The purpose of this Notice is to grant a waiver to a food business from having their food control plan evaluated when the food control plan is composed of content from using the 'What I need to do' tool that has been pre-evaluated and issued by the Ministry for MPI.

Background

The purpose of the Food Act 2014 (the Act) is to achieve the safety and suitability of food for sale, maintain and improve confidence in New Zealand's food safety regime and provide for risk-based measures that minimise and manage risks to public health.

A food control plan (FCP) is a plan for a particular food business to identify, control, manage, and eliminate or minimise hazards to enable them to prepare safe and suitable food. The Act specifies that custom FCP must be evaluated before registration to confirm that they meet the requirements of a FCP, and to check that the plan allows for the operator to identify and manage food safety risks and produce safe and suitable food.

Section 53(4)(b) of the Act allows the chief executive to waive a food business from an independent evaluation of its FCP through a notice. This notice only waives this requirement when the requirements in Part 1.3 of this Notice have been met.

Who should read this Food Notice?

The persons who should read this Notice are:

- operators of food businesses that choose to create their custom FCP using pre-evaluated MPI developed content only; and
- evaluators of FCPs; and
- verifiers that will assess food businesses against their plan.

Why is this important?

Evaluation is important as it confirms that a business is using the right plan that contains the relevant content to identify, control, manage and eliminate their food safety risks. This Notice only waives the need for evaluation of pre-evaluated MPI developed content as MPI has assessed the content to ensure it meets the requirements of the Act and Regulations.

Document History

Version Date	Section Changed	Change(s) Description
Xx January 2019	N/A	New Notice

Part 1: Requirements

1.1 Application

- (1) This Notice applies to food business operators that use pre-evaluated material developed by the Ministry for Primary Industries (MPI), but is not based on an official template, to develop their food control plan (FCP).

1.2 Definitions

- (1) All terms used in this Notice and that are defined in the Food Act 2014 (the Act) or Food Regulations 2015 (the Regulations), but not defined in this Notice, have the same meaning as in that Act or Regulations.

1.3 Requirements

- (1) A food business that submitted an FCP that is composed entirely of content that has been pre-evaluated by MPI is waived from evaluation required under section 53(4)(b) of the Act if clause 1.3(2) applies.
- (2) This clause applies if the following conditions are met:
 - a) the food business submits its FCP to MPI and MPI confirms that the FCP consists of suitable content and that it is based on content that has been developed and pre-evaluated by MPI; and
 - b) the food business has been interviewed by MPI in relation to its FCP and MPI approves the FCP as suitable and accurate for its intended function.
- (3) Any food control plan that is granted a waiver from evaluation under section 53(4)(b) of the Act must continue to meet the requirements set out in the Act, the Regulations and any notice made in accordance with section 405 of the Act.

Consultation