Ministry for Primary Industries
Manatū Ahu Matua

Discussion Document on Review of Specifications for Products Intended for Human Consumption

Purpose:

To undertake a technical review the current requirements of the Animal Products Notice: Specifications for Products Intended for Human Consumption 2016.

Background:

The purpose of the Animal Products Notice: Specifications for Products Intended for Human Consumption is to give effect to and as necessary amplify the standards regarding products intended for human consumption under the Animal Products Regulations 2000.

The proposed new Notice will revoke and replace the existing:

- Animal Products: Specifications for Products Intended for Human Consumption 2016;
- Animal Products (Branding and Associated Requirements) Notice 2006;
- OMAR 01/40 – Shellfish Lot Numbering Systems; and
- Technical Directive 99/125 Export of Crab, Paua and Kina – Biotoxin Requirements.

Whilst the review of this Notice was based on the need for technical updates, some changes have been made to harmonise across Operational Codes and other Notices, as well as the Animal Products Regulations 2000. Also some Parts and clauses have been inserted, recognising that this Notice is a NZ standard, and it is expected that businesses with existing RMPs (whether they export or not) should meet these requirements already. This has changed some clause numbering, through the inclusion of more Parts and the consolidating of some existing Parts.

A reference table has been created listing the old and new numbering to assist operators when updating their RMPs (see 'Quick Reference Table for Old and New Clause Numbering'). It is proposed to remove the forms from Schedule 5 however the requirements still need to be defined within the Notice.

Outdated references have been removed or amended to simplify the Notice making for better regulation and improving the ability of operators to comply. A plain English approach has been taken e.g. making sentences shorter, more meaningful headings, using active voice, removing floating sentences, etc. Guidance boxes have been inserted as appropriate. Tracked changes have been used, except for changes to cross referencing within the notice for one consultation version of the notice. A second copy of the notice is available without track changes for convenience.

Please note that some clauses in Parts 10 and 11 cannot be amended as they are currently referenced directly in the Animal Products Regulations 2000. These have been highlighted in the consultation draft for the convenience of the reader. The specific clauses are:

- 10.2 (1), (4), (8) to (11); and
- 11.4 (1), (6) to (9).

Some changes have been made in anticipation of the Regulatory Redesign project. This project is a result of the Food Safety Law Reform Act 2018 which compels MPI to review all relevant regulations and notices to ensure legislation is at the appropriate level. This project will take several years.

These documents should be read in conjunction with the current version of the Notice, available on the MPI website.

Summary of amendments:

The key amendments included in this Notice are:

a) Contents pages italicised headings have been changed to titles for easier locating of information;
b) more description in "Application of this Part" will provide more clarity on what the Part applies to and to whom. Where there are more than several clauses, a scope is included to clarify what the Part covers;
c) new clauses or Parts have been introduced (based on the Animal Products Regulations 2000) to harmonise this notice with Operational Codes or Codes of Practice, and RMP templates e.g. operator verification, pest control, etc.;
d) streamlined a number of requirements e.g. packaging, water, etc.;
e) removing the requirement for water samplers to be trained by a recognised laboratory;
f) removing the incorporated standards for packaging and compressed air;
g) expanded some requirements for some types of operations or products e.g. repairs and maintenance, bee products;
h) included the requirements for domestic meat branding from the Animal Products (Branding and Associated Requirements) Notice 2006 which will be revoked by this Notice;
i) including aspects of the Animal Products (Regulated Control Scheme - Limited Processing Fishing Vessels) Regulations 2001 in anticipation of this regulation being revoked as part of the Regulatory Redesign project;
j) included some requirements for the harvesting of wild ground-living birds as a result of a number of enquiries and a new proposed 'Certified Supplier Statement for the Supply of Wild Birds';
k) consolidation of requirements of primary processing;
l) simplified the process for the supply of farmed mammals that have become feral and then been killed by removing the approval step by MPI. It is proposed that the process can be managed by the certified supplier or certified game estate supplier;
m) creating a 'Supplier Statement for the Supply of Farmed Mammals that have become Feral and then been Killed for Human Consumption' that could replace the existing 'AP24: Supply of Animal Material from Farmed Mammals that have become Feral';
n) mechanically separated meat expanded to include hot boning;
o) exempting the need for MPI approval where antigen vaccines are used in experiments, trials or research;
p) consolidation of Parts for bivalve molluscan shellfish;
q) removing the forms from the Notice i.e. Schedule 5 and to have these available through the RMP Operators Resource Toolkit or available directly on the MPI website;
r) included guidance boxes as appropriate;
s) alignment with other Animal Products Act legal instruments e.g. Animal Products: Specifications for Products Intended for Animal Consumption, etc.

A more detailed summary of proposed amendments is described in the document 'Proposed Amendments to the HC Specs 2019' accompanying this consultation.

Forms

The moving of the forms from Schedule 5 of the Notice to the RMP Operator Resource Toolkit or to the MPI website means that these forms can be changed independent of the Notice (as long as the legal requirement are still met). The approach of taking the forms out of a Notice aligns with other Notices such as the Animal Products Notice: Specifications for Products Intended for Animal Consumption. The minimum legal requirements of the form content have been retained in the relevant Part of the Notice.

Proposed changes have been made to the forms and the changes are highlighted in yellow:

- Fish Supplier Statement;
- Poison Use Statement;
- Game Estate Supplier Statement;
- Poultry Supplier Statement;
- the new proposed Supply of Farmed Mammals which have Become Feral and then Killed; and
- the new Certified Supplier Statement for the Supply of Wild Birds.

How to have your say

Submissions can be made using the accompanying submissions template or you may comment directly on any sections of this discussion document.

Where possible, comment should be specific to a particular clause in the document and the number of the clause used.

MPI encourages submitters to make their submissions electronically so please email your submissions to animal.products@mpi.govt.nz by 5pm Friday 17 May 2019.

If you wish to convey your submission in writing, these should be posted to the following address:

HC Spec Consultation
Food Regulation
Ministry for Primary Industries
PO Box 2526
Wellington 6140

What happens next

All submissions will be considered after consultation has closed. A summary of submissions and analysis will be sent to all submitters and posted on the MPI website.

Please note that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.