

## **New Zealand Food Safety**

Haumaru Kai Aotearoa

This Animal Product Notice has been revoked. For more information on these changes:

[Changes to animal products regulations and notices](#)

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# Revoked Animal Products Notice: Export Verification Requirements 2020

17 December 2020

## TITLE

Animal Products Notice: Export Verification Requirements

## COMMENCEMENT

This Animal Products Notice comes into effect 40 working days after the date of issue.

## REVOCATION

This Animal Products Notice revokes and replaces the Animal Products Notice: Export Verification Requirements, issued 7 April 2020.

## ISSUING AUTHORITY

This Animal Products Notice is issued pursuant to section 167(1) of the Animal Products Act 1999 for the purposes of section 60.

Dated at Wellington, 17 December 2020

[Signed]

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## Introduction

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

## Purpose

For the purposes of safeguarding assurances provided by New Zealand, this notice sets verification requirements and frequencies in relation to animal products for export.

## Background

Verification is an integral part of New Zealand's regulatory framework that governs the issuing of official assurances in respect of animal material and animal products for export. Verification is a way of ensuring that operators who process animal material and animal products for export are complying with the requirements of their risk management programmes.

Verification is carried out by New Zealand Food Safety recognised verifiers with knowledge of existing standards and requirements as well as knowledge of the nature the operators' business operations. Verification is a mechanism of providing the regulator with the necessary insights on operators' compliance with applicable law, which in turn informs the regulator in deciding whether or not to issue an official assurance in respect of a consignment of animal material or animal products.

This notice specifies the following requirements for the verification of animal product businesses (other than registered exporters) that produce animal material and animal products for export with official assurances:

- a) general verification requirements such as the arrangement of verification and the management of products that do not comply with export requirements; and
- b) verification steps and intervals; and
- c) verification outcomes and follow-up actions; and
- d) record-keeping requirements.

## Who should read this Animal Products Notice?

This notice should be read by persons to whom clause 1.1 of this notice applies.

## Why is this important?

Operating other than in accordance with this notice is an offence under section 135(1)(c) of the Act and may, upon conviction, result:

- a) in the case of a body corporate, to a fine not exceeding \$100,000;
- b) in the case of an individual, to a fine not exceeding \$20,000.

## Document History

Version Date	Section Changed	Change(s) Description
24 February 2016		New format and branding
7 April 2020	2.2A and 2.2B added	Temporary requirements added to manage verification during COVID-19 restrictions
December 2020	1.2 definitions. 2.2A and 2.2B updated, 2.2C added.	Bee product processor and seasonal business definition added Updating temporary requirements related to COVID-19.

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Version Date	Section Changed	Change(s) Description
	2.2 (5), Part 3 and Schedule 1 updated.	Updating verification requirements for bee product processors requiring an RMP.

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## Part 1: Preliminary provisions

### 1.1 Application

- (1) This notice applies to:
- animal product businesses (as defined in clause 1.2); and
  - recognised agencies and persons, and providers of ante-mortem and post-mortem examination who undertake verification activities for animal product businesses to which this notice applies.
- (2) This notice does not apply to:
- live animals for export which have not been the object of processing; or
  - animal product businesses processing, storing, or handling for sale in New Zealand only; or
  - operations subject to a regulated control scheme (RCS) which does not expressly provide that the verification regime set out in this notice applies to that scheme.

### 1.2 Definitions

- (1) In this notice, unless the context otherwise requires:

**acceptable outcome** means the verifier is satisfied:

- that the operator is substantially complying with all applicable regulatory requirements; and
- where there have been any departures from those requirements, that the operator's corrective actions have been, or are, appropriate and effective;

**Act** means the Animal Products Act 1999;

**animal product business** has the same meaning as in section 4(1) of the Act but is limited in this notice to only those animal product businesses that produce or process animal products requiring an official assurance for export;

**authorised person** means a person authorised by the Director-General under section 65 of the Act to issue official assurances;

**beekeeper** means the owner or other person in control of a beekeeping business;

**bee product processor** means, for the purposes of this notice, a business operating under a risk management programme processing honey, honeydew honey, bee venom, bee pollen, bees wax, propolis, royal jelly, and any other product collected by, or derived from, honey bees intended for human or animal consumption;

**ceiling step** means the longest verification interval available for animal product businesses that consistently achieve acceptable verification outcomes;

**export loading facility (ELF)** means a wharf or other facility from which sealed transportation units of relevant goods are loaded onto vessels or aircraft for export and includes associated facilities identified in the operating procedures of the operator (e.g. container transit facilities, etc.);

**germplasm** means embryos, semen and ova;

**germplasm business** means a business processing germplasm for export;

**initial step** means the verification step that automatically applies to all new animal product businesses

**MPI** means the Ministry for Primary Industries;

**port visit** normally means when a fishing vessel offloads fish material or fish products at a port, however if the verification interval for a vessel has been exceeded a port visit is any time the vessel is accessible from land;

**poultry hatchery** means a hatchery producing hatching eggs and day-old chicks for export;

**recognised agency** means an agency recognised under section 102 of the Act for the purposes of supplying verifiers to verify animal product businesses, and is an agency identified in clause 6(2)(c) of the Animal Products (Recognised Agencies and Persons Specifications) Notice 2015 or a corresponding clause of any amendment or replacement of that notice;

**recognised agency technical manager** is a person identified in clause 6(2)(c) of the Animal Products (Recognised Agencies and Persons Specifications) Notice 2015 or a corresponding clause of any amendment or replacement of that notice;

**relevant goods** means animal product or animal material that is:

- a) intended for human or animal consumption; and
- b) intended for export from New Zealand with an official assurance;

**seasonal business** means an animal product business that only operates at full capacity during a particular period in the year according to the seasons, while operating at a reduced capacity for the remainder of the year, because of the seasonal nature of their operation;

**slaughter** means killing an animal under a humane slaughter programme as a process within a risk management programme registered under the Act, with the intention on the part of the risk management operator that at least part of the animal will be used for human or animal consumption;

**transport operator** means the operator of a business that transports relevant goods within New Zealand and includes the operator of a depot and an export loading facility;

**Transport RCS** means the regulated control scheme imposed under the Animal Products Notice: Regulated Control Scheme –Transportation and Handling of Products for Export with an Official Assurance;

**unacceptable outcome** means the verifier has determined that the operator is not in substantial compliance with all applicable regulatory requirements; and

**verifier** means a recognised person who performs verification, within the meaning set out in section 4 of the Act, for the purposes of this notice.

- (2) Any words or expressions used but not defined in this notice that are defined in the Act, have the meaning given to them in the Act.



## Part 2: General requirements

### 2.1 Market-specific export requirements prevail in the event of inconsistency

- (1) This clause applies to an animal product business that is processing or performing other activities in relation to animal products for export in circumstances where market-specific export requirements also apply (including in relation to supervision, examination, surveillance, frequencies of review, audit, and dormancy).
- (2) If there is a conflict between market-specific export requirements and this notice, the market-specific export requirements prevail.

### 2.2 Operators seeking official assurance eligibility for animal product or animal material to arrange verification

- (1) Operators of animal product businesses must arrange for a verifier to verify their animal product business, including applicable export requirements issued under the Act, in accordance with this notice and the verification steps set out in Schedule 1.
- (2) Sub-clause (1) does not apply if the animal product business is otherwise required to have a full time, on-site verifier present during operating hours, in which case clause 4.2 of this notice applies.
- (3) In addition to sub-clause (1), operators of fishing vessels must arrange for a verifier to verify the vessel operations by also applying Schedule 3 and following the mechanism described in sub-clause (4).
- (4) In relation to verification of a fishing vessel, a verifier must:
  - a) allocate a verification step under both Schedules 1 and 3; and
  - b) conduct verifications according to the step set under those Schedules that will result in the shortest interval between verification visits.
- (5) Where a bee product processor is a seasonal business (e.g. a honey extraction business), at least one verification check of that operator in any given year must occur during the processing season.

### 2.2A Temporary alternative measures for verification resulting from COVID-19 restrictions.

- (1) An operator of an animal product business who has temporarily ceased all operations during COVID-19 restrictions does not need to meet verification requirements during the period of closure.
- (2) Operators unable to meet the requirements of clause 2.2 during COVID-19 restrictions must adopt the process outlined in sub-clause (3).
- (3) The following modifications apply to an operator undertaking verification under clause 2.2:
  - a) verifications may be deferred and performed at longer intervals than that permitted by the application of clause 2.2, clause 4.2 and Schedule 1; and
  - b) where any scheduled verification is missed the verification must immediately be rescheduled and an additional verification conducted in the next verification interval or within 6 months, whichever is earlier.
- (4) Where it is not possible for the missed verification to be carried out in accordance with sub-clause (3)b) the verifier must notify MPI Assurance as soon as practicable.

- (5) This clause applies if a COVID-19 alert level 3 (or above) order made under section 11 of the COVID-19 Public Health Response Act 2020 is in force and continues to apply for 6 months after the order is revoked.

## **2.2B Temporary requirements for verifiers during COVID-19 restrictions.**

- (1) Verifications conducted for the purposes of following up corrective or preventative actions may only include a visit to the premises where it is not possible to get the required evidence in an alternate manner.
- (2) While clause 2.2A is in effect, compliance with clause 3.3(3) is not required.
- (3) This clause applies if a COVID-19 alert level 3 (or above) order made under section 11 of the COVID-19 Public Health Response Act 2020 is in force and continues to apply for 6 months after the order is revoked.

## **2.2C Temporary measures for operators of a seasonal business, not requiring a risk management programme, that closed due to COVID-19 restrictions**

- (1) An operator of a seasonal business not requiring a risk management programme, whose business was closed as a result of COVID-19 restrictions, does not need to meet verification requirements during the period of closure.
- (2) An operator of a seasonal business not requiring a risk management programme, whose business was closed as a result of COVID-19 restrictions, must undergo verification with an acceptable outcome prior to recommencing operations.

## **2.3 Animal material and animal product not complying with export requirements**

- (1) If after conducting a verification for the purposes of this notice, a verifier determines that animal material or animal products are not eligible for export to its intended market or markets, the verifier must:
  - a) notify the operator of the restriction on product eligibility; and
  - b) if there is a way in which the operator can restore product eligibility, advise the operator of the steps required to regain eligibility; and
  - c) confirm as soon as practicable that the operator has taken satisfactory action (for example re-labelling or segregation of products) to ensure the product or material cannot be exported to countries for which eligibility has been lost or suspended; and
  - d) if paragraph b) applies, notify the operator when eligibility has been restored, and
  - e) in the case of operator non-compliance with eligibility restrictions:
    - i) if the verifier is not an animal product officer, notify an animal product officer and request that he or she commences regulatory action if appropriate, or
    - ii) if the verifier is an animal product officer, notify the operator of any intention to act in the capacity of an animal product officer and follow the provisions of the Act accordingly.

## Part 3: Verification steps and intervals

### 3.1 Assignment and adjustments to verification steps for an animal product business

- (1) The verification steps applicable to a class of animal product business are as specified in Schedule 1 of this notice.
- (2) The interval attributed to a verification step is as specified in Schedule 2 of this notice.
- (3) In addition to sub clause (1), Schedule 3 of this notice specifies the verification steps that must be applied in respect of the verification of fishing vessels, subject to clause 2.2(4) of this notice.
- (4) After each verification visit carried out under Schedule 1 or 3, a verifier must determine and record the verification step that will be applicable to subsequent verifications, regardless of whether the animal product business changes verification step.
- (5) The verifier may, after any verification visit carried out under schedule 1 or 3, adjust the verification step for an animal product business to place it on a step falling between the applicable 'Ceiling Step' and Step 1 (as set out in the relevant Schedule).
- (6) If an animal product business temporarily ceases some or all processing activities:
  - a) the technical manager of the recognised agency providing verification services may reduce verification frequency to the ceiling step of any processing activities still being carried out (e.g. a manufacturer who continues to store animal products); and
  - b) if no processing activities are being carried out the minimum verification frequency is:
    - i) 6 monthly for operations whose normal ceiling step is step 6 or below; or
    - ii) annual for animal product businesses whose normal ceiling step is step 7; or
    - iii) in accordance with the recognised agency's normal visit schedule for animal product businesses whose ceiling step is step 8, regardless of processing history.
- (7) If sub-clause (6) applies to an animal product business the scope of verification can be reduced to cover only those activities which continue. If no activities are being carried out the scope of verification must be sufficient to give the verifier confidence that the premises remains in a fit state to resume processing; scheduled repairs and maintenance work notwithstanding.

### 3.2 Criteria for verification interval and variance

- (1) Adjustments in the step placement made by the verifier under sub-clause (2) must be commensurate with the degree of compliance of the animal product business with its documented systems, including export-related requirements.
- (2) In making his or her determination as to the step on which the animal product business should be placed, the verifier must take account of risks and issues identified from the outcome of the most recent verification visit carried out under schedule 1 or 2, having regard to sub-clauses (3) and (4).
- (3) In response to ongoing acceptable verification outcomes, the verifier must place the animal product business on a higher step (resulting in longer intervals between verification visits), except if subclause (4) applies. The verifier must not in any event increase the verification interval beyond the ceiling step given in Schedule 1 for the particular activities the animal product business is carrying out.
- (4) This subclause applies to bee product processors on step 6. In response to ongoing acceptable verification outcomes, the verifier may move bee product processors from step 6 to step 7.
- (5) In the event of an unacceptable verification outcome the verifier must place the animal product business on a lower step (resulting in shorter intervals between verification visits).

- (6) The verifier must notify the operator as soon as practicable of any adjustment to the verification step for that operator's animal product business (and therefore the interval between verifications).
- (7) To avoid predictability the verifier must conduct verifications with sufficient variation in day, time, shift, and interval between verifications. However, such variation must not lead to a greater number of verification visits than would normally occur for the calendar year, having regard to the verification step(s) the business is operating under.

### 3.3 Notice, and urgent or additional verifications

- (1) The verifier must give a minimum of 5 working days' notice to the operator of his or her intention to conduct a verification visit required by Schedule 1 or 3.
- (2) Despite sub-clause (1) the verifier may conduct verifications at short notice, or without prior notice:
  - a) where for the purposes of clause 25 of the Animal Products (Recognised Agencies and Persons Specifications) Notice 2015, or a corresponding clause of any amendment or replacement of that notice, significant compliance issues have been identified during previous verification visits, or at any time after the last verification visit; or
  - b) where the verifier has been notified that the Director-General is considering suspension, deregistration or de-listing of the operation under relevant provisions of the Act.
- (3) Despite anything in sub-clause (1) at least one in every ten verification visits carried out under Schedule 1 or 3 must be conducted without prior notice.
- (4) The verifier may conduct additional verifications at any premises for the purposes of conducting follow-up verification on any corrective or preventative actions which have been required from the findings of a previous verification.
- (5) For the purposes of this clause, "short notice" means no more than two full working days.

### 3.4 Off-site verification for bee product processors

- (1) Off-site verification means verification carried out without attending the operator's premises.
- (2) A verifier may offer off-site verification to a bee product processor that is on step 6 for the verification that takes place during the period in the year where the business operates at reduced capacity (the off-season).
- (3) In determining whether or not to offer off-site verification under this clause, the verifier must take into account the operator's performance, performance history and history of non-conformances.

## Part 4: Verification outcomes and follow-up actions

### 4.1 Unacceptable outcomes at step 1 and step 2

- (1) Following an unacceptable outcome when the animal product business is at step 1 or step 2:
  - a) the operator must prepare a written corrective action management plan; and
  - b) the verifier must provide written notification to the operator of issues required to be addressed in the plan; and
  - c) the operator must send the plan to the verifier for his or her agreement within 5 working days of receiving the notification.
- (2) Following an unacceptable outcome when the animal product business is at step 1:
  - a) the verifier must place that animal product business on step 00; and
  - b) the Director-General, in consultation with the recognised agency technical manager, must decide on an appropriate verification interval for the animal product business; and
  - c) the Director-General, in consultation with the recognised agency technical manager and the operator, must determine the conditions for return to step 1; and
  - d) the verifier must only place the animal product business back on step 1 when all conditions set by the Director-General have been met.

### 4.2 Premises with full time verifier presence

- (1) Where an animal product business has fulltime verifier presence, the verifier must give the operator a verification report and outcome on a monthly basis. The monthly verification outcome must be notified in writing to the operator, or the operator's designated representative.
- (2) The verifier must determine the monthly verification outcome according to the level of operator compliance with New Zealand standards (e.g. risk management programme or regulated control scheme), general and market-specific export requirements, relating to the animal product business being verified.

### 4.3 Reporting and record-keeping requirements

- (1) Following every verification conducted for the purposes of this notice, the verifier must designate the outcome as either "acceptable" or "unacceptable" and must report this to the operator.
- (2) As soon as practicable following verification, the verifier must provide a written report to the operator, which must include the outcome of the verification and recommendations, requirements, or follow-up actions to ensure or improve compliance.
- (3) Recognised agencies that operate an animal product verification service must:
  - a) operate a system whereby verification reports and outcomes are centrally recorded for performance monitoring and audit purposes; and
  - b) make all verification information relating to animal product businesses, which is reasonably necessary to enable official assurances to be issued, available to authorised persons issuing official assurances and verifiers approving official assurance supporting documentation.

## 4.4 Follow-up actions

- (1) Subsequent to the identification of any follow-up actions in the verifier's report, as required by clause 4.3(2), the operator must (in consultation with the verifier) designate a period of time within which the follow-up actions will be completed.
- (2) The operator must confirm to the verifier that any follow-up actions have been addressed within the designated period of time.
- (3) If follow-up actions are required as a result of serious non-compliance (as identified by the verifier), the operator must make the confirmation required under sub-clause (2) in writing.

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## Schedule 1 – Initial and ceiling steps for premises that do not have fulltime recognised agency supervision

An animal product business listed under column 1 of the following table is subject to the corresponding initial step in column 2 and the ceiling step in column 3.

<b>Animal product business</b>	<b>Initial step</b>	<b>Ceiling step</b>
Primary processors of mammals and birds for human consumption	Step 2	Step 5
Secondary processors of mammals and birds for human consumption	Step 2	Step 5
Primary and secondary processors of seafood for human and animal consumption, including fishing vessels	Step 2	Step 6
Farm dairy RMP and raw milk transport	Step 5	Step 7
Transport operators who operate under a registered risk management programme and have depots with refrigerated compartments	Step 5	Step 6
All other transport operators who operate under a registered risk management programme (including operators of depots and export loading facilities)	Step 6	Step 7
Transport operators who are registered under the Transport RCS and operate depots with refrigerated compartments	Step 5	Step 6
All other transport operators who are registered under the Transport RCS (including operators of depots without refrigerated compartments and export loading facilities) (Where an operator has more than one ELF, each facility must be verified at each verification visit)	Step 6	Step 7
Processors of dairy product and dairy material for human consumption	Step 2	Step 5
All other processors of animal product for human consumption	Step 2	Step 5
Export stores	Step 2	Step 6
Primary processors of mammals and birds for animal consumption	Step 2	Step 5
All other processors of animal product for animal consumption	Step 2	Step 6
All other businesses that have a risk management programme but not covered by the above animal product business descriptions	Step 2	Step 5
Killed wild mammal material depots	Step 4	Step 6
Fish (other than bivalve molluscan shellfish) material depots	Step 8	Step 8
Bee product processors (Refer to the document Guidance to the Animal Products Notice: Export Verification Requirements (Bee product processors requiring risk management programmes) for further information.)	Step 5	Step 7
Businesses (excluding stores) processing blood, blood products, reproductive materials and pharmaceutical products requiring official assurances though not required to have a risk management programme	Step 2	Step 5
Businesses (including stores) processing animal material such as hides and skins, or for fertilizer and similar products, that require official assurances though not required to have a risk management programme	Step 2	Step 7
Germplasm businesses	Step 6	Step 7
Poultry hatcheries	Step 6	Step 7
Providers (if other than the risk management programme holder) of ante-mortem and post-mortem examination of mammals or birds	Step 2	Step 5

## Schedule 2 – Intervals attributed to verification steps

A verification step listed under column 1 of the following table carries the corresponding verification interval attributed to it under column 2.

Verification step	Verification interval
Step 00	Determined by the Director General
Step 1	2 weeks
Step 2	1 month
Step 3	6 weeks
Step 4	2 months
Step 5	3 months
Step 6	6 months
Step 7	1 year
Step 8	5 years (20% of businesses within the business category each year)

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## Schedule 3 – Verification for fishing vessels

Verification step	Verification frequency
Step 1	Every port visit
Step 2	Every second port visit
Step 3	Every fourth port visit
Number of consecutive acceptable outcomes required to move to a higher step	2
Number of unacceptable outcomes required to move to a lower step	1

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