



## Animal Products (National Microbiological Database Specifications) Notice 2009

Pursuant to sections 45 and 167(1)(h) of the Animal Products Act 1999 and having had regard to the matters specified in section 44(7) of that Act, I, Carol Barnao, Director (Standards) issue the following notice setting specifications and other detailed requirements (relating to the National Microbiological Database) that are necessary and desirable to give effect to, and amplify, regulation 15 of the Animal Products Regulations 2000.

Signed at Wellington this 29th day of May 2009

Carol Barnao  
Director (Standards)  
New Zealand Food Safety Authority  
(Acting under delegated authority)

Certified in order for signature

Matthew Green

Solicitor

Legal Services

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National Microbiological Database Programme

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## Notice

### 1 Title

This notice is the Animal Products (National Microbiological Database Specifications) Notice 2009.

### 2 Commencement

This notice comes into force on 6 July 2009 for all species except porcine. For porcine this notice comes into force on 3 August 2009.

## Part 1 Preliminary Provisions

### 3 Purpose

The purpose of this notice is to set specifications and other detailed requirements (relating to the National Microbiological Database) that are necessary and desirable to give effect to, and amplify, regulation 15 of the Animal Products Regulations 2000.

### 4 Interpretation

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

**Act** means the Animal Products Act 1999.

**approved laboratory** means a laboratory approved under the Laboratory Approval Scheme

**associate trainer** means any person approved by the LAS Administrator as competent to

- (a) collect samples under the NMD Programme; and
- (b) train restricted samplers

**authorised representative** means a person nominated as the representative of an approved laboratory

**carcass** means an animal carcass

**certified trainer** means any person approved by the LAS Administrator as competent to collect samples under the NMD Programme and to train associate and restricted samplers

**data submitter** means any person who submits sampling data to an approved laboratory on behalf of an operator

**laboratory signatories** means a person recognised under section 103 of the Act, to authorise NMD Programme test results

**LAS Administrator** means a person who holds the position of Laboratory Approval Scheme Administrator at NZFSA

**Laboratory Approval Scheme** means the Laboratory Approval Scheme recognised by the Director-General under the Animal Products (Recognised Agencies and Persons Specifications) Notice 2007

**NMD** means the National Microbiological Database

**NMD Administrator** means the person appointed to the position of NMD Administrator at NZFSA

**NMD Controller** means a person (who may, but need not be, the operator of premises themselves) appointed by an operator to control the NMD Programmes at the premises where he or she processes

**NMD Programme** means the programme described in the Schedule

**NZFSA** means the New Zealand Food Safety Authority

**operator** means an operator of a premises that carry out

- (a) primary processing of bovine (including bobby calf), caprine, cervine, ovine, emu, ostrich, porcine or poultry for human consumption; and
- (b) secondary processing (except where they are subject to the Food Act 1981) by cutting and boning bovine (including bobby calf), caprine, cervine, ovine or porcine products intended for human consumption

**poultry** means broiler chickens

**processing period** means, in relation to a poultry broiler, a set sampling period of -

- (a) five processing days for standard throughput; and
- (b) A processing week for VLT

**product type** means-

- (a) carcass; or
- (b) cut or bulk pack product

**red meat** includes meat derived from bovine (including bobby calf), caprine, cervine, ovine, emu, and ostrich, and porcine

**regulatory limit** means a measurable limit related to safety or suitability that is identified as a regulatory limit by the Director-General

**restricted sampler** means a person trained by an associate trainer or a certified trainer to collect samples in accordance with the NMD Programme

**risk management programme verifier** means a person recognised under section 103 of the Act as a risk management programme verifier

**sampler** means a certified trainer, associate trainer or restricted sampler

**sampling week** means any week beginning on a Monday and concluding on the following Sunday (inclusive) in which samples must be taken under the NMD Programme

**spreadsheet** means the data entry spreadsheet provided by NZFSA for data entry and submissions of NMD Programme results to NZFSA

**Statistical Process Control Charts** means a cumulative chart (graph or table), that summarises a premises' NMD Programme results

**VLT** means very low throughput.

- (2) Further terms and expressions used in the Schedule are defined in that Schedule.
- (3) Any term or expression that is defined in the Animal Products Act 1999, or regulations made under that Act and used, but not defined, in this notice has the same meaning as in that Act or regulations.

## **Part 2**

### **National Microbiological Database Programme**

#### **5 National Microbiological Database Programme**

The NMD Programme set out in the Schedule –

- (a) Is part of this notice; and
- (b) Contains specifications and requirements that must be complied with.

## **6 Operator must ensure NMD Programme implemented**

- (1) An operator must ensure that an NMD Programme is implemented at the premises at which he or she is processing.
- (2) An operator must comply with the administrative and participation requirements set out in section 1 of the NMD Programme.

## **7 Operator: Sampling requirements**

An operator must ensure that sampling is carried out in accordance with the sampling requirements specified in sections 1, 2 and 3 of the NMD Programme for all product types processed at the premises in which he or she is processing.

## **8 Operator responsibilities and requirements: Samplers and laboratories**

- (1) An operator must allow a sampler access to the premises in which he or she is processing in order to take the samples required by the NMD Programme (as is provided for in section 16(1)(e) of the Act).
- (2) An operator must provide appropriate clothing, hygiene and safety equipment to samplers present at the operator's premises.
- (3) An operator must provide refrigeration, storage facilities and any other equipment necessary to store samples if required prior to them being transported to the laboratory.
- (4) An operator must ensure that an approved laboratory conducts the tests that sections 4 and 5 of the NMD Programme require.
- (5) An operator must, as soon as practicable, advise the authorised representative at the approved laboratory of any changes to details (for example, the name or position) of samplers employed by the operator.

## **9 Operator responsibilities and requirements: NMD controller**

- (1) An operator must:
  - (a) appoint an NMD Controller; and
  - (b) as soon as practicable advise the NMD Administrator in writing of –
    - (i) the identity and contact details of the NMD Controller; and
    - (ii) any subsequent changes to the identity or details of the NMD controller.
- (2) An operator must ensure that the NMD Controller he or she has appointed -
  - (a) controls the implementation of the NMD Programme at the premises at which the operator is processing; and
  - (b) interprets and reviews the data received from an approved laboratory relating to samples taken under the NMD Programme in accordance with section 6 of the NMD Programme; and
  - (c) ensures any corrective actions identified during the data review are undertaken and reported to the operator; and
  - (d) produces Statistical Process Control Charts on, at least, a weekly basis for each species to which the NMD Programme applies when the premises are processing that species; and
  - (e) keeps any approved laboratory used by the operator informed of production schedules and plant closures that could impact on NMD Programme sampling; and
  - (f) immediately on receipt of results from an approved laboratory, informs the risk management programme verifier of any detection or non-compliant targets (as set out in section 6 of the NMD Programme) of the following:
    - (i) *Salmonella*; and
    - (ii) *E. coli* and APC; and
    - (iii) *Campylobacter*; and

- (g) assigns competent and appropriately trained replacements to fill the roles of samplers, data submitters, and NMD Controllers at the premises when those persons are absent.

## **10 Authorised representatives: Responsibilities and obligations**

- (1) An authorised representative must ensure that any sample received for NMD Programme testing has been collected by a sampler.
- (2) An authorised representative must ensure that the approved laboratory at which he or she works does not accept a sample for testing that does not comply with the standard for a sample for testing specified in the NMD Programme.
- (3) An authorised representative must ensure that:
  - (a) samplers submitting samples to the laboratory are formally trained in accordance with the Laboratory Approval Scheme; and
  - (b) current records containing details relating to samplers are maintained at the approved laboratory; and
  - (c) operators are advised of the results of training and status of samplers that work at the operators' premises.
- (4) The records referred to in subclause 3(b) must include the:
  - (a) species and product type in relation to which each sampler has been trained; and
  - (b) date of each sampler's training; and
  - (c) name of each sampler's trainer; and
  - (d) operator or operators with whom each sampler is associated.
- (5) An authorised representative must ensure that audits are carried out at the approved laboratory where he or she works to ensure that –
  - (a) the requirements in subclause (3)(a) to (c) are being met; and
  - (b) samplers are continually sampling to the standard specified in the NMD Programme.
- (6) An authorised representative must ensure that the approved laboratory at which he or she works does not undertake NMD Programme testing unless the laboratory has engaged the services of at least one certified or associate trainer.

## **11 Technical failures of samples**

- (1) An operator must ensure that any incident or omission that occurs during sampling, storage or transport of samples and results in a sample not meeting NMD Programme sampling requirements is reported to the NMD Administrator as soon as is practicable.
- (2) If an incident or omission of the kind referred to in subclause (1) occurs at any stage during the sampling the operator must make every effort to re-sample in the same sampling week.
- (3) If no other time to resample is available in the same sampling week the operator need not supply two sets of samples to the laboratory the following sampling week.
- (4) An authorised representative must ensure that any incident or omission that occurs during analysis of samples which results in a sample not meeting NMD Programme analysis requirements is reported to the NMD Administrator as soon as practicable.
- (5) If the NMD Administrator requires that an operator provides evidence of corrective action being taken to address repetitive failures to meet the sampling requirements in the NMD Programme, an operator must provide that evidence as soon as is practicable.

## 12 Results and Calculations

- (1) An operator must ensure that all results calculated at the premises at which he or she is processing are calculated in accordance with the requirements in section 5 of the NMD Programme.
- (2) An authorised representative must ensure that all results by the approved laboratory are calculated in accordance with the requirements in the NMD Programme.
- (3) An authorised representative must ensure that systems are in place to enable laboratory signatories to reconcile the results calculated under the NMD Programme with the original colony counts recorded.
- (4) An authorised representative must ensure that systems are in place to ensure that final sample reports are signed by a laboratory signatory.
- (5) An operator must notify the NMD Administrator in writing if he or she engages the services of an off site laboratory, that is approved under the Laboratory Approval Scheme, to provide results directly to the NMD Administrator.
- (6) An operator must ensure that when authorised laboratory results are entered into the spreadsheet at the premises, (independently of the approved laboratory), the substance of those results is not altered in any manner.
- (7) Subclause (6) does not prevent alterations being made to the format or presentation of the results provided that such alterations do not affect the results themselves in any substantive way.

## 13 Reporting of Results

- (1) Authorised representatives and operators must ensure that all results are submitted to the NMD Administrator (whether via the NMD website data entry system or any other means) –
  - (a) Identify the premises from which the samples were taken, the process descriptors, and the sample descriptors (as detailed in section 5.5 of the NMD Programme); and
  - (b) Are submitted –
    - (i) Within 24 hours of completion of analysis or as soon as possible after sampling, but no later than 1 week after sampling; and
    - (ii) In the case of *Salmonella*, no later than two weeks after sampling.
- (2) An operator must advise NZFSA if issues between the operator and the authorised representative are likely to prevent the operator from meeting his or her reporting requirements.
- (3) An authorised representative must advise NZFSA if issues between the authorised representative and the operator are likely to prevent the authorised representative from meeting his or her reporting requirements.
- (4) An authorised representative must, within 24 hours of completion of analysis, notify the operator of any presumptive results that indicate that the limits described in section 6 of the NMD Programme have been exceeded.

## Part 3 Revocations

### 14 Revocations

- (1) The Animal Products (National Microbiological Database Specifications) Notice 2008 issued on 31 January 2008 (which includes any notices that amended that notice) is revoked.
- (2) Despite the revocation of that notice –

- (a) the validity, effect or consequence of any function or activity performed under that notice is not affected; and
- (b) the revoked notice continues to have effect as if it had not been revoked for the purpose of:-
  - (i) investigating any offence against or breach of that notice; and
  - (ii) commencing or completing proceedings for an offence against or breach of, that notice; and
  - (iii) imposing a penalty for an offence against, or breach of, that notice.

## **Schedule 1**

### **National Microbiological Database Programme**