



## Animal Products (Regulated Control Scheme - Hormonal Growth Promotants) Notice 2009

Pursuant to sections 38(2)(b) and 167(1)(f) of the Animal Products Act 1999, I, Carol Barnao, Director (Standards), issue the following notice to create a regulated control scheme for the use and management of hormonal growth promotants implanted in bovine animals, and the handling and identification of hormonal growth promotant implanted animals and animal products derived from such animals.

Signed at Wellington this 14<sup>th</sup> day of May 2009

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

Certified in order for signature

Solicitor  
Legal Services

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## **Notice**

### **1 Title**

This notice is the Animal Products (Regulated Control Scheme - Hormonal Growth Promotants Notice) 2009.

### **2 Commencement**

This notice comes into force on 1 August 2009.

## **Part 1 Preliminary Provisions**

### **3 Application**

The regulated control scheme in this notice applies to-

- (a) veterinarians who administer a HGP to an animal, train and supervise technicians to administer a HGP to an animal, or supervise the administering of a HGP to an animal; and
- (b) competent persons; and
- (c) persons in charge of animals, including suppliers; and
- (d) primary processors of a HGP implanted animal; and
- (e) verifiers of primary processing of animal material or animal products; and
- (f) other persons as referred to in clauses 7,12, 21 and Part 9.

### **4 Purpose**

- (1) This notice creates a regulated control scheme for the use and management of HGPs administered to animals, and for the handling and identification of HGP implanted animals and animal products derived from such animals.
- (2) The prime purpose of this regulated control scheme is to meet the requirements of certain overseas markets which require New Zealand to impose controls to ensure that animal material and product from HGP implanted animals is not exported to those overseas markets.

### **5 Interpretation**

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

**Act** means the Animal Products Act 1999

**animal** has the same meaning as in the Act but is limited in this notice to a bovine animal implanted with, or intended to be administered with, a HGP

**animal identification** means the identifying combination of letters and numbers impressed onto the primary or replacement ear tag of an animal

**animal material** and **animal product** has the same meaning as in the Act, but relate only to an animal to which this notice applies.

**animal status declaration or ASD** means a completed and signed supplier statement regarding an animal presented for slaughter, as provided for in clause 40 of the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2004

**approved animal identification system** means an animal identification system approved by the Director-General under the Biosecurity (Animal Identification Systems) Regulations 1999.

**competent person** means a veterinarian or a technician

**direct-to-slaughter ear tag** means the animal identification device marked with the letter 'S'

**directly supervise** means the activity of a competent person being physically present and in direct control of the actions of the person that they are supervising

**employment** means employment by the veterinarian or the veterinary practice with which the veterinarian is associated

**HGP** means any veterinary medicine that contains either natural or synthetic hormones and is sold for the purpose of increasing the muscle tone, growth rate, weight gain or feed efficiency of an animal

**HGP database** means the database maintained by the Director-General under Part 9, into which specified information regarding HGP implanted animals is required to be entered under the supervision of a veterinarian

**HGP identification ear tag** means an ear tag that is a two piece orange plastic rectangular ear tag, no smaller than 50 mm x 16 mm, that bears only the words "growth promotant" clearly printed, and that is used for identifying a HGP implanted animal

**HGP surveillance list** means the list of suppliers under surveillance that is kept by the Director-General under Part 7 and, for the purposes of the European Union (EUN) Overseas Market Access Requirements, is equivalent to a suspect list

**HGP control system** means all the activities described under Parts 2-9 of this notice and includes the control of HGPs under the Agricultural Compounds and Veterinary Medicines Act 1997

**HGP implanted animal** means an animal to which a HGP has been administered to the satisfaction of a competent person

**mob** means animals of the same species presented for slaughter by a primary processor and slaughtered as a continuous line

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

**person in charge** means a person for the time being in charge of an animal at any point from the time a HGP is implanted in that animal until the time the HGP implanted animal is presented to a primary processor for processing

**primary ear tag** means the individual bar-coded animal identification device specified as a primary ear tag

**primary processor** means a primary processor of animals for an overseas market where an official assurance is required attesting to the absence of any animal material or products derived from a HGP implanted animal

**replacement ear tag** means an individual bar-coded animal identification device, marked with the letter 'R', with a pre-printed individual animal identifier included in the bar-code applied when a primary ear tag is lost

**secondary ear tag** means the animal identification device that is specified as a secondary ear tag

**supervise** as it applies to a veterinarian, means the activity of a veterinarian overseeing a technician administer a HGP without that veterinarian necessarily being physically present

**supervising veterinarian** means a person who supervises a technician administering a HGP to an animal and (where a veterinarian administers the HGP him-or herself) includes that veterinarian

**supplier** means a person (not being a person solely engaged in facilitating the physical transfer of an animal or animal material, such as a transporter, purchasing agent or sale-yard operator) who presents an animal or animal material to a processor for processing

**technician** means a person trained by a veterinarian to administer a HGP or to directly supervise administration of a HGP by another person

**veterinarian** means a veterinarian who holds a current retention certificate issued by the Veterinary Council of New Zealand and who has been issued with a current username and password to enable access to the HGP database

- (2) Unless stated otherwise, references in this notice to clauses and schedules are to clauses in and schedules to this notice.
- (3) Any words or expressions used but not defined in this notice that are defined in the Act have the same meaning given to them in the Act.

## Part 2

### General Requirements and Restrictions in relation to HGPs

#### 6 Administering a HGP

- (1) Only a competent person or a person in charge acting under the direct supervision of a competent person may administer a HGP to an animal.
- (2) A technician administering a HGP to an animal, or directly supervising HGP administration to an animal, must be acting under the supervision of a supervising veterinarian.

#### 7 Improper use of ear tags and a HGP

- (1) A HGP identification ear tag must not be used for any purpose other than identification of a HGP implanted animal in accordance with the requirements of this notice.
- (2) No person may remove a HGP or a HGP identification ear tag from any live animal.

### **Part 3**

## **Obligations of Supervising Veterinarians**

#### **8 Application of this part**

This Part applies only to supervising veterinarians.

#### **9 Supervising veterinarians and competency records**

- (1) A supervising veterinarian must use his or her best endeavours to ensure the technicians he or she supervises maintain ongoing compliance with the requirements of this notice.
- (2) For the purposes of this clause and section 144(1) of the Act a technician being supervised by a veterinarian is an agent of the veterinarian.
- (3) A supervising veterinarian must reassess the competency of each technician he or she supervises in relation to HGP administration and implantation, at a frequency of at least once every 12 months.
- (4) A supervising veterinarian must keep a record of each technician supervised by that veterinarian, which must include—
  - (a) the full name of the technician; and
  - (b) the date of commencement of the technician's employment and the date the employment ceased; and
  - (c) the dates when any HGP competency training took place and was completed; and
  - (d) the name of the supervising veterinarian responsible for training the technician; and
  - (e) the dates and results of the competency re-assessments of the technician carried out by the supervising veterinarian.
- (5) A supervising veterinarian must keep the records required by subclause (4) for a period of at least 4 years from when their employment of the technician ceases.
- (6) The records kept by a supervising veterinarian under subclause (4) must be kept in a readily accessible form and be made available on written request to a verifier, animal product officer, or auditor of the HGP control system acting under an international agreement.

### **Part 4**

## **Obligations of Competent Persons**

#### **10 Application of this part**

This Part applies only to competent persons.

#### **11 Administration of a HGP**

- (1) A competent person must administer a HGP to an animal in accordance with—
  - (a) the requirements of this notice; and
  - (b) the conditions of registration of the relevant HGP as a veterinary medicine under the Agricultural Compounds and Veterinary Medicines Act 1997.
- (2) A HGP must not be administered to—

- (a) a lactating dairy cow; or
  - (b) a cow intended for the production of milk for human consumption; or
  - (c) a bobby calf; or
  - (d) an animal bearing a 'direct-to-slaughter' (S) ear tag.
- (3) A HGP may only be administered to an animal bearing a primary ear tag or a replacement tag.
- (4) A competent person must ensure that an animal intended for HGP implantation is identified with a HGP identification ear tag.
- (5) If an animal is fitted with a HGP identification ear tag but is not then implanted with a HGP the animal identification for that animal must be entered onto the HGP database.

## **12 Custody of a HGP**

A competent person must not transfer possession or custody of a HGP to any person other than a competent person, except where the transfer is to a person administering or intending to administer a HGP to an animal under the supervision of a competent person.

## **13 Collection of information by competent person**

Where for the purpose of the record required under clause 14, a competent person administering a HGP to an animal collects personal information from a person in charge (including a supplier), the competent person must explain to the person in charge that—

- (a) the information is being collected for the purpose of the regulated control scheme under this notice; and
- (b) the information will be entered into the HGP database as required under clause 14 and Part 9.

## **14 Veterinarians required to enter information on the HGP database and keep records of administration of a HGP**

- (1) 'Required information' for the purposes of this clause means the information required by sub-clause (3).
- (2) A record of HGP implantation in relation to every HGP implanted animal must be entered into the HGP database established under Part 9.
- (3) The required information to be entered on the HGP database is—
- (a) name of farm or farm owner or person in charge at the time the HGP was implanted; and
  - (b) physical address and phone number of the business operated by the person referred to in (a); and
  - (c) agribase farm identification in relation to the farm from which the HGP implanted animal came; and
  - (d) herd identification number in relation to the HGP implanted animal; and
  - (e) date of HGP implantation of the animal; and
  - (f) individual animal identification number; and
  - (g) HGP product; and
  - (h) veterinary practice details; and
  - (i) competent person name; and
  - (j) dated approval of HGP implantation by the supervising veterinarian.

- (4) The supervising veterinarian in relation to a HGP implanted animal must ensure that the required information is entered into the HGP database—
  - (a) within 10 working days of the HGP identification ear tag being fitted to that animal; and
  - (b) prior to saving the final record to the HGP database and completing the affirmation requirement.
- (5) Written information collected when a HGP is implanted into an animal, that is later entered on the HGP database, must be kept by the supervising veterinarian for a period of at least 4 years from the date of HGP implantation of that animal.
- (6) Within 20 working days of an animal being fitted with a HGP identification ear tag, the supervising veterinarian must give the person in charge a copy of the information that was entered on the HGP database in relation to that animal.

## **Part 5**

### **Obligations of Persons in Charge**

#### **15 Application of this part**

This Part only applies to persons in charge of animals including (but not limited to) suppliers.

#### **16 Ear tag identification of animals**

- (1) A person in charge of a HGP implanted animal or an animal intended to be implanted with a HGP must ensure that the animal has been, or is, correctly fitted with the HGP identification ear tags required by the remainder of this clause, prior to the animal being implanted with a HGP or (as the case may be) sent for primary processing.
- (2) At the time of administration of a HGP the person in charge must ensure that the animal is identified with a primary ear tag or replacement ear tag.
- (3) A HGP implanted animal must not be fitted with a 'direct to slaughter' (S) tag.
- (4) A HGP implanted animal supplied for slaughter by a person in charge (including if applicable, the supplier) must be identified by—
  - (a) a HGP identification ear tag; and
  - (b) either a primary ear tag or a replacement ear tag; andbe accompanied by an Animal Status Declaration form with the section relating to HGPs fully and correctly completed.
- (5) A HGP identification ear tag that is lost from a HGP implanted animal must be replaced by the person in charge of the animal before the animal is sold or supplied for processing.
- (6) Where a primary ear tag is replaced on a HGP implanted animal the replacement ear tag identifier must be notified within 10 days of replacing the ear tag to a competent person, for the purpose of updating the HGP database.

## **Part 6**

### **Obligations of Primary Processors**

#### **17 Application of this part**

This Part applies only to primary processors.

#### **18 Consignments of HGP implanted animals**

- (1) A primary processor must have a documented HGP control system for identifying and separating animal material or animal product derived from a HGP implanted animal from animal material or animal product derived from a non-HGP implanted animal.
- (2) A primary processor may, for commercial reasons, declare an animal to be HGP implanted.
- (3) An animal that is identified or declared by a processor as having been HGP implanted must be processed separately from a non-HGP implanted animal, and in accordance with this notice.
- (4) A primary processor must ensure that the primary or replacement ear tag of every bovine animal for export to an overseas market where an official assurance is required is scanned at the time of processing and that the result of this scan is recorded and compared to the animal identification from every HGP implanted animal, supplied to the primary processor from the HGP database.
- (5) A primary processor must ensure that each carcass and edible offal of or from a HGP implanted animal can be identified as a HGP implanted animal at all stages of processing until post-mortem inspection is completed.
- (6) An animal must be identified or declared as a HGP implanted animal by the primary processor in any of the following circumstances—
  - (a) the animal bears a HGP identification ear tag;
  - (b) scanning the animal's primary or replacement ear tag shows that the animal identification is recorded on the HGP database;
  - (c) the animal is declared as HGP implanted on the animal status declaration form on which that animal is listed;
  - (d) evidence of possible past use of a HGP is detected at post-mortem inspection;
  - (e) laboratory testing confirms the presence of a HGP implant or the active ingredient of a HGP in the animal;
  - (f) the animal has no HGP identification ear tag and is not on the HGP database but is present in a mob of HGP implanted animals from the same supplier and its freedom from HGP implantation cannot be independently confirmed; or
  - (g) there is any other cause for the primary processor to suspect that a HGP has been administered to the animal.
- (7) Where a non-compliance with the primary processor's HGP control system is identified, the primary processor must—
  - (a) identify and record the reasons for the non-compliance; and
  - (b) record the disposition of the animal material or product; and
  - (c) ensure that the animal's HGP status is declared correctly in accordance with this notice; and
  - (d) ensure that corrective action measures are put in place at the primary processor's premises to prevent a recurrence of the non-compliance.

**19 Records of primary processing**

- (1) A primary processor must keep records in a readily accessible form relating to the processing of a HGP identified or declared animal, including HGP non-compliances, for a period (in relation to each animal) of at least 4 years from the date of processing of that animal.
- (2) These records must be made available on written request to a verifier, animal products officer, or an auditor under an international agreement.

**Part 7  
Surveillance list****20 Surveillance list**

- (1) The Director-General must keep and maintain a HGP surveillance list.
- (2) The purpose of the list is to identify a supplier who has not kept records in accordance with this notice.
- (3) The list may be kept in the manner and form determined by the Director-General including on the New Zealand Food Safety Authority's website.
- (4) The Director-General may enter a supplier onto the HGP surveillance list if—
  - (a) the record supplied by the supplier when the animal is presented for processing is not, or is suspected not to be, a record which complies with this notice; or
  - (b) according to the requirements of a notice issued under section 60 of the Act, any acts or omissions of the supplier require or permit the Director-General to add the supplier onto the HGP surveillance list.
- (5) Every entry on the HGP surveillance list must identify the supplier by name and business address.
- (6) The Director-General must notify a supplier in writing (in accordance with section 165 of the Act) of any entry in relation to that supplier on the HGP surveillance list, and any subsequent amendments to the supplier's details.

**21 Prohibition on exporting animals, material and products from sources on the surveillance list**

- (1) No person may export animal material or animal products to any overseas market to which this notice applies, which are sourced from a supplier that is on the HGP surveillance list at the time official assurance for export is sought.
- (2) No supplier on the HGP surveillance list may supply any animal material or animal products to any person for export to any overseas market to which this notice applies.

**22 Amendment of incorrect entry on surveillance list**

- (1) A supplier whose name is entered onto the HGP surveillance list may apply in writing to the Director-General to request that an entry relating to that supplier is amended because it is incorrect.
- (2) Following an application made under subclause (1) the Director-General must amend the entry within 5 working days of receipt of the application unless the Director-General is satisfied that the entry is correct.

- (3) If after receiving and considering an application under subclause (1) the Director-General decides not to revoke or amend the entry, the Director-General must provide written reasons to the applicant within 5 working days of the Director-General's decision.

### **23 Amendment or revocation of entry on surveillance list if risk under control or eliminated**

- (1) The Director-General may revoke or amend an entry on the surveillance list if the Director-General is provided with written information that shows there were insufficient grounds for the entry to be made, or that the risk associated with the entry has been eliminated or brought under control.
- (2) A supplier whose name is entered onto the HGP surveillance list may apply in writing to the Director-General and supply such information as is necessary to demonstrate to the satisfaction of the Director-General that there were insufficient grounds for the entry or (as the case may be) that the risk associated with the entry has been eliminated or brought under control.
- (3) If after receiving and considering an application under subclause (2) the Director-General decides not to revoke or amend the entry, the Director-General must provide written reasons to the applicant within 5 working days of the Director-General's decision.

### **24 Surveillance notice**

- (1) The Director-General must provide a surveillance notice in writing to the affected supplier as soon as practicable but not later than 7 working days after making a new entry or revoking or amending an existing entry on the surveillance list.
- (2) A surveillance notice under subclause (1) must be notified in accordance with section 164(2) to (4) of the Act and must specify—
  - (a) the date on and from which the notice takes effect; and
  - (b) the part or parts of this regulated control scheme that have not been complied with; or
  - (c) if applicable, any other lawful reason that the Director-General has for placing the supplier on the surveillance list; and
  - (d) other administrative matters as the Director-General considers appropriate.

## **Part 8 Obligations of Verifiers**

### **25 Application of this part**

This Part applies to verifiers who are responsible for verifying that—

- (a) the requirements of any notice issued under section 60 of the Act or other overseas market access requirements in relation to a HGP implanted animal have been met, for the purposes of an official assurance; and
- (b) the control of HGP implanted animals by primary processors is in accordance with this notice.

## **26 Verification procedures**

- (1) A recognised agency employing a verifier to whom this Part applies must implement and maintain documented procedures for verifying the compliance with this notice of any primary processor to whom that agency provides verification services.
- (2) At least once in each calendar month a verifier must audit the documented system implemented by the primary processor (under clause 18(1)) for the control of HGP identified or declared animals.
- (3) Any non-compliance by a primary processor detected by a verifier acting under this Part must be fully documented by the verifier and may be used as a basis for determining whether an official assurance can be issued for a consignment of animal material from a HGP implanted animal.

## **Part 9 HGP Database**

### **27 Application of this part**

- (1) In this Part “authorised user” means a user of the HGP database who has been given database access rights by the Director-General.
- (2) This Part applies to—
  - (a) the Director-General; and
  - (b) authorised users; and
  - (c) eligible persons wishing to become authorised users.

### **28 HGP database**

- (1) The Director-General must establish and maintain a database of every HGP implanted animal containing the information required to be entered under clause 14(3).
- (2) The HGP database must be accessible only to authorised users, and the Director-General must ensure that sufficient measures are in place at all times to protect the HGP database from being accessed and used by unauthorised persons.
- (3) The required information for the HGP database must be entered accurately and within the periods required by this notice.

### **29 Authorised users**

- (1) A person who accesses or enters data into the HGP database must, at the time of accessing the database, be an authorised user, and have a user name and password issued to them by the Director-General.
- (2) Any of the following persons may apply to be authorised users of the HGP database—
  - (a) veterinarians and supervising veterinarians;
  - (b) technicians;
  - (c) HGP required information data entry personnel;
  - (d) verifiers;
  - (e) employees of NZFSA.

- (3) In conferring authorised user status on any person the Director-General may grant the authorised user a level of access to the HGP database that is commensurate with the functions of the authorised user under this notice or (in the case of a person referred to in subclause (2)(c) or (e)), as required to perform that person's functions in relation to HGP data.
- (4) An authorised user must not disclose—
- (a) his or her HGP database username and/or password; or
  - (b) any information contained on the HGP database.
- to any other person, except as reasonably required to enable the authorised user to perform his or her functions under this notice or (in the case of a person referred to in subclause (2)(c) or (e)), as required to perform that person's functions in relation to HGP data.
- (5) The Director-General may at any time, and without notice (if the seriousness of the situation requires), suspend or withdraw authorised user status from any authorised user of the HGP database, if the Director-General becomes aware on reasonable grounds that the authorised user—
- (a) is no longer eligible to be an authorised user of the HGP database (under subclause (2)); or
  - (b) has failed to comply with this notice; or
  - (c) has disclosed his or her username and/or password to the HGP database to any other person (except as provided in subclause (4)); or
  - (d) has disclosed any information from the HGP database to any other person (except as provided in subclause (4)); or
  - (e) has otherwise misused his or her access rights or privileges to the database in any way.
- (6) In the event that the Director-General suspends access to the HGP database in respect of any user, he or she must notify the user of the expected duration of the suspension and any steps required to be taken by the user to enable the user's access to be restored.

## **Part 9 Revocation**

### **30 Revocation**

This notice replaces and revokes the Animal Products (Hormonal Growth Promotants Specifications) Notice 2004 and the Animal Products (Approval of Identification Systems and Manufacturers) Notice 2000.

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Issued under section 38(2)(b) and 167(1)(f) of the Animal Products Act 1999.

Date of notification in the *Gazette*:

This notice is administered in the New Zealand Food Safety Authority

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