



**Animal Products (Regulated Control Scheme – Transport of Animal Products and Animal Material for Export with an Official Assurance)
Notice 2009**

Pursuant to sections 40(1)(b) and section 167(1)(f) of the Animal Products Act 1999, I, Carol Barnao, Director (Standards) issue the following notice imposing a regulated control scheme containing specifications and requirements for the transportation of animal products and animal material in order to meet the requirements of overseas markets that have been notified under section 60A of the Animal Products Act 1999.

Signed at Wellington this 29th day of October 2009

[Signed]

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

Certified in order for signature

[Signed]

Solicitor
Legal Services

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Notice

1 Title

This notice is the Animal Products (Regulated Control Scheme - Transport of Animal Products and Animal Material for Export with an Official Assurance) Notice 2009.

2 Commencement

- (1) Clauses 19, 20, 22(1)(a), 22(1)(d), 22(1)(e), 24, 25, 26, 27, and 28 come into force on 1 November 2009.
- (2) The rest of this notice comes into force on 31 March 2010.
- (3) For the avoidance of doubt, transporters of animal products and animal material not covered by an existing RMP or export listing requirement must register under Part 7 of this notice on and from 1 November 2009.

Part 1 Preliminary Provisions

3 Regulated control scheme imposed

This notice imposes a regulated control scheme—

- (a) relating to the transportation of animal products and animal material for human or animal consumption intended for export with an official assurance; and
- (b) that is required in order to meet the applicable export requirements notified under section 60 of the Act.

4 Prime purpose of regulated control scheme

The prime purpose of this scheme is to impose requirements on transport service operators and operators of vehicle docking facilities which transport or handle animal products and animal material for export that require an official assurance in order to ensure there is compliance with the relevant export requirements notified under section 60 of the Act.

5 Application

- (1) Subject to subclause (2), this notice applies to transport service operators transporting (including the use of vehicle docking facilities) animal products and animal material for human or animal consumption intended for export with an official assurance.
- (2) This notice does not apply to—
 - (a) operators handling live animals (that have not been the subject of primary processing) and germplasmas that are subject to the official assurance system administered by MAF Biosecurity New Zealand; and
 - (b) operators handling animal products for the New Zealand market or for export without official assurances; and
 - (c) transport service operators of animal material (including live animals) from the primary producer to the first processing operation, unless an overseas market access requirement issued under section 60 of the Act requires transport of that kind to occur under this scheme; and

- (d) the transporting of animal products and animal material covered by a RMP designed to cover transport.

6 Interpretation

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

Act means the Animal Products Act 1999

animal product business has the same meaning as in section 4(1) of the Act except that it only includes animal product businesses that produce animal products and animal material that are registered under this scheme or that have registered risk management programmes under the Act

continuous operation includes—

- (a) the constant movement of animal products or animal material at a reasonable speed from one transportation unit to another; and
- (b) time for sorting into lots and dwell time at single dock facilities (for example, while the incoming transportation unit is replaced by the outgoing transportation unit)

first processing operation means—

- (a) the primary processor, if the primary processor is required to operate under a RMP or regulated control scheme (other than this scheme); or
- (b) the secondary processor who first receives the animal products or animal material (for example, an processor who is operating under an RMP relating to honey extraction)

NZFSA means the New Zealand Food Safety Authority

overseas market access requirement means an overseas market access requirement notified under section 60A of the Act

operator means a transport service operator or a vehicle docking facility operator

refrigerated transportation unit means the part or compartments (not the entire conveyance) of a transportation unit with refrigeration equipment that is in use during the transportation of animal products or animal material

registered means registered under this scheme for the purposes of processing or transporting animal products or animal material, but does not include listed by an importing country under the provisions of an overseas market access requirement

RMP means a risk management programme registered under the Act

transport service operator means a person or business who conveys animal products or animal material from one animal product business to another or from an animal product business to the place of export from New Zealand

transportation unit includes vehicles, aircraft, railway wagons, ships, shipping containers, bulk tanks, trailers and any other form of transport used in the transport of animal products or animal material

vehicle docking facility means a location and any associated structure used to transfer animal products and animal material between vehicles under controlled conditions

vehicle docking facility operator means a person or business who operates a vehicle docking facility.

- (2) All terms or express that are defined in the Act, but are not defined in this notice, have the same meaning as in the Act.

Part 2

Design and construction requirements

7 Design and construction of transportation units

- (1) All transportation units must be designed and constructed in a way that ensures—
- (a) the animal products and animal material being transported are maintained in a hygienic state; and
 - (b) they can be effectively cleaned and maintained; and
 - (c) that exposure of the animal products or animal material to hazards or other risk factors is kept to a minimum.
- (2) All internal surfaces and structures of transportation units that may come into contact with the animal products or animal material must be constructed with a material that is—
- (a) impervious, easily cleaned, and sanitised; and
 - (b) durable and capable of withstanding normal operating conditions; and
 - (c) free from depressions, pits, cracks, and crevices that may harbour contaminants.
- (3) All internal surfaces of transportation units that are subject to wet cleaning must be designed to facilitate the drainage or removal of water used for that purpose.

8 Refrigeration facilities and equipment

- (1) A refrigerated transportation unit must be designed, constructed, and equipped to ensure the preservation of temperatures for refrigerated animal products and material are maintained throughout transportation.
- (2) The transport service operator must ensure refrigerated transportation units contain a temperature control and monitoring system that allows temperatures to be monitored.
- (3) The transport service operator must ensure temperature measuring devices are calibrated and located to measure the internal temperature of the refrigerated transportation unit at its warmest point.
- (4) For the avoidance of doubt, subclause (3) is satisfied if—
- (a) the transport service operator calibrates the temperature measuring device; or
 - (b) the transport service operator is satisfied that the temperature measuring device is calibrated by obtaining appropriate documentation that shows that the temperature measuring device has been calibrated.

9 Vehicle docking facilities

- (1) The following vehicle docking facility requirements apply to—
- (a) a transport service operator's transportation business if it has vehicle docking facilities; and

- (b) a stand-alone vehicle docking facility business.
- (2) A single vehicle docking facility or transport service operator registration may cover multiple vehicle docking facility locations.
- (3) A vehicle docking facility operator must sufficiently protect the animal products or animal material handled there from environmental contamination and other risks.
- (4) A vehicle docking facility must provide for the relevant temperature control for animal products or animal material handled there.

Part 3

Cleaning and Maintenance requirements

10 Application of Part 3

For the avoidance of doubt, Part 3 applies to cleaning, repairs, and maintenance of—

- (a) the freight compartment of transportation units where animal products or animal material is contained; and
- (b) any equipment that could affect the preservation or hygienic status of the animal products or animal material being transported.

11 Cleaning and maintenance of transportation units and vehicle docking facilities

- (1) Transportation units and vehicle docking facilities must be maintained in a good operating and hygienic condition in order to minimise contamination and deterioration of animal products or animal material.
- (2) The cleaning of transportation units and vehicle docking facilities must be undertaken following the procedures set out in the operator's documented procedures (as required by clause 29).
- (3) Chemicals used for cleaning and maintenance must be handled—
 - (a) in accordance with the directions of the manufacturer; and
 - (b) in a manner that minimises contamination of animal products or animal material.
- (4) Chemicals used for cleaning and maintenance of transportation units and vehicle docking facilities used to transport non dairy animal products and animal material must be listed on the approved maintenance compounds list.
- (5) Chemicals used for cleaning and maintenance of transportation units and vehicle docking facilities used to transport dairy animal products and animal material must be listed on the approved and recognised dairy maintenance compounds list.
- (6) An operator must ensure checks of transportation units and vehicle docking facilities are carried out prior to the loading or unloading of animal products or animal material to ensure that they are sufficiently clean and free from other sources of contamination.

12 Repairs and maintenance

- (1) Operators must regularly check transportation units, vehicle docking facilities, and related equipment that could lead to damage or deterioration of animal products or animal material or packaging if not properly maintained.

- (2) Operators must correct any damage or deterioration found as a consequence of the checks carried out in accordance with subclause (1).
- (3) Operators must record any damages found and any corrective action taken under subclause (2).
- (4) All alterations, repairs, and maintenance work must be carried out in a manner that minimises exposure of animal products or animal material to hazards or contamination.

Part 4 Handling Requirements

13 Handling during transport

- (1) Animal products and animal material must be handled and transported in a manner that ensures the safety and hygiene of the animal products and animal material being transported.
- (2) Chilled or frozen animal products or animal material must be loaded, transported, and unloaded without unnecessary delay to ensure that relevant product or material temperatures are maintained.
- (3) Animal products and animal material must be adequately protected from environmental elements and contaminants during loading and unloading.
- (4) To prevent avoidable contamination, the doors of fully enclosed freight compartments on transportation units must be kept closed except—
 - (a) for loading and unloading; and
 - (b) for carrying out cleaning, repairs, and maintenance; and
 - (c) where otherwise necessary for the operation of the transportation unit.
- (5) The transport service operator must notify—
 - (a) the owner of any animal products or animal material that has been subject to contamination or deterioration or has damaged packaging; and
 - (b) the verifier if the safety and hygiene of any animal products or animal material has been compromised.
- (6) If safety or hygiene has been compromised, the transport service operator must handle animal products or animal material in a manner that minimises—
 - (a) exposure or spillage; and
 - (b) contamination or deterioration; and
 - (c) contamination of the transport environment.

14 Handling at vehicle docking facilities

- (1) Vehicle docking facilities must only be used for the direct transfer of animal products or animal material from an incoming transportation unit to an outgoing transportation unit in accordance with the following conditions—
 - (a) vehicle docking facilities must not be used to load final export containers; and
 - (b) the outgoing transportation unit must be present before the incoming transportation unit has completed unloading; and
 - (c) the transfer of animal products or animal material must occur as a continuous operation.
- (2) Animal products or animal material that is transferred between transportation units other than at a vehicle docking facility or premises covered by a RMP is ineligible for export with official assurances.
- (3) Subclause (2) is subject to clause 15(1).

- (4) Animal products or animal material must not be stored at a vehicle docking facility.

15 Emergency

- (1) In the event of an emergency (including but not limited to a breakdown of a transportation unit) the affected animal products or animal material may be transferred to another suitable transportation unit of a transport service operator other than at a vehicle docking facility or premises covered by an RMP if—
 - (a) any potential contamination is minimised; and
 - (b) the transfer is recorded on the documentation accompanying the animal products or animal material.
- (2) If any temperature requirement is contravened as a result of an emergency, the transport service operator must notify—
 - (a) the owner of the animal products or animal material; and
 - (b) the transport service operator's verifier.

Part 5 Refrigeration Control Requirements

16 Refrigeration

- (1) A refrigerated transportation unit must be operated in a manner that maintains the relevant required temperature of animal products and animal material throughout transportation.
- (2) A refrigerated transportation unit must be loaded within the designed refrigeration capacity.
- (3) A refrigerated transportation unit operator must have procedures in place to minimise the condensation drip on to animal products or animal material in a refrigerated transportation unit.
- (4) Any equipment that controls or monitors the temperature or any other refrigeration parameter must be operated at all times while the refrigeration equipment in a refrigerated transportation unit is in use.
- (5) The temperature of the refrigerated transportation unit must be checked by the transport service operator at a frequency necessary to ensure that required temperatures are maintained during the transport of animal products or animal material.

Part 6 Personal Health and Hygiene Requirements

17 Health of personnel

Personnel who are involved with the transportation or handling of animal products or animal material must handle any exposed animal products or animal material in compliance with the relevant requirements for products handlers in the Animal Products (Specifications for Products Intended for Animal Consumption) Notice 2006 or Animal Products (Specifications for Products Intended for Human Consumption) Notice 2004 or any later notices that replaces those notices.

Part 7 Registration

18 Requirement to be registered

A person with the overall management or control of the transport service operation or vehicle docking facility operation to which this scheme applies must register as a transport service operator or vehicle docking facility operator.

19 Purpose of register of operators

The purpose of the register of operators is to—

- (a) inform members of the public which transport service and vehicle docking facility operators are subject to this scheme and who is responsible for various functions under this scheme; and
- (b) facilitate the ability of the Director-General to safeguard official assurances for animal product and animal material; and
- (c) facilitate the compliance, audit, and other supporting and administrative functions of NZFSA under the Act.

20 Director-General to maintain register of operators

The register may be kept in such manner as the Director-General thinks fit.

21 Matters to be shown in register

A register of operators must contain the following particulars in relation to each operator—

- (a) the name and address (including the electronic address, if available) of the operator; and
- (b) the name, position, or designation of the person or persons nominated as responsible for the day-to-day management of the registered operation; and
- (c) the date on which the operator was registered; and
- (d) the registration number of the operator; and
- (e) the name of the recognised verifying agency responsible for the external verification function in relation to the operator; and
- (f) the most recent date (and periods, if appropriate) of any deregistration or surrender of registration under this scheme; and
- (g) a brief indication of the reason for the most recent deregistration (if any); and
- (h) such other particulars as may be required by the Director-General.

22 Application for registration

(1) An operator must apply for registration in writing in a form or manner approved by the Director-General and be accompanied by—

- (a) a copy of, or evidence of, the registration of the business in the New Zealand Companies Office register; and
- (b) the name of the recognised verifying agency that has indicated it is prepared to undertake the verification functions in respect of the operation; and
- (c) a verifier's report confirming that the operator's documented system is in place and is sufficient to meet the requirements of this scheme.
- (d) such further information and other material as may be required by the Director-General; and
- (e) the fee prescribed in regulations.

- (2) The Director-General may require an applicant to supply further information or other material before determining whether or not to register an operator.
- (3) If the information or material requested under subclause (2) is not supplied within 6 months of the date of request, or within such further time as the Director-General allows, the application for registration will not proceed. In this case, if the operator still wishes to register, a new application would need to be submitted.

23 Registration of operators

- (1) The Director-General must register the operator if satisfied that—
 - (a) the verifier's report confirms that the content of the operator's documented system complies with the requirements imposed by or under this scheme and any other applicable specifications or notices; and
 - (b) the applicant is a fit and proper person to operate, manage, or control operations, taking into account whether the applicant or any directors or managers of the business concerned have been convicted, whether in New Zealand or overseas, of any offence relating to fraud or dishonesty, or relating to management control or business activities in respect of businesses of a kind (whether in New Zealand or elsewhere) that are regulated under the Act.
- (2) Registration may be subject to such reasonable conditions as the Director-General may specify, including conditions relating to the commencement of operations under this scheme.
- (3) The Director-General must, as soon as practicable after registering an operator, supply the applicant with a notice of registration specifying—
 - (a) the registration number for the operator; and
 - (b) the period of registration; and
 - (c) any conditions imposed under subclause (2).
- (4) Registration under this clause continues in force, unless—
 - (a) the operator is deregistered under clause 26; or
 - (b) the registration is surrendered under clause 27; or
 - (c) the operations are no longer under the management or control of the operator specified on the register.

24 Refusal to register

- (1) If, after considering an application and any further information or material supplied under clause 22, the Director-General proposes to refuse to register an operator the Director-General must give the applicant—
 - (a) written notification that clearly states the grounds on which the Director-General proposes to refuse to register; and
 - (b) a reasonable opportunity to make written submissions on why the application for registration should not be refused.
- (2) Where the Director-General finally determines to refuse to register an operator, the Director-General must as soon as practicable notify that fact to the applicant in writing, giving reasons.
- (3) If a person acting under the delegated authority of the Director-General declines to register a operator, the applicant may seek a review of that decision.
- (4) The Director-General must undertake the review, referred to in sub-clause 3, in the manner described in section 162 of the Act.

25 Registration may not be transferred

- (1) The registration of an operator applies only to the operator specified in the register, and may not be transferred to a different operator.
- (2) For the purposes of this scheme the following circumstances will, be treated as involving a change in the operator, and so require a new registration—
 - (a) a change in the name of a company (but not in a company's shareholding); or
 - (b) a change in the members of a partnership (but not in a member's respective shares in the partnership); or
 - (c) the death, bankruptcy, receivership, or liquidation of the owner or operator of the operation.

26 Deregistration

- (1) The Director-General may remove an operator from the register if satisfied that—
 - (a) there has been a serious or repeated failure by the operator to comply with the duties specified in this scheme; or
 - (b) the operator fails to pay the prescribe fee for registration in regulations.
- (2) Before removing an operator from the register, the Director-General must—
 - (a) notify the operator in writing of his or her intention, giving the reasons for that intention and the facts and assumptions on which it is based; and
 - (b) give the operator a reasonable opportunity, within the time specified in the written submissions as to why the operator should not be removed from the register.
- (3) After considering the material (if any) supplied by the operator under sub-clause (2)(b), the Director-General must—
 - (a) make a final decision as to whether or not to remove the operator from the register; and
 - (b) as soon as practicable, notify the operator of the decision in writing, giving reasons on which the decision is based.

27 Surrender of registration

- (1) The operator may at any time surrender registration by notice in writing to the Director-General.
- (2) Where the operator ceases to manage or control the business, that operator must, within 14 days of ceasing—
 - (a) notify the Director-General in writing of that fact; and
 - (b) surrender the notice of registration to the Director-General; and
 - (c) notify the appropriate recognised verifying agency of that fact.
- (3) On being notified of a surrender of registration under this notice—
 - (a) the Director-General must record the surrender on the register; and
 - (b) the surrender takes effect on and from the date stated in the register.

Part 8 Record Keeping and Documentation

28 Record keeping

- (1) Every operator must keep such records as to enable the operator, the Director-General, an animal product officer, or verifier to readily ascertain—
 - (a) that the business is operating in compliance with this scheme and the operator's documented system; and

- (b) the nature and quantity of animal products or animal material being handled; and
 - (c) in the case of transport service operators:
 - (i) the date the transport service operator took possession of each consignment; and
 - (ii) the date each consignment was delivered to the receiving animal product business; and
 - (d) in the case of vehicle docking facility operations, the date of arrival and departure of each consignment; and
 - (e) such other details as may be required by the Director-General for the purposes of this scheme and notified to the operator.
- (2) Every operator must keep an up-to-date list of transportation units and vehicle docking facilities (including an accurate description of the boundaries of operation of any listed vehicle docking facility) covered by this scheme.
 - (3) Only the transportation units and vehicle docking facilities included in the list in subclause (2) can be used for the transport and handling of animal product or animal material under this scheme.
 - (4) The transport service operator must list sub-contractor transportation units and vehicle docking facilities and include the business name of the sub-contractor.
 - (5) The registered transport service operator is wholly responsible for ensuring any sub-contracted transportation service or vehicle docking facility complies with the requirements of this scheme and of the registered transport service operator's documented system.
 - (6) Operators must keep all records relating to this scheme for a minimum of 4 years.

29 Documentation Requirements

- (1) The operator must develop and maintain documented systems to cover all requirements of this scheme which are applicable to the nature of the operation and the animal products or animal material being transported and handled.
- (2) The operator must identify in the documented system all those records that will be used to demonstrate compliance the requirements of this scheme and any other applicable requirements made by or under the Act.
- (3) The documented system may be a reference document to existing written systems and procedures or it may be a separate documented system developed solely for the purposes of meeting this scheme.
- (4) Every document or part of a document that forms part of the operator documented system must—
 - (a) be legible; and
 - (b) be dated or marked to identify its version; and
 - (c) clearly indicate any changes made to the system; and
 - (d) be identified as comprising part of the system; and
 - (e) be signed, either directly or within the document control system, by the operator or the person shown on the register as responsible for the day-to-day management of the operation; and
 - (f) be made available when required to any person with responsibilities under the system.
- (5) The operator must ensure that the documented system and all reference material relating to that system are readily accessible.

- (6) The operator must have an effective document control system that includes recording changes to the operator documented system, including changes to cross-referenced documents that form part of the system.
- (7) In relation to hard copies of an operator documented system the operator must ensure that—
 - (a) one hard copy of any obsolete system or obsolete part of a system is archived in accordance with subclause (8); and
 - (b) all obsolete documents or parts of documents are removed as soon as practicable from all distribution points; and
 - (c) all relevant parts of the system are replaced as soon as practicable after any change is made to the system.
- (8) The operator must retain for 2 years one copy of all obsolete documents from an operator documented system and make it available as required.

30 Instructions to personnel

The operator must ensure any set of instructions for personnel relating to transport or handling are consistent with the operator documented system and the scheme.

Part 9 Notification Requirements

31 Notification

- (1) An operator must notify the owner of the animal products or animal material without unnecessary delay when the following occurs—
 - (a) damage, spillage, or contamination of animal products or animal material; or
 - (b) failure to maintain product temperature, including refrigeration failure; or
 - (c) malfunction or significant damage of a transportation unit; or
 - (d) product security or traceability has been compromised.
- (2) An operator must, without delay, report any suspected or known non-compliance or compromise of safety or hygiene to the recognised agency responsible for verification as set out in Part 11.

Part 10 Non-Complying Products

32 Operator requirements

- (1) An operator must clearly identify and control non-complying products, until disposition is determined by a person with the necessary authority.
- (2) Non-complying products must be handled in a manner that prevents—
 - (a) contamination or deterioration of other products; and
 - (b) further contamination or deterioration of non complying products; and
 - (c) contamination of the transportation unit.
- (3) An operator must record—
 - (a) all instances of non compliance that occur during the handling of animal products or animal material; and
 - (b) the corrective action taken.

Part 11 Verification

33 Verification

- (1) This scheme is subject to verification in accordance with the Animal Products (Export Verification Requirements) Notice 2009 with the following variations to schedule 1 of that notice:
 - (a) the initial and ceiling steps for newly registered transport service operators that do not include vehicle docking facilities within their transport service operation is unchanged; and
 - (b) the initial step for newly registered transport service operators that include vehicle docking facilities within their transport service operation and stand-alone vehicle docking facility operations is step 4; and
 - (c) the ceiling step for registered transport service operators that include vehicle docking facilities within their transport service operation and stand-alone vehicle docking facility operations is—
 - (i) step 7 for bee products; and
 - (ii) step 6 for all other animal products or animal material.
 - (d) within the verification period for a registered operator all identified vehicle docking facilities must be subject to at least one verification visit.
- (2) Agencies and persons recognised under the Act for the purposes of carrying out verification activities must conduct verification of operators registered in this scheme.
- (3) All operators registered in this scheme must give verifiers such freedom and access as will allow them to carry out their functions and activities, including verification functions and activities.
- (4) The verifier must verify that the operator documented systems cover all applicable requirements before an application is submitted for registration. The verifier must provide a report to the applicant confirming that their documented systems cover all applicable requirements.
- (5) A person (or more than 1 person) responsible for the day to day management of the transport service operation must be available to verifiers during operating hours.
- (6) An operator must notify the Director-General in writing, in advance where practicable, or otherwise as soon as possible, of any change in their recognised verifying agency.

Part 12 Transitional Provisions

34 Certain businesses operating under RMP deemed to comply with scheme until 31 March 2010

- (1) On the commencement of this notice, RMP operators registered for processes that do not include transport, who are transport service operators are deemed, in relation to their transport service operation, to comply with the relevant requirements of this notice (being clauses 19, 20, 22(1)(a), 22(1)(d), 22(1)(e), 24, 25, 26, 27, and 28) until the close of 31 March 2010.
- (2) By way of explanation, an operator of the kind referred to in subclause (1) must on 1 April 2010 either—
 - (a) be fully compliant with this scheme; or
 - (b) have amended his or her RMP to include their transport service operations.

35 Operators who are currently listed

Existing operators who are currently listed under a relevant overseas market access requirement will be automatically registered under this scheme, unless those operators register under a RMP that covers their transport operations.

36 Businesses operating under requirements being cancelled by this scheme

- (1) Operators that are currently listed will be placed on the applicable verification ceiling step at the commencement of this scheme.
- (2) Transport service operators must notify their verifier of which ceiling step applies to their business.

37 Businesses operating under RMP moving to operate under this scheme

- (1) Transportation RMP operators moving to operate under this scheme will remain on the step that applied for the verification of the RMP.
- (2) The business will be placed on the applicable ceiling step if the previous RMP verification step is higher than the applicable ceiling step under this scheme.

Issued under section 40(1)(b) and 167(f) of the Animal Products Act 1999.

Date of notification in Gazette: []

This notice is administered by the New Zealand Food Safety Authority.
