



Animal Products (Regulated Control Scheme - Handling of Animal Products and Animal Material at Wharves) 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 handling at point of export of animal material and products in order to meet 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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Contents

Notice

- 1 Title
- 2 Commencement
- Part 1 Preliminary Provisions**
- 3 Regulated control scheme imposed
- 4 Prime purpose of this regulated control scheme
- 5 Application
- 6 Interpretation
- Part 2 Design and Construction requirements**
- 7 Design and construction of wharf facilities
- Part 3 Cleaning and Maintenance requirements**
- 8 Cleaning and maintenance of wharf facilities
- 9 Repairs and maintenance
- 10 Ships containers and holds
- Part 4 Handling Requirements**
- 11 Handling at wharf facilities
- Part 5 Refrigeration Control Requirements**
- 12 Refrigeration
- Part 6 Registration**
- 13 Requirement to be registered
- 14 Purpose of register
- 15 Director-General to maintain register of operators
- 16 Matters to be shown in register
- 17 Application for registration
- 18 Registration of operators
- 19 Refusal to register
- 20 Registration may not be transferred
- 21 Deregistration
- 22 Surrender of registration
- Part 7 Notification Requirements**
- 23 Notification
- Part 8 Non Complying Products**
- 24 Operator requirements
- Part 9 Record Keeping and Documentation**
- 25 Records to be kept

26 Documentation requirements

27 Instructions to personnel

Part 10 Verification

28 Verification

Notice

1 Title

This notice is the Animal Products (Regulated Control Scheme – Handling of Animal Products and Animal Material at Wharves) Notice 2009.

2 Commencement

- (1) Clauses 13, 17(1)(a), 17(1)(d), 17(1)(e), 18, 19, 20, 21, 22 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, operators not covered by an existing RMP or export listing requirements must register under Part 6 of this scheme from 1 November 2009.

Part 1 Preliminary Provisions

3 Regulated control scheme imposed

This notice imposes a regulated control scheme –

- (a) relating to the handling of animal products and animal material at wharves intended for export with official assurances; and
- (b) that is required in order to meet applicable export requirements notified under section 60 of the Act.

4 Prime purpose of this regulated control scheme

The prime purpose of this scheme is to enable NZFSA to impose requirements on handlers of animal products and animal material at wharves that require official assurances in order to ensure there is compliance with the export requirements notified under section 60 of the Act.

5 Application

- (1) Subject to clause (2), this notice applies to the operators of a wharf.
- (2) This notice does not apply to—
 - (a) operators handling live animals (that have not been the subject of primary processing) and germplasms that are subject to the official assurance system administered by MAF Biosecurity New Zealand; and
 - (b) operators handling animal products and animal material destined for the New Zealand market only, or for export without official assurances; and
 - (c) the handling of animal products and animal material covered by a risk management programme.

6 Interpretation

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

Act means the Animal Products Act 1999

identifier means the RMP identifier, or other identifier indicating an animal products business holds the relevant registration or listing under the Animal Products Act 1999

NZFSA means the New Zealand Food Safety Authority

RMP means a risk management programme registered under the Act

wharf means port facilities used for the loading and unloading of sea freight vessels, the temporary portside storage of products while awaiting loading onto a vessel, and sites operated by the port company for the temporary holding of sea freight consignments prior to movement directly to the port.

- (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 wharf facilities

- (1) Operators handling refrigerated animal products or animal material must have facilities to ensure the preservation temperature is maintained.
- (2) Operators must use calibrated continuous temperature monitoring for refrigerated animal products or animal material from the time of arrival until the time of the ships departure.
- (3) Facilities handling animal products and animal material, other than animal products or animal material packed in secured shipping containers, must have a sealed ground surface in all areas where animal material and animal products are handled and moved.

Part 3 Cleaning and Maintenance requirements

8 Cleaning and maintenance of wharf facilities

- (1) All wharf facilities must be maintained in a hygienic state appropriate to the degree of exposure of animal material or animal products or transportation outers of animal products or animal material.
- (2) Operators must document cleaning and vermin control programmes as applicable for the purpose of meeting the requirements of subclause (1).
- (3) The written cleaning programme must set out the following procedures for cleaning the wharf facilities –
 - (a) chemicals that are used; and
 - (b) frequency of the cleaning; and
 - (c) the person responsible for the cleaning; and
 - (d) the records to be kept.

- (4) The chemicals used for cleaning and maintenance must be handled and used according to the directions of the manufacturer and in a manner that minimises any contamination of animal products or animal material.

9 Repairs and maintenance

- (1) All wharf facilities must be regularly checked for necessary repairs and maintenance work, taking account of the degree of risk to which animal products or animal material is exposed.
- (2) All alterations, repairs, and maintenance work (including to refrigeration equipment) must be done in a manner that minimises exposure of animal products or animal material to hazards that may be introduced by this work.

10 Ships containers and holds

The operator must, prior to the animal products or animal material being loaded, be satisfied that ships containers and holds are fit for purpose.

Part 4 Handling Requirements

11 Handling at wharf facilities

- (1) Animal products and animal material must be handled in a manner that maintains the hygienic status of the animal products and animal material being handled.
- (2) The operator must ensure that consignments of animal products or animal material are accompanied by appropriate documentation, including information necessary for the effective identification, traceability and inventory control of products.
- (3) The documentation referred to in subclause (2) must provide the following information –
 - (a) the identity of the animal products or animal material; and
 - (b) the amount of animal products or animal material; and
 - (c) the source of the animal products or animal material; and
 - (d) the date and time when the animal products or animal material arrived; and
 - (e) the registered name of the vessel and the voyage number; and
 - (f) the date and time when animal products or animal material was loaded on the departing vessel.
- (4) The requirements of sub-clause 3(a), 3(b), 3(c) and 3(e) may be met by referring to an eligibility document, or other NZFSA approved transfer document, for the product concerned. An export certificate is also an acceptable reference if the certificate is available before the consignment arrives at port.
- (5) Operators must ensure that chilled or frozen animal products or animal material are unloaded from incoming transport units, transported within the wharf, and loaded onto outgoing ships without unnecessary delay to ensure that required product temperatures are maintained.
- (6) Animal products or animal material must be adequately protected from the elements and environmental contaminants during loading and unloading of animal products and animal material.
- (7) The doors of containers, cargo holds and other transportation units must be kept closed at all times when not loading or unloading animal products or animal material.

- (8) Animal products or animal material with damaged packaging must be handled in a manner that maintains the hygienic status of the animal products and animal material being handled.
- (9) An operator must inform the verifier if animal products or animal material are exposed because of damaged packaging.
- (10) Animal products or animal material must be kept separate or protected from other products that may taint or contaminate them.

Part 5 Refrigeration Control Requirements

12 Refrigeration

- (1) A refrigerated unit must be operated in such a manner which maintains the required temperature of animal products and animal material.
- (2) Any equipment that controls or monitors the temperature or any other refrigeration parameter must be operated at all times while a refrigerated unit is in use.
- (3) The temperature of the refrigerated unit must be checked by the operator at a frequency necessary to ensure that required temperatures are maintained during the handling of animal products or animal material at the wharf facility.

Part 6 Registration

13 Requirement to be registered

A person with the responsibility for the overall management or control of the wharf site to which the regulated control scheme applies must register as the operator. A registered wharf operator may operate multiple wharf and inland container terminal locations under a single registration.

14 Purpose of register

The purpose of the register is to—

- (a) inform members of the public which operators are subject to this regulated control 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.

15 Director-General to maintain register of operators

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

16 Matters to be shown in register

The 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 by the operator as responsible for the day-to-day management of the wharf; 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.

17 Application for registration

- (1) The 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 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 verifiers report confirming that the operator's documented system is in place and is sufficient to meet the requirements of the scheme; and
 - (d) such further information and other material as may be required by the Director-General; and
 - (e) any 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 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.

18 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 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 sub-clause (2),
- (4) Registration under this clause continues in force for the period specified on the notice of registration, unless—
 - (a) the operator is deregistered under clause 21; or
 - (b) the registration is surrendered under clause 22; or
 - (c) the operations are no longer under the management or control of the operator specified on the register.

19 Refusal to register

- (1) If, after considering an application and any further information or material supplied under clause 17, 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 an operator, the applicant may seek a review of that decision.

20 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 regulated control 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.

21 Deregistration

- (1) The Director-General may remove an operator from the register if satisfied that there has been a serious or repeated failure by the operator to comply with the duties specified in this regulated control scheme
- (2) Before removing a 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 to respond as to why the operator should not be removed from the register.
- (3) After considering the material (if any) supplied by the operator under subclause (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.

22 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 7 Notification Requirements

23 Notification

- (1) A operator must notify the owner of the animal material or animal products without unnecessary delay when the following occurs –
 - (a) damage to the packing of animal product or animal material; or
 - (b) contamination, deterioration or spillage of animal material or animal products;
or
 - (c) failure to maintain product temperature, including refrigeration failure; or
 - (d) product security or traceability has been compromised.
- (2) A operator must, without delay, report any suspected or known non compliance or compromise of security or traceability to animal products or animal material to the recognised agency responsible for verification as set out in Part 10.

Part 8 Non Complying Products

24 Operator requirements

- (1) The operator must clearly identify and control non complying product, 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 in the same transportation unit; and
 - (b) further contamination or deterioration of non complying products; and
 - (c) contamination of the wharf facility environment.
- (3) The operator must record –
 - (a) all instances of non compliance that occurs during the handling of animal products or animal materials; and
 - (b) the corrective action taken.

Part 9 Record Keeping and Documentation

25 Records to be kept

- (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 regulated control scheme and the operator's documented system; and
 - (b) the nature and quantity of animal material or animal product being handled; and
 - (c) 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 any inland container terminals they operate under their registration
- (3) Operators must keep all records relating to this scheme for a minimum of 4 years.

26 Documentation requirements

- (1) Operators 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 product or animal material being handled. The operator must identify in the documented system all those records that will be used to demonstrate compliance with the documented system, the requirements of this scheme and any other applicable requirements made by or under the Act.
- (2) 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.
- (3) 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.
- (4) The operator must ensure that the documented system and all reference material relating to that system is readily accessible.
- (5) 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.
- (6) In relation to hard copies of an operator documented system the operator must ensure that —
 - (a) one hard copy of any obsolete document or obsolete part of a document is archived in accordance with subclause (7); 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.
- (7) The operator must retain for one year one copy of all obsolete documents from an operator documented system and make it available as required.

27 Instructions to personnel

The operator must ensure any set of instructions for personnel are consistent with the operator documented system and the scheme.

Part 10 Verification

28 Verification

- (1) This regulated control scheme is subject to verification in accordance with the Animal Products (Export Verification) Notice 2009. The initial step for a newly registered wharf operator is step 4, and the ceiling step is step 6. If a registration covers more than one location, each location must be subject to a verification visit within the verification period.

- (2) Wharf operations will be automatically placed on the applicable ceiling step if they are currently verified under notices in force prior to the commencement of this scheme, and they will become registered under this scheme on the commencement date of this notice.
- (3) Agencies and persons recognised under the Act for the purposes of carrying out verification activities must conduct the verifications required by this clause.
- (4) Operators must give verifiers such freedom and access as will allow them to carry out their functions and activities under the Act, including verification functions and activities.
- (5) Except where subclause (2) applies, a verifier must verify that the operator's documented systems cover all applicable requirements before the operator submits an application. The verifier must provide a report to the operator confirming that the operator's documented systems cover all applicable requirements.
- (6) A designated person (or more than 1 person) responsible for the day to day management of the operation must be available to verifiers during operating hours.

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

Date of notification in Gazette: []

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