
Information for Egg Producers

Requirements for Risk Management Programmes and Other Requirements under the Food Standards Code, Animal Products Act 1999 and Food Act 1981

10 August 2005

All eggs and egg products must comply with a number of requirements from the Australia New Zealand Food Standards Code (the Food Standards Code) and where applicable, the requirements of the Animal Products Act 1999 and/or the Food Act 1981. These are explained later in this information sheet.

In addition to the above requirements, some egg producers must operate registered risk management programmes covering good operating practice, control of hazards and other risk factors and a number of other mandatory components. More information on who is affected by this is given below.

1 Requirements for Risk Management Programmes

Part 2 of the Animal Products Act 1999 requires all primary processors of animal material and products for human or animal consumption, to operate under a registered and independently verified risk management programme (RMP). Certain secondary processors (those requiring Official Assurances, and those not subject to the Food Act regime) are also required to have an RMP.

The Animal Products (Definition of Primary Processor) Notice 2000 defines primary processing of eggs as harvesting and candling of eggs from any avian species so that they are fit for human or animal consumption. "Candling" means the testing of eggs for freshness, fertility, or defects by use of light, electronic means, or any other commercially accepted means. In practical terms, this means that the RMP must apply to the layer farm (where the harvesting occurs) and the packhouse (where the candling occurs).

An exemption from the requirements to have an RMP is given in clause 11F of the Animal Products (Exemptions and Inclusions) Order 2000 as follows: "No RMP is required for the production, processing, or sale of eggs by a primary processor of eggs who---

- a. produces eggs for sale for human or animal consumption from 100 female birds or fewer (all species included); and
- b. sells all eggs that are intended for human or animal consumption direct to the consumer or end user; and

c. does not sell any of the eggs to any person for further sale”.

To get an exemption an egg producer needs to meet ALL the requirements, i.e. have no more than 100 female birds AND be selling directly to the consumer AND not to an intermediary of any kind (e.g. a cafe, shop or other third party).

Where an egg producer has eggs that go for human or animal consumption then all female birds belonging to that producer are counted, irrespective of age, whether or not they are currently in lay, and whether or not eggs are the main reason for keeping the birds. The only exceptions would be for female birds where it is clear their eggs never went for consumption such as pet budgies or birds specifically grown for meat production.

A Risk Management Programme manages the following hazards and other risk factors:

- Hazards to human health (consumers)
- Hazards to animal health (where eggs are used for pet food or animal feed)
- Risks to wholesomeness (anything that is offensive or unexpected in product of that nature)
- Risks from false or misleading labelling

Where can I get further information about an RMP?

NZFSA has developed an RMP template for eggs to help producers to write their RMPs.

This and other relevant information is available on the following web site:

<http://www.nzfsa.govt.nz/animalproducts/subject/eggs/index.htm>

The egg producer is responsible for developing the RMP. Once it is completed the egg producer may have to get it evaluated by a recognised evaluator. If it is fully based on the template (i.e. the egg producer has not altered the pre-written parts of the template except as recommended by NZFSA), then evaluation is not required. If the egg producer has changed the template or written their own RMP, evaluation is necessary. The egg producer then applies for registration of the RMP using Application Form AP4 (with or without an evaluation report depending on the situation). NZFSA will assess the application and will register the RMP if the applicant is a fit and proper person and the RMP meets the requirements. Once the RMP is registered, NZFSA's Verification Agency will visit the operation to ensure that the RMP has been implemented effectively. Further verification visits will be done annually, or more frequently where the results of the verification warrant it.

If an egg producer is unsure whether they, or someone else should have an RMP, they should contact Nicola Bowden of NZFSA for clarification (Phone 04 463-2667).

2 Other Requirements

2.1 Animal Products Act 1999

This Act is administered by the New Zealand Food Safety Authority (NZFSA) and applies to the production and processing, for reward, trade or export, of all animal material and animal products, including those from birds.

Part 4 of the Act allows for the setting of Animal Product Standards and Specifications defining the criteria that must be met for particular animal products to be treated as fit for their intended purpose. There are some requirements for eggs and egg producers in the current Animal Products (Specifications for Products Intended for Human Consumption) Notice, especially clause 107. See notices under:

<http://www.nzfsa.govt.nz/animalproducts/legislation/notices/>

2.2 Food Standards Code

Food Standards Australia New Zealand (formerly ANZFA) is a bi-national independent statutory authority that develops food standards for composition, labelling, substances added to food (e.g. additives and processing aids) and contaminants. These standards apply to all foods produced or imported for sale in Australia and New Zealand and are found in the Food Standards Code. NB: Chapters 3 and 4 of the Code only relate to Australia.

Standard 2.2.2 is specific to Eggs and Egg Products and states that cracked eggs must not be sold for retail or catering. (This includes eggs with cracks visible by candling). It also requires egg products to be pasteurised or undergo an equivalent treatment so that the egg product meets the microbiological criteria in standard 1.6.1, unless the egg product is not for retail sale and is to be used where it is similarly treated egg in a cooked food.

Standard 1.2.3 requires the package of unpasteurised egg products to include a mandatory advisory statement to the effect that the product is unpasteurised.

Egg products means the content of egg, as part or whole, in liquid, frozen or dried form (so intact shell eggs are not included in this requirement).

See: <http://www.foodstandards.gov.au/foodstandardscode/> for more information.

2.3 Food Act 1981

This Act is administered by the New Zealand Food Safety Authority (NZFSA) and applies to food traded in New Zealand. Secondary processors of eggs (e.g. those that pulp, pasteurise or otherwise process egg products) can elect to operate under an approved food safety programme or under the Food Hygiene Regulations.

For further information see: <http://www.nzfsa.govt.nz/processed-food-retail-sale/index.htm>

NB: It is possible for secondary processing to be covered under an RMP under the Animal Products Act. This could be a practical option for those operators that have to have an RMP for their primary processing operations.

For further information contact:

For queries on the Animal Products Act 1999 or Food Act 1981:

New Zealand Food Safety Authority (NZFSA)

Hotline: 0800 NZFSA1 (0800 693 721)

www.nzfsa.govt.nz

Email: info@NZFSA.govt.nz

PO Box 2835

WELLINGTON

For queries on the Food Standards Code:

Food Standards Australia New Zealand (FSANZ)

Advice Line: 0800 441 571

www.foodstandards.govt.nz

Email: advice@foodstandards.gov.au

The following questions were asked by specific egg producers on exemptions from RMP requirements. NZFSA has provided answers here to help all egg producers.

Q1:	How is the 100 birds calculated in relation to the exemption? We would have less than 100 birds laying at any one time, but lots of other hens on the property, e.g.: pullets, non laying birds etc.
A1:	<p>The Animal Products (Exemptions and Inclusions) Amendment Order 2005 states the following:</p> <p>"11F Certain Primary processors of eggs exempt No risk management programme is required for the production, processing or sale of eggs by a primary processor of eggs who -- "(a) produces eggs for sale for human or animal consumption from 100 female birds or fewer (all species included); and "(b) sells all eggs that are intended for human or animal consumption direct to the consumer or end user; and "(c) does not sell any eggs to any person for further sale."</p> <p>The intention was to keep it simple. Where an egg producer has eggs that go for human or animal consumption then all female birds belonging to that producer are counted, irrespective of age, whether or not they are currently in lay, and whether or not eggs are the main reason for keeping the birds. The only exceptions would be for female birds where it is clear their eggs never went for consumption such as pet budgies or birds specifically grown for meat production.</p>
Q2:	If more than one egg producer shares a property (e.g. a husband and wife), are they both allowed to have 100 female birds and still meet the exemption requirements?
A2:	If as in the example the husband and wife are operating separating businesses (and they would have to show that throughout the harvesting and packing operations) then they would each be allowed to have 100 female birds. It would not be acceptable to run or house all of the birds together.
Q3:	If an egg producer has more than 100 hens but they are spread over multiple properties (with no more than 100 at each property) would they still qualify for an exemption?
A3:	No, they would not qualify for an exemption – the limit is not restricted by the physical location of the birds but the numbers used to produce eggs by the same processor.
Q4:	If an egg producer doesn't know what a purchaser intends to do with the eggs, how does the producer know if they are exempt or not?
A4:	It is up to the egg producer to be able to demonstrate that they meet the requirements for the exemption. This can be done by having a physical count of the female birds, and by having a mechanism, e.g., a conspicuous notice, to notify their customers that egg are only for sale to the final consumer and are not allowed to be on-sold or used to make other foods which are then sold. Egg producers will not always know what people use their eggs for, but if they are selling to another business of any type, it is highly likely that the exemption will not apply. If an egg producer does know that the purchaser on-sells the eggs or uses them to prepare food that is sold to someone else, then the egg producer cannot sell to that person and claim the exemption.
Q5:	Can egg producers swap from an RMP that was registered for the 2004 transition, to use the Template that is now available?
A5:	Yes. This is optional and would be the egg producer's choice. It would be considered to be a minor amendment. The verifiers will check that any change is appropriate at the next verification visit. The obsolete documents should be archived for at least 4 years.

PURPOSE of the INFORMATION, and DISCLAIMER

The information contained in this "information sheet" is provided for the purpose of giving a general understanding of the New Zealand requirements for egg producers. It is not a professional commentary on the law nor is it provided as a basis of any decision making to be undertaken by the reader. It is general guidance only.

Every effort has been made to ensure that the information contained is accurate, however general information by its very nature cannot cover every specific to the degree of accuracy expected in the provision in professional advice. In addition, the legislation will be changing and it is not intended to amend this general guidance every time the legislation is amended. Amendments to the guidance contained in this document will be restricted to major developments only. Reliance should be placed on the wording of the legislation itself. This is available at the NZFSA website at www.nzfisa.govt.nz or from any government bookshop.

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