

Summary of submissions received on proposed new standards for food importers.

1 Introduction

In June 2008 the New Zealand Food Safety Authority (NZFSA) released a public discussion document entitled *Proposed new standards for food importers: NZFSA Public Discussion Document No 02/08 June 2008*.

Seven submissions were received on the proposed standards, which are the Food (Importer Listing) Standard and Food (Importer – General Requirements) Standard. This document summarises these submissions and provides NZFSA's response to the issues raised.

NZFSA wishes to thank the submitters for their comments on the discussion paper.

2 Synopsis of engagement and consultation process

The standards were developed with input from members of the Imported Food Advisory Forum (IFAF). This Forum includes importers, representatives from customs broker associations and importer associations. A workshop was held with some Forum members in March 2008, where the purpose of the standards and their workability was discussed. The Forum as a whole also discussed the proposed standards and provided feedback during their regular meetings. Feedback from these discussions assisted with the development of the proposed standards.

The discussion document was posted on NZFSA's website with notifications going to all subscribers to the website. The document was mailed to approximately 200 people that were identified by NZFSA as part of the target audience. In addition, approximately 3000 notification letters informing of the release of the discussion document were mailed to all importers identified on NZFSA's current imported food database (i.e. those who presently import high risk foods).

Notified stakeholders included IFAF members, with those who represent Associations being asked to advise their members of the release of the document. In addition, letters were translated into simple Chinese, Hindi, Korean, Tongan and Samoan for importers with English as their second language. These were distributed to Public Health Units and Auckland Central Clearing House to make available to importers.

Articles were published in various media including the Customs newsletter, trade magazines and ethnic communities' newspapers.

The World Trade Organisation (WTO) was notified of the release of the discussion document thus enabling exporting countries to provide submissions on the standards.

3 Submissions

3.1 List of submitters

The submitters were:

- Ceres Enterprises Ltd
- Distilled Spirits Association of New Zealand (DSANZ)
- Harraways
- Lion Nathan
- Mount Erin Pacific Ltd
- Regional Public Health
- Simplot

3.2 Summary of submissions

Appendix 1 contains detailed comments and recommendations by submitters and includes NZFSA's response.

During the consultation process a number of emails were received, and telephone discussions were held with stakeholders. Subsequent to the communications with NZFSA most of these stakeholders chose not to make submissions. Comments from these discussions are captured in this document under the general comments section 3.2.1.3.

3.2.1 Comments received on proposed standards

Comments on the proposed standards have been categorised into sections, following the structure outlined in the submission form contained in section 6 of the discussion document.

A general overview of the submissions is provided in the following sections of this document.

NZFSA is currently developing guidance material on the standards to assist importers with interpretation of the standards including what importers would need to do to comply. A number of submitters made suggestions that related to the implementation of the proposed standards and these will be picked up in the guidance material.

3.2.1.1 Submissions on the Food (Importer Listing) Standard

- 6 month transition time frame

Submitters who commented on this section agreed that six months was a suitable transition time frame. One submitter commented that they would have liked to have seen discussion around the compliance and enforcement of the Listing Standard and who would be responsible for prosecuting importers.

NZFSA's response:

The standards will state clearly that NZFSA is the agency responsible for the Food (Importer Listing) Standard and is therefore responsible for compliance. More information around the compliance of the standards is to be provided in the guidance material that is currently under development. NZFSA's Compliance and Investigation Group will be responsible for enforcement of both standards.

- Content of Listing Standard

Many submitters commented that the Listing Standard seemed reasonable and supported the requirement for listing of importers. There was a question as to whether the listing information duplicated the information that importers are required to supply to New Zealand Customs Service (Customs).

NZFSA's response:

NZFSA has tried to minimise duplication of information received by other Government agencies, however due to privacy laws, personal information has to be collected individually by each agency.

All importers of food for sale will be required to be listed, and will need to fill in the listing form and submit the form to NZFSA. NZFSA will not be assessing the appropriateness of importers to be listed, so will accept all completed forms for listing. Importers will receive notification from NZFSA confirming their status as listed.

NZFSA considers the Listing Standard will be beneficial to both importers and NZFSA. Listing will facilitate better communication between both groups. It will assist NZFSA with contacting importers quickly in situations such as recalls and ensure that the specific importers that need to be contacted receive the relevant information.

3.2.1.2 Food (Importer - General Requirements) Standard submissions

- Assurances

Some submitters raised concerns over NZFSA's expectations as to how importers comply with the requirements for obtaining supplier assurances.

One submitter referred to their suppliers having Hazard Analysis Critical Control Point (HACCP) programmes in place or registration that is equivalent to the registration required under New Zealand's Food Hygiene Regulations 1974.

NZFSA's response:

NZFSA has ensured the Food (Importer - General Requirements) Standard is flexible to allow importers to meet the Standard in a variety of ways. This acknowledges the wide range of food importers are bringing into New Zealand. The guidance material provided will clarify NZFSA's expectations for supplier assurances. Importers will be required to demonstrate due diligence.

The assurances mentioned above may indicate that importers have taken reasonable steps to ensure that the food they are importing from their supplier is safe. However, NZFSA is not advocating that all suppliers must have HACCP in place. Importers need to consider the type of food they are importing, where they are getting the food from and the hazards associated with the food and risk of contamination, prior to determining the level of assurance they require. The importer will need to be satisfied that the assurances that they have obtained from their supplier manage the relevant food safety risks.

- Transport

Submitters generally consider the transport section in the standard to be adequate and achievable. One submitter commented on issues they have obtaining temperature records from shipping companies.

NZFSA's response:

NZFSA has not specified that temperature records need to be obtained to meet the requirements of the standard. Importers are required to take reasonable steps to ensure food is subject to temperature control when required for food safety. This includes being able to satisfy NZFSA that the importer has taken steps to ensure the food will be transported at an appropriate temperature through out shipping and import clearance. The importer must also be confident that the appropriate temperature requirements have been maintained throughout the entire journey. If an importer considers it necessary to obtain temperature records and there are issues with shipping companies not providing such records, NZFSA expects importers to take reasonable steps to check product is safe. This could include working through any such issues with the shipping company, examining frozen product on arrival to ensure the product has not been thawed, sampling and testing product where there are concerns about its safety.

Information about transportation requirements is detailed in the guidance material.

- Storage

The storage section is very similar to the transport section in the standard. Submitters consider the storage section adequate and achievable with no specific comments being made on the storage requirements.

- Record keeping

One submitter considered four years to be excessive for keeping recording. The submitter commented four years was an excessive time period due to many foods having a shelf life of one year or less.

NZFSA's response:

Four years was included as a mandatory requirement in the standard because:

- The proposed Food Bill currently includes a requirement that all records must be kept for four years and provides NZFSA with four years to undertake criminal proceedings. This requirement is also consistent with the Animal Products Act 1999 thus ensures there are consistent requirements for businesses legislated under both Acts.
- Many records that importers will need to keep in order to comply with the importer standards are required for compliance with other legislation. Some of these Acts require longer retention periods. For example the Wine Act 2003 requires records to be kept for seven years; the Income Tax Act 2007 requires records to be kept for seven years.
- Some of the records required to be kept for the Tax Act (eg. purchase records and sales records) can also demonstrate compliance with the Food (Importer - General Requirements) Standard and thus importers will not need to keep additional records as they will already be complying with these requirements.

3.2.1.3 General Comments on the Importer Standards

Several importers contacted NZFSA during the consultation period. They asked how the standards will be implemented and some also sought clarification of the definitions "food" and "food for sale" as referred to in the Importer Standards.

NZFSA's response:

The guidance material will include most of the suggestions received. Comments are also being used to assist with planning the implementation phase of the standards.

The definitions "food" and "what constitutes sale" as used in the Importer Standards are defined in the Food Act 1981. The amended standards clarify this. The Food Act definitions of "food" and "what constitutes sale" are below. It should be noted that the definition of "food" includes ingredients, additives and processing aids.

Food means anything that is used or represented for use as food or drink for human beings; and includes—

- (a) Any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- (b) Anything that is or is intended to be mixed with or added to any food or drink; and
- (c) Chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum.

What constitutes **sale**

(1) In this Act, unless the context otherwise requires, **sell** means sell for human consumption or use; and includes—

- (a) Selling for resale for human consumption or use; and
 - (b) Offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and
 - (c) Barter; and
 - (d) Supplying under a contract, together with accommodation, service, or entertainment, in consideration of an inclusive charge for the article supplied and the accommodation, service, or entertainment;—
- and **sale** and **sold** have corresponding meanings.

(2) For the purposes of this Act, any article of food that is part of, or supplied with, any meal or food for which payment is made or required to be made, and that is supplied for consumption in any shop, hotel, restaurant, or eating-house, or at any stall or other place, or in any vehicle, shall be deemed to have been sold or offered or exposed for sale.

(3) For the purposes of this Act, every person shall be deemed to sell or to intend to sell any food if he sells or intends to sell for human consumption or use any article of which the food is a constituent.

(4) When any food is sold or offered or exposed for sale, it shall be deemed to be sold or offered or exposed for sale for human consumption or use, unless the contrary is proved.

(5) For the purposes of this Act, the sale of any food for the purpose of being mixed with any other food, or with a food of the same kind, shall be deemed to be a sale for human consumption or use if the bulk or product produced by the mixing, or any part of the bulk or product, is intended to be sold for human consumption or use.

(6) The purchase and sale, under the provisions of this Act, of a sample of any food for the purpose of analysis shall be deemed to be a purchase and sale of the food for human consumption or use, unless the seller proves that the bulk from which the sample was taken was offered, exposed, or intended for sale for purposes other than human consumption or use.

(7) When a sample of any milk is taken from a package, the sample shall be deemed for the purposes of this Act to be a sample of any bulk of which the milk in that package forms part notwithstanding that the milk was intended to be mixed with milk in any other package or packages before being sold.

(8) For the purposes of this Act, a person packs any food or appliance for sale whether he packs the food or appliance for sale by himself or by any other person.

(9) In this section the term **use** means any use in connection with the preparation or packing of food for human consumption.

Some submitters raised concerns about the proposed standards increasing costs for complying importers. NZFSA believes that the cost of compliance with the proposed Importer Standards will be minimal. Currently importers should be obtaining and keeping records that would meet the requirements of the Food (Importer General Requirements) Standard in order to comply with requirements in the Food Act 1981 and other applicable New Zealand food legislation.

Although storage of records may incur a direct cost, importers are required to keep financial records for seven years, and many of the financial records (e.g. orders and invoices) can be used to demonstrate due diligence with the Importer Standards. Records kept for the purposes of meeting legislation other than the Food Act do not need to be duplicated in order to meet the requirements of these proposed standards.

Listing as an importer is free, so there is no cost to the importer for listing with NZFSA. The costs associated with listing relate to the time taken to submit the information to NZFSA. This is expected to be minimal.

4 Outcomes of the consultation process

4.1 NZFSA comment on the consultation process

Seven submissions were received on the standards and a number of phone calls and emails were received from Importers. As stated above many of the importers who contacted NZFSA prior to the end of the consultation period chose not to make submissions.

NZFSA has taken on board both submissions and general comments and has amended the standards as described in section 4.2. From the consultation, NZFSA is satisfied that the majority of importers are comfortable with the content of the proposed new standards.

NZFSA's recommendation to the Minister for Food Safety will be to approve both standards as amended.

4.2 Amendments that have been made to the standards as a result of the consultation process

Amendments made to the proposed standards in the discussion document, have not resulted in significant changes. The amendments have improved clarity of the standards. The amendments include:

- Clarifying that NZFSA requires listed importers to be New Zealand residents and the information provided by importers should include correct New Zealand contact details.

- Making the standards more consistent and ensuring the offences are included in both standards. NZFSA also amended the storage section to more closely reflect the transportation section, making it clear that the storage and transportation requirements are applicable through the shipping and the import clearance processes.
- The time frame in which importers are required to provide records when requested is included in the Food (Importer - General Requirements) Standard. Importers are required to provide records within 24 hours unless the importer and NZFSA agree to a different time prior to the 24 hours expiring. (Note the agreed time may be shorter or longer than 24 hours.) This is further explained in the guidance material.
- The names of the standards have changed slightly to better reflect their purpose. The proposed standards are now known as:
 - Food (Importer Listing) Standard
 - Food (Importer - General Requirements) Standard

4.3 Future information

Once approved by the Minister, the standards come into force 28 days after Gazetting in the New Zealand Gazette. A six month transition period is built into the proposed standards to allow importers to list as food importer and allow them adequate time to make any necessary arrangements in order to comply with the general requirements (record keeping, transport, storage and supplier assurances).

The standards will be available on NZFSA's website along with the guidance material – www.nzfsa.govt.nz, alternatively you can contact the Approvals Group for information: - approvals.fssi@nzfsa.govt.nz

Appendix 1: Analysis of submissions: proposed new standards for food importers, June 2008.

September 2008

The submissions received on the above discussion document are presented in the following table, together with NZFSA's responses to the submissions.

Submissions received from the 'Proposed new standards for importers' discussion document			
No.	Clause	Submission comment¹	NZFSA Response
1	6 month transition time frame for listing	"The submitter considers that the 6-month transition period is a suitable timeframe."	Thank you for the comment.
2	6 month transition time frame for listing	"We note that the discussion paper omits any discussion of whom and what agency will be responsible for monitoring for listing compliance, and also for prosecuting any infringements. There is an implication the body would be the NZFSA. For guidance, and to aid importers, a description and details of this process within the standard (possibly as editorial notes) would be helpful."	The standards will be amended to clearly identify NZFSA as the Authority that administers the standards. The guidance material currently being developed by NZFSA will provide options to ensure compliance with the standards. NZFSA's Compliance and Investigation Group will be responsible for enforcement of these standards.

¹ The comments are taken directly from the submissions received, except where it has been necessary to make changes to preserve confidentiality and improve legibility.

Submissions received from the 'Proposed new standards for importers' discussion document			
No.	Clause	Submission comment¹	NZFSA Response
3	Content of listing standard	"The standard proposes that all importers are required to be listed. This, as acknowledged in the discussion paper is a simple duplication of information already held and collected by the Customs Department. As the Customs department will hold all of this information electronically, it is a technologically simple process to extract any required data in any required format. The cost of a simple piece of software to achieve this outcome will be substantially less than the creation of a new department to duplicate existing information."	NZFSA acknowledges that some of the information it proposes to require for listing is the same as the information importers currently have to provide to the New Zealand Customs Service (Customs) when registering. NZFSA does have a close working relationship with Customs, however, New Zealand's privacy laws place limitations on what NZFSA can request and Customs can legally provide. Presently there are also limitations imposed by the information technology both agencies currently use. This prevents sharing of information. NZFSA and Customs are examining how we can overcome these limitations in the future to try and avoid importers having to provide the same information to both agencies.
4	Content of listing standard	"Whilst initial listing is stated to be free of charge, the wording used implies that future charges will apply. This interpretation is consistent with past government changes. Presumably the proposed new Food Standards Import department will then attempt to justify its existence by undertaking audits and charging further costs to importers. It is clear that the proposal will completely fail to improve efficiencies and will in fact add another unnecessary layer of bureaucracy and costs to importers. Consumers will ultimately pay higher prices for this increased inefficiency and increased costs. This is highly undesirable at any time, let alone in the current economic climate."	Listing will be replaced by registration when the new Food Bill replaces the current Food Act. Registration of importers under the new Food Act will incur a fee. The new Food Act will enable NZFSA to implement the imported food regime as described in the Blueprint for Change document. The new regime is designed to be more efficient than the current regime and improve New Zealanders confidence in imported foods. Please refer to NZFSA's website for the Imported Food Review document, Government's response and the Blueprint for Change document. – www.nzfsa.govt.nz .
5	Content of listing standard	"The submitter supports the proposal that all food importers must provide listing information to the New Zealand Food Safety Authority (NZFSA) to enable the development of a robust contact and traceability database."	Thank you for the comment

Submissions received from the 'Proposed new standards for importers' discussion document

No.	Clause	Submission comment ¹	NZFSA Response
6	Content of listing standard	"Assisting consumer's access to wider variety of generally safer food for consumers - as stated previously, there are no major or urgent safety risks arising from the current regime so how this is going to be achieved is difficult to envision."	The Imported Food Review noted that there are no major or urgent safety risks posed by the current Imported Food Regime. However, many recommendations were made to improve the current regime and these formed the basis for the design of the new Imported Food Regime. The types and quantities of foods imported into New Zealand have changed dramatically over the last decade and new foods are constantly being introduced to the marketplace. The new Imported Food Regime needs to be flexible to ensure it can respond to future changes and protect the health of New Zealanders.
7	Content of Listing Standard	"The submitter supports that all food importers must provide listing information to NZFSA. The submitter notes that the information sought by the Standard does not clearly specify that persons and/or legal entities must be New Zealand domiciled. Without this specificity importer applicants may not be accountable under New Zealand law. The submitter therefore recommended that the listing information clarify and be improved with the following recommendations: the name of the applicant be NZ domiciled, the legal or registered name of business be a NZ based-entity, the address for service and postal address be in New Zealand. Further more we note that the above would be consistent with requirements under Food Standards Code Standard 1.2.2(3)."	NZFSA confirms that the intent of the Importer Listing Standard is for New Zealand entities and addresses to be provided by importers listing with NZFSA. The Standard has been amended to make this clear.

Submissions received from the 'Proposed new standards for importers' discussion document

No.	Clause	Submission comment ¹	NZFSA Response
8	Content of listing standard	"The Chief Executive of NZFSA has the right to refuse and decline applicants. Clearly defined objective based boundaries need to be established which are transparent and not at the CEO's discretion. An appellation process needs to be established and outlined. At least there should be obligation to act reasonable and with consideration."	There is no intention for NZFSA's Chief Executive to refuse or decline applicants for listing. All importers will be put on the listing database when their application is received by NZFSA. This reference in the discussion document was referring to the future registration of importers. When the new Food Bill is enacted, listing will be replaced by registration and registration will require approval. NZFSA agrees that when registration is implemented, the basis for refusing or rejecting registration does need to be transparent.
9	Content of listing standard	"The submitter considers the content of the listing standard is sufficient. This is a good preparatory move towards registration. This absolutely ensures that responsibility lies firmly on the importer for the safety of imported foods."	Thank you for the comment.
10	Content of listing standard	"While these proposed regulations will generate activity and cost, the submitter is not convinced that there will be any material improvement in Food Safety in the whole foods and ingredients that it imports. In particular food ingredients that are imported either directly or indirectly are, we understand captured by these regulations primarily because of the "food" definition in the 1981 Food Act. It has been suggested that when the new Food Act is developed there will be a different definition of food, which could remove the ingredients from these regulations. Under this scenario, ingredients importers will have to develop (which is the most expensive phase), the necessary information and reporting systems which will then be redundant."	The proposed standards clarify what NZFSA expects importers to do to ensure food is safe and suitable, as required in the Food Act 1981. These requirements are applicable to all products included under the definition of food, which includes food ingredients. Therefore the associated cost should be minimal, as there is an expectation that importers and food manufactures are complying with the current legislation. NZFSA considers ingredients to be just as important as whole foods, as they are imported primarily for human consumption. The level of assurances required would be less where a food is used as an ingredient and further processing mitigates any risks associated with consuming the food.

Submissions received from the 'Proposed new standards for importers' discussion document

No.	Clause	Submission comment ¹	NZFSA Response
11	Content of listing standard	<p>"Please consider clarifying what "food for sale" means. I.e. Do importers that further manufacture the goods or add them as a raw ingredient to a final product to be sold need to be on the importers database and comply with the proposed standard? The imported ingredient in this situation may just be combined in its imported state. Does food that is repackaged only need to comply with the proposed standard, and the importer needs to be on the database? Does food that undergoes additional processing need to comply with the proposed standard, and the importer need to be on the database?"</p>	<p>NZFSA acknowledges that the discussion document did not clearly outline the definition of "food for sale" and that the proposed standards will apply to food used for ingredients. The definitions of "food" and "what constitutes sale" are taken from the Food Act 1981. The definition of food is as follows:</p> <p>The definition of food and what constitutes sale is given in section 3.2.1.3 of this document.</p>
12	Content of listing standard	<p>"The submitter is unclear as to the rationale or justification for not providing the listing information in the form of a publicly accessible database – especially when it has been collected in the interest of consumers, when costs will have been incurred by industry and the NZFSA, and when this is technically achievable. This does not appear consistent with the separate statement that when 'registration' is introduced that information (the same as the listing information) will be held on a public register."</p>	<p>NZFSA is not able to make this information public, as the Food Act 1981 has no provisions to allow a public register for food standards. The proposed new Food Bill does allow this information to be made public. The information on which importers are listed can be obtained through a request through the Official Information Act.</p>

Submissions received from the 'Proposed new standards for importers' discussion document			
No.	Clause	Submission comment ¹	NZFSA Response
13	Assurances	<p>"When sourcing any product to import and sell importers must document the following:(i) that the food products have been produced and managed in a manner that enables the food to be safe for human consumption;..." For this assurance we would use for example: local equivalent to food premises registration and/ or our food safety questionnaire if the supplier does not have a food safety programme implemented.</p> <p>It would be great to get assistance with this in the guidance material. Items such as:</p> <ul style="list-style-type: none"> • A list of what the name of the relevant authority is in each country (example FDA in USA, but what is the name of the agency in Philippines or Peru?) • If possible also the name of the 'certificate', a list of leading HACCP and food safety authorities in each country (example AIB in USA), • References and links to databases that list relevant analytical properties for rice, raisins, almonds, flour etc." 	<p>These are the types of records that NZFSA would expect to see as verification that the importer is complying with the Food (Importer-General) Standard. The Standard is a legal document and it is not appropriate to list (and so limit) the documents or records importers could use to ensure the food they import is safe and suitable. However, the guidance material will include examples to help importers determine what they need to obtain to meet the standard.</p> <p>At this stage NZFSA is not exploring the option of compiling a list of acceptable certification or HACCP; this will be up to the individual importers.</p>
14	Assurances	<p>"The details laid out in section 5.2.1 Food Standard - "importers must document...that the food products have been produced and managed in a manner that the food is safe for human consumption" - are open to several interpretations. If it is sufficient that the producer has a certified HACCP, then most of the submitters' imports would be covered, but traditional wineries or distillers are not necessarily as formally structured and might not be able to supply such certification. If the submitter's response was to make HACCP a requirement for importation it is likely that the range of beverages offered to the New Zealand public would be reduced."</p>	<p>NZFSA does not expect importers to ensure that all their suppliers are HACCP certified. Importers will need to determine what level and type of assurance they will need from the supplier in order to ensure the food is safe and suitable. The requirements would likely vary depending on the type of food, and what the importer is doing with the food. Importers need to show NZFSA that they have applied due diligence in assuring that the food is safe and suitable when sourcing from suppliers. This would include being aware of potential hazards associated with the food and communicating New Zealand's food standards to the supplier. Documenting this may vary from an email from the supplier, to certificates of analysis, to HACCP certification. This will be further clarified in the guidance material.</p>

Submissions received from the 'Proposed new standards for importers' discussion document			
No.	Clause	Submission comment¹	NZFSA Response
15	Assurances	"The submitter supports the general idea of importers seeking assurances that foods have been produced in a manner that manages relevant food safety hazards. It is recognised that guidance notes will be produced. It is also understood that workshops are proposed in the long term under registration. The submitter believes that training and support programmes must be established before the introduction to ensure that there is both consistency of knowledge and that smaller importers are not disadvantaged. This will then ease the transition from listing to registration."	Thank you for your comment. The guidance material that NZFSA is currently drafting will help ensure consistent interpretation of the standards. NZFSA is also developing an implementation plan which will include educating and informing importers of the standards and how to meet their obligations.
16	Assurances	"Providing greater equity among types of suppliers and products - assuming this means all suppliers and products will be treated identically, while the proposed standard may achieve this, this is a "one size fits all" approach which is totally inappropriate for the wide range of food imports e.g. cheese made from unpasteurised milk from a small operation has a totally different risk profile from canned food made from a government inspected approved factory with the goods certified as suitable for importing to the country of destination. As such, the proposed standard again breaches the aim of improving efficiency as unnecessary costs and processes will be imposed on many imports. We would suspect the number of importers and variety of goods imported would be reduced as the costs to small, specialist importers, would be prohibitive."	The proposed Importer General Standard has been developed so it is generic enough to allow flexibility for different types of products and different quantities being imported. While we expect all importers to ensure they import safe and suitable food, the level and type of verification (including records) that the importer will be required to keep or obtain to show due diligence around the Standard will be different for low risk foods than high risk foods. The guidance material currently being developed will provide examples of how importers can meet the Importer General Standard for different foods and situations.
17	Transport	"The submitter considers the detail in the transport section to be adequate. The submitter agrees that these requirements should be supported with written guidance on how to comply."	Thank you for the comment.

Submissions received from the 'Proposed new standards for importers' discussion document

No.	Clause	Submission comment ¹	NZFSA Response
18	Transport	<p>"There is a form that MAF require for each shipment - the packaging declaration. It would be great if this form could be amended to add questions relating to food safety on this form. Since it is used for each incoming shipment it would be great if there were an "optional" section relating to food products as applicable. It could cover questions about containers/vessels/used being clean, free of odour, suitable to transport foodstuffs or similar. If it is not possible to add to the MAF form as least a standard form that all shipping agents and importer will use would be very efficient and useful."</p>	<p>NZFSA intends to work more closely and collaboratively with other border agencies such as Biosecurity and New Zealand Customs Service in the future. All three agencies are currently discussing how to achieve this. The intention is for there to be greater sharing of information and forms where appropriate.</p>
19	Transport	<p>"History has shown that temperature records whilst on board ship are difficult to maintain. Applicable records are sort as a part of standard procedures but there is a distinct lack of cooperation from shipping lines to maintain and share. Importers should not be penalised for this industry behaviour as obtaining this information is not within an importer's control - the importer relies on the shipping line to provide this."</p>	<p>The Food (Importer - General Requirements) Standard expects importers to take all reasonable steps to ensure that storage and transport conditions are adequate enough to ensure the food is safe and suitable. As long as importers can demonstrate this (which may or may not include temperature records) then the importer would be complying with the standard.</p>
20	Storage	<p>"The submitter considers the detail in the storage section to be adequate. The submitter agrees that these requirements should be supported with written guidance on how to comply."</p>	<p>Thank you for the comment.</p>

Submissions received from the 'Proposed new standards for importers' discussion document

No.	Clause	Submission comment ¹	NZFSA Response
21	Record keeping	"There is a mandatory 4 year storage period for all data. This seems excessive for products that can have a best before of 1 year. Indeed the submitter's quality system requires the storage of production information for 3 years, so we would not necessarily be able to comply for imports from our own manufacturers in Australia. The submitter believes that productions and transportation information should be stored for a minimum of 150% of the Best Before period or 4 years, whichever is the shorter."	<p>The four year period for storage of records reflects what is proposed in the Food Bill and is currently in place in the Animal Products Act. This requirement ensures there is consistency with other food legislation in New Zealand. Inland Revenue requires records to be kept for seven years for tax purposes. Many of these records will fulfil the requirements outlined in the Importer Standards. NZFSA does not believe that the requirement to keep records for four years is excessive.</p> <p>Production records are not generally required to demonstrate compliance with these standards. However, if the importer requires this information as a key part of their assurance that the food is safe and suitable then they would need to retain or be able to obtain this information for four years.</p>
22	Record keeping	"The submitter supports the introduction of a record-keeping requirement. Again, with suitable guidance and support for the introduction of mandatory record keeping will ease transition for importers to full import plans/ FCPs."	Thank you for the comment.
23	Record Keeping	"This includes importer being required to keep, or have access to, records that provide assurance that the foreign manufactures of food products they import have the necessary controls in place to ensure the food is safe and suitable and that the food meets all relevant standards, including the joint Australia and New Zealand Food Standards Code". Overall this makes sense and we understand that any changes are not likely in this area."	Thank you for your comment.

Submissions received from the 'Proposed new standards for importers' discussion document			
No.	Clause	Submission comment¹	NZFSA Response
24	General	<p>"The proposal for importers to ensure food is safe and suitable and meeting all applicable standards appears realistic and reasonable. Further, the proposed 'sourcing of food', 'storage and transport' and 'record keeping' standards do not appear to be overly onerous. We believe they are based upon good business practice and commonsense.</p> <p>However it is disappointing that the paper omits any discussion around the issue of non-compliance with the standards. The submitter feels there would be merit in explicit details as to whom and what agency will be responsible for monitoring compliance and for prosecuting infringements."</p>	<p>The proposed standards clearly identified NZFSA as the Authority that administers the standards. This will be made clearer in the amended standards.</p> <p>The guidance material will provide some options on how importers could comply with the standards.</p> <p>NZFSA's Compliance and Investigation Group will be responsible for enforcement of the standards.</p>
25	General	<p>"To mirror the requirement for listing information, the submitter recommends that non-compliance with the Food (Importer General) Standard be an offence under section 110 of the current Food Act 1981."</p>	<p>NZFSA agrees that the standards should be consistent. The Food (Import Listing) Standard has been amended to incorporate the reference to Section 110 of the Food Act 1981.</p>
26	General	<p>"Quite simply, "if it's not broken, don't fix it". No necessary factual basis has been established for changes. In fact, as stated in the background to the proposal on page 4 "The review was completed in 2004 and concluded that there were no major risks or urgent safety risks arising from the current regime" i.e. no changes are necessary for public health safety."</p>	<p>The Blueprint for Change document that was released in 2007 outlined the new Imported Food Regime. This Regime reflects the recommendations that arose from the Imported Food Review and to which Government subsequently agreed. The Imported Food Standards (referred to as the Generic Standards in the Blueprint document) were part of that Regime. This document formed the basis of public consultation on the new Regime and can be located on our website – www.nzfsa.govt.nz.</p>

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No.	Clause	Submission comment ¹	NZFSA Response
27	General	"No change to the existing importing requirements is required or should be implemented. To do so is in contradiction of the Food Act 1981, section 11E, in that it would impose unnecessary costs, and thus restrictions, on trade. The creation and maintenance of duplicate information will in no way protect public health as required under the same section of the same Act."	NZFSA believes that both standards help protect public health as the systems and requirements outlined are essential for NZFSA to act quickly and effectively in the case of a food borne outbreak or a product recall. The standards will provide consumers with more confidence in the safety of food imported into New Zealand. As outlined in Appendix 1 of the discussion document NZFSA considers that the impact on trade restrictions will be minimal, as importers already have to ensure that the food they import is safe and suitable.
28	General	"The submitter fully supports the Imported Food Review and the recommendations that have come from it. The submitter understands that the proposed standards intent to underpin and improve the current system and as such give its full support. The submitter strongly supports the listing standards and the progression to registration, as this will prevent problems with importers evading responsibility to agents or brokers."	Thank you for your comment.
29	General	"The submitter supports the proposed food importer standards. We see them as realistic and practical."	Thank you for your comment.