

**Ministry of Agriculture and Forestry  
P O Box 2526, Wellington, New Zealand**

**MAF Food: Dairy & Plants**

**Circular number 61**

*Dairy Industry Regulations 1990*

***D102.2 Product Safety Programme  
Reporting Requirements***

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## Issue of Circular

Regulation 59 of the *Dairy Industry Regulations 1990* allows the Director-General of the Ministry of Agriculture and Forestry to issue circulars setting out criteria for matters which must be approved by, or done to the satisfaction of, the Director-General pursuant to the *Dairy Industry Regulations 1990*.

This Circular number 61, containing 'MAF Standard D102.2 "Product Safety Programme Reporting Requirements"', is issued in accordance with regulation 59.

Circular number 39 "Product Safety Programme Reporting Requirements" issued on 23 December 1999 is revoked.

This Circular number 61 takes effect on 21 December 2000.



Tim Knox  
**Director, Dairy and Plant Products**  
**MAF Food Assurance Authority**

21 December 2000

*(Signed under authority delegated by the Director-General of MAF, pursuant to regulation 59 of the Dairy Industry Regulations 1990.)*

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## **1 Background**

The MAF Standard on Product Safety Programmes Reporting Requirements (D102.1) was promulgated by Circular 39 on 23 December 1999 to:

- outline regulatory requirements specified in New Zealand dairy legislation for owners of Product Safety Programmes (PSPs) (i.e. farm dairies, manufacturers, stores, transporters and exporters) to make records available to MAF/Third Party Agencies (TPAs) via the reporting of pertinent information;
- describe acceptable criteria (means for satisfying MAF that the requirements are being achieved), and
- outline relevant importing country requirements.

MAF has identified that revision of the MAF Standard on Product Safety Programme reporting requirements is required, as a consequence of the following events:

- implementation of MAF Standard D102.1 “Product Safety Programme Reporting Requirements”;
- implementation of other MAF standards;
- actions identified as a result of the audit of MAF by the European Commission in May 2000.

The MAF Standard on Product Safety Programme reporting requirements has been revised. MAF Standard D102.2 “Product Safety Programme Reporting Requirements” is attached. A line in the right hand margin marks the changes to the standard.

## **2 Summary**

This standard specifies requirements for holders of MAF-approved PSPs to keep records and to make them available for inspection via the reporting of pertinent information to MAF/TPAs.

Appendix One outlines acceptable criteria for demonstrating that the outcomes in the standard are achieved, including the following:

- The person accountable for the PSP holds the responsibility for reporting, including exception reports, regular reports, and reports on demand.
- Exception reports are provided to MAF/TPA within 24 hours of a critical non-compliance and/or the identification of non-conforming dairy produce.
- Exception reports provide the description and extent of the exception, produce involved, the person responsible for managing the exception, the date for the traceback to be completed and the corrective actions planned or completed. Further relevant information is provided subsequent to the initial exception report.
- Regular reports are submitted to MAF/TPA, providing information on the status, performance, trends, proposed changes, and other information about the operations covered in the PSP, which enables positive verification, analysis of trends and reporting of industry performance.
- Regular reports are submitted monthly to MAF/TPA, except for manufacturers who have moved to the ORM, where the frequency is based on performance.
- At the request of MAF/TPA, relevant information is provided to enable the investigation of potential food safety issues and, where necessary, to support export certification.

Proposals for alternative criteria will be approved by MAF, provided it can be demonstrated to MAF's satisfaction that the required outcomes will be achieved.

Appendix Two of this standard provides references to importing country requirements, which have been officially confirmed.

### **3 Outcome**

MAF has confidence that the New Zealand dairy industry is operating in compliance with approved PSPs, based on records being kept and made available in accordance with regulation 6 of the *Dairy Industry Regulations 1990*.

Where MAF provides official assurances to the competent authority of an importing country, the relevant requirements of that importing country are demonstrated to be met.

## **4 Effective changes**

This standard introduces the following changes from the previous version of the MAF Standard on Product Safety Programmes Reporting Requirements (D102.1).

### **4.1 Significant changes**

There are no significant changes.

### **4.2 Minor changes**

The following are minor changes. These changes can be included at the next review and revision of the PSP:

4.2.1 For PSPs covering acceptance testing of raw milk, the accountable person is responsible for reporting to MAF/TPA the farm dairies given notice to reduce residues, aerobic plate counts and/or somatic cell counts.

### **4.3 No change**

These changes require no changes to PSPs although the clarification provided by the commentary may indicate that changes are required to the PSP at the next review and revision:

4.3.1 References to information and forms referenced in the standards and available from MAF Food: Dairy and Plant Products or its website have been provided.

4.3.2 Examples of trends data relating to residues are provided.

4.3.2 Commentary has been provided to assist understanding of:

- reporting of assessments of farm dairies as validations;
- reporting, in the regular report as proposed changes, proposed or planned trials or manufacture of new products where these are outside the scope of the PSP;
- providing records relating to trends data to MAF/TPA when requested.

4.3.3 The requirements of importing countries has been moved from Appendix Two to the MAF website.

### **4.4 Importing country requirements**

There have been no changes to the importing country requirements relating to reporting.

## 5 Implementation

All PSPs must comply with this standard by 31 May 2001.

For new PSPs, this standard will apply from the date of promulgation.

To allow the orderly evaluation and approval of previously approved PSPs the implementation has been split:

- For **EU listed plants and registered stores who store product destined for the EU**, any previously approved PSP shall be deemed to be approved until 31 March 2001. These previously approved PSPs must be reviewed and, where necessary, revised to comply with the EU related requirements contained in this standard. Where the revisions result in significant changes, the changes are evaluated by MAF /TPA and approved again by MAF. By 31 March 2001 all existing PSPs of EU listed plants and registered stores who store product destined for the EU must comply with the EU related requirements in this standard and significant changes to the PSP submitted to MAF/TPA for evaluation. By 31 May 2001, all existing PSPs of EU listed plants and registered stores who store product destined for the EU must comply with this standard and significant changes to the PSP submitted to MAF/TPA for evaluation.
- For **all plants excluding the EU listed plants and registered stores who store product destined for the EU**, any previously approved PSP shall be deemed to be approved until 31 May 2001. These previously approved PSPs must be reviewed and, where necessary, revised to comply with this standard. Where the revisions result in significant changes, the changes are evaluated by MAF /TPA and approved again by MAF. By 31 May 2001, all existing PSPs must comply with this standard and significant changes to the PSP submitted to MAF/TPA for evaluation.

This standard has been written to enable continuation of the evaluation and verification of PSPs under the existing system and under the ORM system. During this transition period, PSPs will continue to be evaluated and verified by a National Assessor, MAF Compliance & Investigation Group. When the party moves to the ORM system, the PSP will be evaluated and verified by approved individuals employed by an approved Third Party Agency (TPA). This change is indicated in the standard by the use of "MAF/TPA" in appropriate places.

## 6 Effect on compliance costs

Additional compliance costs are anticipated as follows:

- for holders of PSPs covering the acceptance testing of raw milk, costs associated with modifying the reporting system to provide the list of farm dairies given notice.

## **7 Future intentions**

It is MAF's intention to consider, with input from interested parties, the information required to measure performance, make decisions and where necessary, take action. This review will consider how this performance measurement information is most effectively obtained and what additional reporting is required. As a consequence, this review may impact on the scope and content of MAF Standard D102 "Product Safety Programme Reporting Requirements".

# MAF Standard D102.2 “Product Safety Programme Reporting Requirements”

## 1.0 SCOPE

This standard contains the outcomes for parties with approved Product Safety Programmes (PSPs) to make records available to MAF/Third Party Agencies (TPA), via the reporting of pertinent information.

All parties in the New Zealand dairy industry with MAF-approved PSPs (including PSPs for farm dairies, manufacturers, stores, transporters and exporters) must comply with this standard.

Non-operational factories and stores are excluded from the requirements of this standard, but must comply with the reporting requirements specified in MAF Standard MRD-Stan 8 “Maintaining and Restarting Non-Operational Dairy Factories and Stores.”

## 2.0 PURPOSE

This standard sets out the outcomes that are specified in the *Dairy Industry Regulations 1990* relating to the keeping of records by the holders of approved PSPs and the availability of those records to MAF/TPA, via the provision of reports containing pertinent information.

The acceptable criteria outlined in Appendix One of this standard were developed in consultation with industry to establish clear rules for judging whether or not a proposed PSP is satisfactory, and to assist parties to achieve the outcomes described in the standard. Proposals for alternative criteria will be approved by MAF, provided it can be demonstrated to MAF’s satisfaction that the required outcomes will be achieved.

Appendix Two of this standard provides references for importing country requirements relating to the reporting of product safety, which have been officially confirmed.

## 3.0 OUTCOME

MAF has confidence that the New Zealand dairy industry is operating in compliance with approved PSPs, based on records being kept and made available in accordance with regulation 6 of the *Dairy Industry Regulations 1990*.

Where MAF provides official assurances to the competent authority of an importing country, the relevant requirements of that importing country are demonstrated to be met.

#### 4.0 INTERRELATED REQUIREMENTS

The following standards must be read in conjunction with this standard:

- MAF Standard D101 “Product Safety Programmes”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry.
- MAF Standard D201 “Performance Measurement of Dairy Manufacturers”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry.
- MAF Standard D206 “Dairy Sanitary and Related Export Certification”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry.
- MAF Standard D503 “Third Party Agencies’ Responsibilities”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry.
- MAF Standard MRD-Stan 8 “Maintaining and Restarting Non-Operational Dairy Factories and Stores”. Regulatory Authority, New Zealand Ministry of Agriculture and Forestry, 1995.
- MAF Standard MRD-Stan 12 “Acceptance Standards for Raw Milk”. Regulatory Authority, New Zealand Ministry of Agriculture and Forestry.
- MAF Standard MRD-Stan 13 “Actions to be Taken for Non-Complying Results for Raw Milk Used for the Manufacture of Dairy Products for Export to the European Union”. Regulatory Authority, New Zealand Ministry of Agriculture and Forestry.

The following information and forms are available from MAF Food: Dairy and Plant Products or its website ([www.maf.govt.nz/Dairy](http://www.maf.govt.nz/Dairy)).

- Importing Country Requirements (Overseas Market Access Requirements).

#### 5.0 ADDITIONAL RESOURCES

The following documents are useful resources:

- *Dairy Products Safe and True*. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry, 1999. Website address: [www.maf.govt.nz/Dairy](http://www.maf.govt.nz/Dairy);
- “Policy for the Resolution of Regulatory Non-Compliances and the Application of Sanctions”. Dairy and Plant Products Group, Food Assurance Authority, Ministry of Agriculture and Forestry.

## 6.0 DEFINITIONS

These definitions must be read in conjunction with the interpretations in the *Dairy Industry Act 1952* and the *Dairy Industry Regulations 1990*.

MAF Food: Dairy & Plant Products Group definitions of terms can be found in their “Glossary of Terms”, available on the Dairy & Plants website ([www.maf.govt.nz/Dairy/](http://www.maf.govt.nz/Dairy/)).

**Accountable person**—the person named in a MAF-approved programme (e.g. PSP, QCP) who is responsible for all operations covered by the programme, and for ensuring that those operations comply with regulatory requirements.

**Corrective action**—action taken to rectify, eliminate the causes of, and prevent recurrence of any problem/failure/non-compliance identified in a plan, procedure, process, product, programme, or system.

**Critical non-compliance**—an action, event or omission which may result in:

- failure of dairy produce to comply with regulatory requirements;
- failure to follow the lawful direction of an Inspector;
- an alleged offence against the *Dairy Industry Act 1952* or *Dairy Industry Regulations 1990*;
- a critical situation;
- failure of a critical control point within a MAF-approved programme or plan;
- failure to identify when dairy produce is non-conforming;
- failure to stop a non-compliance;
- failure to keep accurate and complete records;
- failure to provide accurate, complete, and timely reports;
- failure to dispose of non-conforming dairy produce in compliance with regulatory requirements;
- failure to prevent recurrence of a non-compliance; and/or
- failure to rectify a non-compliance within the specified timeframe.

**Critical situation**—any situation which, in the professional judgement of the Inspector, places public health, animal welfare, market access, official assurances, national good, or MAF’s credibility at risk, or where an offence is suspected.

**Dairy produce**—milk, cream, butter, cheese, and any other product of milk or cream.

**Dairy product**—dairy produce intended for sale in, or export from, New Zealand for human consumption; and

- (a) includes raw milk or cream intended for sale in New Zealand for human consumption as raw milk or cream; but
- (b) does not include raw milk or cream intended to be processed before sale in New Zealand for human consumption.

**Days**—unless specified otherwise, “days” refers to calendar days. “Working days” means Monday to Friday inclusive, excluding statutory holidays.

**Inspector**—a person appointed under section 4 of the *Dairy Industry Act 1952* with powers under that Act, the *Animals Act 1967* and the *Food Act 1981*. This includes the Director-General of MAF.

**MAF Compliance**—the Compliance and Investigation Group of MAF Food, reporting to the Director, Compliance and Investigation Group.

**MAF Food: Dairy & Plants**—the Dairy and Plant Products Group of MAF Food, reporting to the Director, Dairy & Plant Products.

**Manufacture**—in relation to dairy product; means all activities involved with converting dairy produce into dairy product (with or without other substances or ingredients), and its preparation in a product factory for sale. This includes receipt or deposit of the dairy produce from which it is manufactured. (Note: includes packaging for final sale)

**Non-compliance**—any failure to comply with regulatory requirements.

**Non-conforming**—in relation to dairy produce/products, any that is suspected or known not to meet regulatory requirements.

**Product Safety Programme (PSP)**—a programme of conditions, processes, procedures, measures, and standards to be complied with, performed, undertaken, taken, or met in relation to:

- (a) any process or activity related to dairy produce, ingredients used in the manufacture of dairy products, or both; and
  - (b) sampling, examination, inspection, and testing, or any of those actions, relating to any such process or activity; and
  - (c) the recording and inspection( by persons with qualifications and experience approved by the Director-General for the purpose) of information relating to any such action;
- and (without limiting the generality of the foregoing) may include conditions, processes, procedures, measures, or standards relating to the production, manufacture, storage, or transport of dairy produce.

**Safe**—in relation to any dairy product, “safe” means satisfactory, fit for human consumption, and not having in it or on it any pathogenic organisms

- (a) that are present in an amount that makes the product harmful or injurious to the health of the people who may eat or drink it; or
- (b) that
  - (i) are not present in an amount that makes the product harmful or injurious to the health of the people who may eat or drink it; but
  - (ii) by virtue of their ability to reproduce, to produce toxins, or both, make the product potentially harmful or injurious to the health of the people who may eat or drink it.

In relation to any dairy produce that is not a dairy product, “safe” means satisfactory, and fit for the manufacture of dairy products.

**Sanction**—official response to regulatory non-compliance.

**Satisfactory**—in relation to any dairy produce, means:

- (a) not having in it or on it any harmful or injurious substance in an amount that makes it harmful or injurious to the health of people who may eat or drink it or dairy products made from it;
- (b) not being, or containing anything that is, decomposed, dirty, rotten, spoiled or diseased;
- (c) not affected by disease;
- (d) not affected by any objectionable taint or smell;
- (e) not containing any foreign matter; and
- (f) not condemned under Section 9 of the *Dairy Industry Act*.

**Significant change**—any change made to key staff, environment, premises, equipment, facilities, process or product, which has the potential to affect food safety.

**Third Party Agency (TPA)**—organisation approved by MAF to carry out evaluation and/or verification services.

## **7.0 REQUIREMENTS**

Dairy produce/product must be produced, manufactured, stored, and transported in accordance with a MAF-approved Product Safety Programme.

To be approved by the Director-General, the PSP must provide for:

- the keeping of such records;
- the availability for inspection of those records in such a manner and to such an extent; and
- such inspection of those records;

as to enable it to be readily ascertained whether or not the PSP has been, and is being, complied with.

## **8.0 VERIFICATION**

Verification of compliance with this standard is undertaken by MAF or a MAF-approved TPA as part of a PSP assessment. MAF/TPA verifies that records are complete and are being reported in a timely manner on an ongoing basis.

## **8.1 Criteria**

The criteria for assessing compliance with this standard are as follows:

- the means to deliver the requirements of this standard are documented in a MAF-approved PSP;
- the party operates in accordance with that MAF-approved PSP.

## **8.2 Decision**

The party is non-compliant if one or more of the criteria for assessing compliance is not met.

## **8.3 Result**

### **8.3.1 Compliant parties**

Compliant parties operating in accordance with MAF-approved PSPs are entitled to:

- produce milk or cream intended for the manufacture of dairy products;
- transport or store dairy produce, and
- manufacture, transport or store dairy products.

### **8.3.2 Non-compliant parties**

Non-compliance with a MAF-approved Product Safety Programme (including selling or exporting dairy products not manufactured in accordance with an approved PSP) constitutes an offence under regulation 49 of the *Dairy Industry Regulations 1990*.

If a party does not operate in accordance with a MAF-approved PSP:

- an Order may be issued by a MAF Inspector to remedy any defects;
- export certification and/or use of any MAF marks may be suspended;
- approval of the PSP may be withdrawn, and/or;
- prosecution of offences may occur.

## 9.0 VERSION CONTROL

Version	Date	Status	By	Approved
102.1	23 December 1999	Promulgated by Circular number 39. Revoked by Circular number 61	Director, MAF Food: Dairy & Plants	
102.2	21 December 2000	Promulgated by Circular number 61	Director, MAF Food: Dairy & Plants	

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# Appendix One

## ACCEPTABLE CRITERIA

Following are criteria by which a Product Safety Programme may be judged to satisfactorily achieve the requirements described in section 7 of this standard. A Product Safety Programme which includes procedures for ensuring that each of these criteria is satisfied, and meets all other relevant PSP requirements, will be approved by MAF.

Proposals for alternative criteria may be approved by MAF, provided it can be demonstrated to MAF's satisfaction that the required outcomes will be achieved. A guide to the information required in these proposals and the procedures used by MAF to assess proposals can be obtained from MAF Food.

### 1.0 Responsibilities

The accountable person reports to MAF/TPA. When accountable person is absent, they delegate the responsibility for the duration of the absence. The TPA is advised in writing of any such delegation. The accountable person or their delegate signs all reports. The accountable person and MAF/TPA have agreed on the method of reporting and the format and content of the report.

The contracted TPA undertakes its responsibilities including the notification of MAF in accordance with MAF Standard D503 "Third Party Agencies' Responsibilities".

### 2.0 Exception reporting

Any of the following exceptions are reported to MAF/TPA **as soon as practicable, but no later than 24 hours**, after the occurrence of the exception or the result is known by the testing laboratory.

Initial written notification (e-mail or fax) to MAF/TPA of an exception is followed by a telephone conversation with a person (not an answering service) to confirm receipt. Initial verbal reporting is acceptable, but is confirmed in writing within 72 hours.

#### 2.1 Exceptions

The following exceptions are reported:

- identification of non-conforming dairy produce, and
- occurrence of a critical non-compliance.

## 2.2 Content of exception reports

Exception reports include the following:

- a detailed description of the exception;
- the extent of any contamination or potential contamination, e.g. date since last acceptable result, the product lines affected etc;
- description, quantity and location of all non-conforming produce and whether it is isolated. Where produce is not isolated, the methods being used to secure it against use;
- the name, title, and contact details of the person responsible for managing the exception;
- the date the traceback will be completed; and
- the corrective actions that are planned, in progress or completed and the schedule for commencement and completion.

As much of the following information as is available at the time is provided to MAF/TPA as part of the exception report, with the balance and any updates provided in follow-up reports within 15 working days of the exception report:

- an account of all the actions taken;
- the outcome of the traceback;
- the cause(s) of the exception;
- the evidence that all suspect produce is identified and isolated;
- the corrective actions that have been completed and those still to be completed, with the date for completion;
- the evidence that the exception has been resolved;
- the identity of safe and truthfully labelled produce held in isolation;
- the identity of the produce that is not safe and/or not truthfully labelled;
- a detailed written proposal, from the owner of the produce, for the disposal of the produce that is not safe and/or not truthfully labelled.

If the information reported to MAF/TPA is inadequate or incomplete, MAF/TPA takes the necessary action to obtain information to verify that risks to produce safety are adequately managed.

### **3.0 Regular reports**

The regular report is delivered in writing to MAF/TPA within 7 days of the end of the period.

#### **3.1 Content**

The regular report includes the following information:

##### **3.1.1 Status**

###### **A PSP**

###### **i Validation**

Dates of validations completed in the last period. For each validation, the number of non-compliances identified and the number of non-compliances remaining unresolved.

###### **ii Review and revision**

Date of last review of the PSP. Date of the last revision of the PSP.

###### **iii Verification**

Date of the last verification and number of non-compliances remaining unresolved.

###### **B PSP components**

The following information is provided, relating to HACCP plans/systems, pasteurisers, pest management plans, environmental pathogen management plans and farm dairy assessment system:

###### **i Evaluations**

Types of evaluations completed in the last period. For each evaluation, the number of non-compliances identified and the number of non-compliances remaining unresolved.

###### **ii Validations**

Types of validations completed in the last period. For each validation, the number of non-compliances identified and the number of non-compliances remaining unresolved.

###### *Commentary*

*Assessments of farm dairies are reported as validations, i.e. the number of farm assessments completed in the last period, the number of non-compliances identified and the number remaining unresolved.*

### 3.1.2 Performance

#### A Exception reports:

- number of exception reports in last period;
- number of corrective actions still unresolved.

#### B Disposals:

- produce that is not safe: method(s) of disposal and volume;
- produce that is not truthfully labelled: method(s) of disposal and volume.

#### C Customer complaints

Number of customer complaints received in the last period regarding matters relating to food safety or truth of labelling.

#### D Notices to farm dairies

The identifier or names and address of all farm dairy operators given notice in the last period to reduce:

- residues of animal remedies and pesticides;
- aerobic plate counts; or
- somatic cell counts.

### 3.1.3 Trends:

- raw milk quality and somatic cell counts;
- foreign matter incidents;
- pathogen surveillance results: number and type at each level;
- residues, including number of positive raw milk inhibitory substances test results and residues results in product;
- other information that may be specified by MAF.

*Commentary*

*Records relating to the trend data above are provided to MAF/TPA when requested.*

### 3.1.4 Proposed changes

Any significant changes that are planned or proposed and the date of the change.

*Commentary*

*Where trials and new products are outside the scope of the PSP and/or the procedures in the PSP relating to trials and new products, these are to be reported as a proposed change to MAF/TPA in the regular report.*

### **3.1.5 Other information**

Any other information relating to food safety or regulatory requirements that MAF/TPA should be aware of.

## **3.2 Frequency**

The regular report is provided at the following frequency:

### **A Existing regulatory system**

Regular reports are provided to MAF on a monthly basis.

### **B ORM system**

Regular reports from PSP holders are provided to the contracted TPA on a monthly basis. Regular reports from manufacturers are provided at a frequency based on the assessment category to which the manufacturer is assigned. Refer to MAF Standard D201 “Performance Measurement of Dairy Manufacturers,” for the specifications for reporting frequency.

## **4.0 Reporting on demand**

MAF/TPA may request, from time to time, additional information or data on produce handling, composition or properties to:

- investigate food safety problems or potential risks;
- report to MAF, or
- support statements contained in export certificates.

This information is supplied by the deadline specified in the request. The TPA refers any failure to supply information to MAF.

To minimise delays in the certification process, information in support of export certification is sent to the National Dairy Certification Manager, MAF Verification Agency.

## Appendix Two

### IMPORTING COUNTRY REQUIREMENTS

It is the responsibility of exporters to identify and comply with all importing country requirements; non-compliance is at their commercial risk.

Importing country requirements which have been officially confirmed, can be obtained from the Dairy and Plant Product Group of MAF or its website ([www.maf.govt.nz/Dairy](http://www.maf.govt.nz/Dairy)).

Where MAF provides official assurances to competent authorities of importing countries, the statements to which MAF attests must be verifiable. Relevant requirements are described in MAF Standard D206 “Dairy Sanitary and Related Export Certification”.