Analysis of submissions on the Proposed amendments to the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2013

March 2016

The Animal Products (Specifications for Products Intended for Human Consumption) Notice (the Notice), which was first issued in 2000, applies to operators and other people who supply and process animal product for human consumption under the Animal Products Act (APA).

Since 2000 a series of amendments have been made to the Notice to introduce new requirements, address changes in processing requirements, improve the robustness of the controls, remove requirements that were no longer necessary and to amend drafting and other errors. Certain aspects of the notice have once again been reviewed, resulting in a number of proposed amendments. The proposals are wide ranging covering many aspects that are relevant to many processors including:

- removing the need for a specified earmark for animals treated with Johne's disease vaccine
- requiring a listeria management programme for processors of certain ready-to-eat products
- clarifying the legal requirements for the listing of animal material depots
- traceability requirements for deer antler
- changes to the requirements for processing casings and mechanically separated meat
- additional requirements for egg layer farms and egg processors
- providing for animal status declarations (ASDs) to be submitted electronically and clarifying the record keeping requirements for ASDs
- clarifying the requirements for aseptic processing and packaging operations
- updating the requirements for bivalve molluscan shellfish

MPI received ten submissions on the proposals. These submissions have been analysed in the following table. Where a number of submissions have raised the same point, a single response only has been provided.

As a result of the consultation process and where appropriate based on the analysis of the submissions, amendments have been made to the Notice.

MPI would like to thank those parties who have taken the opportunity to comment on the proposals.

Submitter	Clause	Submitter Comments	MPI Response
1.	[Part 9] Identification of farmed mammals treated with Johne's	Submitter supports the revocation of Part 9. The current requirement for ear notching: • Adds extra work for farmers and farm staff, for no added benefit; • The prescribed shape of the ear notch is not always	Submission agrees with proposal.

	Disease vaccine	consistently created; • Is unnecessary when animal information and treatment history is provided on the Animal Status Declaration (ASD) form; • Was introduced in response to severe lesions seen following Neoparasec use which is no longer relevant; • Is not a requirement in Australia where Johne's disease (JD) vaccination of sheep also occurs.	
2.	Definitions	Submitter supports amendments to the definitions allowing for electronic supplier statements. Developing a regime to support electronic ASDs (and the efficiencies and improvements for tracing they may allow) is a top priority for the sheep and beef sector.	Submission agrees with proposal.
	[Part 9] Identification of farmed mammals treated with Johne's Disease vaccine	Submitter suggests that further consideration should be given to requirements associated with JD vaccinates. There are a number of reasons why identification of JD vaccinates may no longer be appropriate. However, submitter points out that the Johne's Disease Research Consortium has recently completed a review of vaccination and the findings of this review may be material to the proposed amendments. In addition, from the rationale accompanying the proposed amendments: "There are currently no specific market access requirements relating to JD vaccinated stock, and if there were, these should be captured on the OMARS or the GREX". It is unclear to us why JD vaccination status is required to be provided on the ASD.	The findings are not yet published and so cannot be included in this assessment. The findings will be included in the review of examination requirements for vaccinated stock with regard to its removal from the ASD. Vaccination status is to be retained on the ASD in the meantime as while no market access limitations are in place, specific post-mortem procedures currently apply to vaccinated stock.
	10.2 [36B] Supplier statements for the	Submitter suggests that at some stage it would be helpful to align NAIT and APA definitions – "person in control" doesn't appear to be defined. This would provide clarity for producers and consistency	Person in control is defined in this Notice. The NAIT definition of person in charge is too broad to fit with the current needs of the ASD. However, the point is noted for future review.

	movement of farmed animals (3)	across relevant legislation.	
	10.2 [36B] Supplier statements for the movement of farmed animals (3)	Submitter highlights that requiring no ASD or electronic supplier statement (ESS) where the person in control remains the same is a different rule than for NAIT where this isn't permitted if the stock have moved further than 20km. In developing ESS the differences in requirements for NAIT and ASDs will become more transparent and potentially problematic. These should be discussed and dealt with where possible.	Agree. These differences will be assessed in a future review and where possible aligned. Currently the ASD/ESS focuses on control, knowledge and authority, regardless of where the animals are located.
	11.4 [40] Supplier statements for farmed animals	The submitter suggests that obligations need to be placed on processors to provide ESS information received within a set timeframe and in a manner that is useful, rather than simply requiring it to be presented 'like the ASD form' as is interpreted as the meaning of "in the form specified in Schedule 5". The submitter goes on to state that the value of electronic ASDs is the opportunity to obtain a centralised database of all stock movements that can be used for food safety and biosecurity tracing. It is feared that the proposed amendments may not deliver this if processors chose to comply with the proposals in a way that prevents this wider goal from being realised.	Under the Animal Products (Risk Management Programme Notice) 2008, records must be able to be retrieved within 2 working days. The administrative requirements for the ESS system will include regularly submitting regulatory data to MPI and this system will also specify the manner in which the data is to be submitted.
3.	4.2 [23] Health	Food borne communicable disease is an important public health issue and generates a substantial proportion of the submitter's communicable disease activities. In the 2012/2013 financial year, the submitter investigated 225 enteric outbreaks in Auckland involving 1695 cases, and managed a total of 3,393 enteric disease notifications. Many of these were related to diseases transmitted through consumption of contaminated animal products.	Background information.

		ARPHS notifications of the following food borne illnesses in the 2012/2013 year *Disease* — *Number* Cholera 8 Cronobacter species 1 Cryptosporidiosis 192 Gastroenteritis / foodborne intoxication 72 Gastroenteritis - unknown cause 149 Giardiasis 552 Listeriosis 7 Listeriosis - perinatal 3 Paratyphoid fever 15 Salmonellosis 328 Shigellosis 95 Typhoid fever 48 VTEC/STEC infection 110 Yersiniosis 155	
		The submitter agrees that there should be clear guidance and direction for Health of Personnel when preparing animal products for human consumption. The submitter advises to: - Include Taeniasis where no exclusion and clearance criteria are specified for a disease or condition, besides Hepatitis A and Cholera. There have been six cases of Taeniasis notified in 2013 (0.1 per 100 000), bringing the number of cases notified since 1997 to 38. In 2014, Auckland was notified of three cases of Taeniasis. The infection is usually diagnosed because of beef tapeworm or pork tapeworm eggs or proglottids in the faeces, and the exclusion criteria should include two negative stool specimens at 1 and 2 weeks post treatment via Medical Practitioner. • Include a sickness log as a practical step to capturing key information such as details for symptoms, days away from work and also to include any symptoms of infected wounds, boils or sores, for personnel who are processing animal	The exclusions apply to diseases or conditions that are transmissible through food handlers into the food. *Taenia solium* is transmissible in this manner. However, *Taenia saginatta* is not transmitted via this route. Given the current low level of occurrence of the condition it has been decided that it is unnecessary to include this condition at this time. The list in clause (1)b) is not limited and therefore applies to any other condition of public health concern that is likely to be transmitted through food (animal material or product or associated things). The exclusion requirements that apply to these conditions are contained in clause (2)2) “d) ..must not return to food handling duties until in the view of a medical practitioner, the person is no longer able to contaminate the animal material or animal product, unless subclause (2)(a) applies.” For Taeniasis it would be expected that the medical practitioner would undertake whatever actions and tests considered necessary to be satisfied that the person can return to work. Under an RMP records must be kept. The operator is responsible for designing and implementing appropriate records. It is not considered necessary to specify the contents of these records in this Notice. This information is better placed in guidance.

		material or animal product intended for human consumption. • Consider exclusion criteria for personnel who are processing animal material or animal product intended for human consumption, with purulent lesions. Consideration needs to be given for having something similar like an exclusion & clearance criteria for personnel suffering from boils, sores or infected wounds. • Change the term "suitable skilled person" to "medical practitioner" for any assessment before resuming work as stated in Part 4: 4.2 (4). We suggest that the need for a medical practitioner to be specified is required to ensure an appropriate level of assessment is undertaken.	Purulent lesions are covered under clause (1)d). This is specified as a suitably skilled person to allow for a range of competencies. In many cases this would not need to be a medical practitioner and could be handled for example in-house by a trained person. In some cases (or where the operator chooses to do so), the suitably skilled person may need to be a medical practitioner. This clause allows for different approaches as appropriate to the situation.
		The submitter advises that clearer requirements should be provided about traceability requirements and recall provisions and procedures ensuring consistency with the Food Act 2014.	The APA already has traceability and recall requirements in the legislation. These requirements are being reviewed as part of a wider review of traceability and may result in more detailed requirements being imposed that are consistent across the regimes.
	13.42 [107A] Cleaning of table eggs or processing grade eggs	In relation to cleaning of table eggs or processing grade eggs, the submitter suggests: • Ensuring that the process encapsulates 'free range', 'caged' and 'barn produced' eggs. • As eggs can be externally contaminated with *Salmonella* from the bird and the laying environment, the operator must ensure that the egg temperature is recorded. When the eggs are immersed in a bacterial suspension of a lower temperature than the internal egg temperature, a pressure gradient is set up and bacteria are drawn in through the shell, which allows contamination of egg contents. • The washwater pH should be recorded at pH 11. • Temperature level of 37.7°C will prevent cross contamination and reduce the level of contamination on eggs occurring prior to washing.	It is not necessary to refer to the source of the eggs in the Notice as the requirements apply regardless of whether the eggs are sourced from caged, barn or free range operations e.g. dirty eggs must be cleaned, processed or downgraded. Currently eggs may be stored at ambient temperatures provided the controls on shelf life are met, i.e. the eggs are stored for up to 21 days only unless an alternative approach has been validated. When washing eggs the proposed requirement was that the wash water temperature be at least 12°C warmer than the egg temperature. For this to be the case, the egg temperature must be known and so it is not necessary to further specify this in the Notice. On further consideration, to maintain flexibility, the specific wash water temperatures will not be included in the Notice. The wording will be simplified to be an outcome statement that cleaning processes must not contaminate the eggs. The specific washing temperatures will remain in the technical annex of the Egg RMP Template as one way that this may be achieved.
	13.45 [108]	In relation to apiarist or beekeeper requirements, the submitter	This is not necessary as the Food Standard referred to applies to all

	Apiarist or beekeeper requirement	suggests ensuring that the requirements are in line with the Food (Tutin in Honey) Standard 2010, for managing tutin contamination in honey. This also includes testing requirements for the maximum level for tutin in both honey and honey comb.	honey produced and sold domestically or for export, regardless of the regulatory regime an operator is working under. There are no additional requirements for the control of tutin in this Notice.
	14.15 [121] Raw harvested bivalve molluscan shellfish	In relation to raw bivalve molluscan shellfish (BMS) microbiological requirements, the submitter suggests: • *E. coli* detection is important however routine testing for viral contaminants in oysters should also be conducted. *E. coli* testing is not necessarily a good indicator of norovirus contamination in oysters. Several norovirus outbreaks have previously been associated with consumption of oysters in New Zealand. The oysters were farmed in New Zealand, and sewage from recreational boats was considered the likely source of contamination of growing waters at one site.	We use *E coli* as an indicator of the potential for the presence of pathogens. However, it is agreed that *E. coli* is not a good indicator for viruses such as norovirus (NoV), but for several reasons a standard for NoV (or any other virus) is not appropriate for inclusion in the Notice at this time. These reasons include: • There is currently no method available that can determine whether any NoV detected is viable; • There are no agreed international standards for NoV levels in BMS. Currently NoV and other viral contaminants are addressed under the sanitary survey process required by the BMS regulated control scheme. This scheme requires that BMS should not be grown in areas where there is a high likelihood of human faecal contamination.
4.	Definitions [Part 14]	The submitter makes the following comments: • The extension of the definition to include raw fish destined for RTE products is very difficult to manage. The operator does not always know the consumers intended use – how will the vendor determine this? • This is especially difficult if raw fish is sold to a chilled distributor who may sell on to a RTE retailer e.g. sushi. • To cover themselves all operators would have to apply these requirements to all raw product as the final use of the product is not known. The final decision on use in many cases will be by the consumer so how is ordinarily consumed to be defined by the industry? In the event of Zone 4 environmental or product positive under the current regime there is requirements to retest, hold product pending test outcomes and recall affected product. For routine	It is agreed that many operators may not know if products are to be eaten raw. Consequently it is agreed that raw products will be excluded from this Part at this time. MPI recommends that operators review their procedures and controls where there is potential for raw product to be consumed as RTE and where necessary make enhancements to their systems and procedures. Heat shocked bivalve shellfish will also be removed from the application of the Part. These do not fit within the scope if heat shocking is not intended to be a listercidal process. Heat shocked shellfish are expected to be subject to further processing.

		monitoring the product has to be held for the date of the product test – how is this envisioned to work with short shelf life product? As there is no listeriocidal step these events are likely to be regular if testing is applied to existing wetfish operations. • Where is the evidence to show widespread incidence of illness due to consumption of LM infected raw fish via RTE outlets. Those most at risk from listeriosis should be aware of risks and avoiding such products. • I would argue that washing, warming or portioning is "processing". Warming, washing or portioning has the potential to affect shelf life and add bacteria to the fish – this definition assumes that these processes do not contribute to increasing microbial loading or contaminating the product with LM.	These activities were excluded from the proposed definition of RTE animal product as they are examples of activities that do not have listericidal effect. On further consideration the wording will be amended to align with the definition of RTE in Standard 1.6.1 of the Food Standards Code. This clearly indicates that a food is considered RTE if the consumer does not subject it to a listericidal process as part of its normal preparation. The Food Standards Code definition includes: "ready-to-eat food means a food that – (a) is ordinarily consumed in the same state as that in which it is sold; and (b) will not be subject to a listericidal process before consumption; and"
	15.2 [141B] Application of this Part	Limiting shelf life to 5 days is not commercially practical for most operators given our distribution systems	The MPI document entitled "Defining short shelf life for *L. monocytogenes* contaminated RTE foods" is the basis for the 5 day shelf life. The document suggested a shelf life range of 3 to 8 days. The report stated: "depending on the assumptions made, could usually be expected to limit *L. monocytogenes* to less than 100cfu/g on RTE foods up to the time of consumption. These results agree broadly with definitions of "short shelf life" applied to RTE products in the current EU regulations and Canadian policy. The results rest, however, on several key assumptions including that: • The initial load of *Lm* on the product is of the order of a few cells per gram, • Temperatures of distribution and storage and use remain in a range of

			5.5 ± 3°C. Where there is temperature abuse, or poor hygiene during manufacture, *Lm* could attain levels that have been associated with listeriosis outbreaks within the time suggested for short shelf life." Food Standards Code Standard 1.6.1 also has a shelf-life of less than 5 days and so for consistency these have been aligned. The product testing requirement is not intended to be lot acceptance testing. The testing is intended to provide some verification of the effectiveness of the control system for *L. monocytogenes* and of the operator's good hygienic and good manufacturing practices. The 5 day shelf life gives a cut off for the inclusion and exclusion of products in relation to product testing only.
	15.2 [141B] Application of this Part	The costs of validating a < 0.5 log cycle increase may be significant to some operators. Recent work undertaken by the submitter estimates these costs to be $10-20k depending on the size of the trial. This would be per species. The submitter questions whether there is a defined protocol for the validation process and whether this is in fact achievable.	This requirement is already in the Food Standards Code Standard 1.6.1 and is based on Codex principles. FSANZ has provided guidance on validation and MPI has expanded on this in "How to Determine the Shelf Life of Food" guidance document. This provides for the use of both predictive modelling and if necessary challenge testing.
	15.2 [141B] Application of this Part (f)	The submitter suggests that it is unlikely the market would accept any addition of preservatives. It is suggested that some less scrupulous operators may resort to using less than ideal preservatives or amounts to prevent for *L. monocytogenes* growth. What is the level of risk to the consumer of the inappropriate use of preservative or other compounds which will not be declared to the consumer? The application of this standard would need to be managed across the entire industry and distribution chain including restaurants who prepare fish for consumption. Does MPI have the appropriate resources to manage this? If this is not going to be applied across all sectors then it is penalizing the industry players and is not a true food safety issue.	Noted. This Part does not require the addition of preservatives. Any processing aids or additives must comply with the requirements of the Food Standards Code. This Part would have no impact on this underlying legal requirement. See earlier comments. Raw animal products will be excluded from the scope of this Part at this time.
5.	Definitions	The submitter suggests that the definition of "withholding	Agree. Suggested changes made.

		period (for veterinary medicines)" does not make sense. When making treatment decisions deer farmers need to be clear how the end of the period is defined. Definition should be amended to: "means the minimum period that must elapse between the last treatment of an animal with a veterinary medicine and presentation of animal material for primary processing in order for residues of the veterinary medicine in the animal material to meet relevant residue thresholds".	
	[Part 9] Identification of farmed mammals treated with Johne's disease vaccine	The submitter supports revocation of the Part. The most reliable indication as to whether a line of stock has been JD vaccinated is the ASD (although this does not currently require precise identification of the animal in question), and indeed the burden in ear-marking animals is not outweighed by the benefits given the lack of current market access restrictions on JD vaccinated animals.	Submission agrees with proposal.
	10.2 [36B] Supplier statements for the movement of farmed animals (10)	The submitter suggests that the requirement for PICAs to keep ASDs for one year after receiving animals does not match the intent of the amendment to require retention for the duration the animals are under that PICAs control plus 1 more year. Sub-clause (10) should be amended to: "The person in charge…for 1 year after the animal leaves the premises, property or saleyard in question." The submitter supports the intent of the amendment, in that traceability of animals to a particular PICA should be available for one year after animals have left the control of a PICA, otherwise ASDs with important information about previous animal health treatments can be jettisoned whilst animals are still at the property.	Agree. The wording will be amended to include the period of time while the animals remain with the receiver and for 1 year after the animals have been moved on.
	11.3(7) [39] Supply of	The submitter objects to the absolute bar on presentation of animal material for processing that has been treated with a	This clause does not impose a ban on the use of a veterinary medicine approved under section 8C of the ACVM Act. It requires that if used, any

	farmed animals and live possums (c)	veterinary medicine approved under section 8C of the ACVM Act as this power contravenes the scheme laid down by Parliament (see subsection 4(b)(i)) of that section), whereby supply of such animals for processing is permitted unless the Director-General imposes a product-specific condition to the contrary. In particular, vaccines approved under section 8C of the Act at short notice by the Director-General for control of incursions of exotic disease may have undergone appropriate trials demonstrating appropriate withholding periods to meet MRLs and there be no overseas regulatory restrictions warranting such a blanket ban to apply.	withholding period specified in the approval must be met, unless the approval prohibits the use of the veterinary medicine in food producing animals. Section 8C(4)(b)(i) of the ACVM Act states (4) "In addition,— (b) in granting an approval, the Director-General may impose— (i) a condition that the agricultural compound must not be used on or in products intended for human consumption, or in circumstances that may result in the compound being consumed directly or indirectly by humans:"
	11.4 [40] Supplier statements for farmed animals	The submitter supports amendments enabling the use of the electronic supplier statements. Electronic supplier statements may be more efficient for some suppliers and primary processors.	Submission agrees with proposal.
	11.29 [60] Cooling and transportation (1)(a)	The submitter suggests amending "house" to "hours" Typographical error.	Agree. Suggested change made.
	11.30 [61] Supply of deer velvet	The submitter supports the amendments to this clause. They agree that it is appropriate to use veterinary medicines terminology consistent with the ACVM Act. The new wording, in its express reference to veterinary medicines exempt from registration is also clearer.	Submission agrees with proposal.
	13.33 [100] Reception of deer velvet and deer antler (1)(a)	The submitter supports the amendments. See comments in relation to clause 61.	Submission agrees with proposal.

	13.33[100] Reception of deer velvet and deer antler (1)(b)	The submitter suggests amending "enquires" to "enquiries" Typographical error.	Agree. Suggested change made.
	13.33 [100] Reception of deer velvet and deer antler (3)	The submitter supports the addition of sub-clause (3). The importation of overseas hard antler or velvet antler into New Zealand for primary processing is rare to the submitter's knowledge. Nevertheless, the submitter considers it reasonable for identification of antler as New Zealand or overseas in origin to be provided by primary processors. The submitter supports the proposal that the system for such identification be left to the processor to devise.	Submission agrees with proposal.
	General	The submitter does not support the numbering changes without MPI having devised simple means of processing plants being able to readily update Notice references in their RMPs. Where RMPs need to reference clauses to show how a particular requirement is being addressed, it is not helpful if the number is vulnerable to change each time the Notice is amended. The submitter suggest that MPI develop a workable non-numeric referencing scheme or undertake to produce quick reference numbering updates upon each amendment that all processors can adopt in their RMPs, to avoid the burden of each processor separately having to manually trace and update 'new for old' provisions upon each amendment.	The new format for Notices was consulted on separately under the Requirements and Guidance Programme. It is agreed that how a clause is referenced in an RMP could create additional work if the clause numbering changes. It is less likely that clause titles will change and so perhaps this would be a better approach for referencing the legislation. MPI will create a quick reference table with the old and new clause numbers. However, for ease of use of the RMP, it would be preferable that the RMP itself had up to date current references (where included), and it is an expectation that over time the reference changes will be made.
6.	Part 15 [Part 14] *Listeria* requirements for processors of certain ready to eat products	The submitter supports intention of the amendments to reduce the incidence of listeriosis by the strengthening the requirements around the management of *Listeria monocytogenes* in chilled ready-to-eat (RTE) animal products sold by wholesale. The submitter believes that RMP operators, including DOBs, are responsible for ensuring that the products they sell, including all RTE foods are safe and are fit for purpose. This is achieved by means of the approved and	Agreed. The responsibility lies with the RMP operator to ensure risks to human health posed by hazards, including *L monocytogenes* are identified and controlled. Further consideration has been given to the application of this Part. All DOBs who sell RTE product wholesale will be required to review their good operating practices and ensure that the operator and their workers have a knowledge of *Listeria*, the illness it can cause, sources of

		registered RMPs that all DOBs currently operate under. The submitter does not however believe that it is acceptable for the regulator to impose significant costs on one group of food producers – in this case DOBs who sell RTE meat products wholesale – while not imposing the same costs on similar business, such as (non-dual operator) retail butchers who also sell RTE meat products through wholesale channels. The effect of the proposals is likely to make DOBs reassess the economics of selling RTE meat products. Potentially some will decide to exit from the wholesale market channel, with detrimental effects on competition and potentially, to staff numbers in the impacted businesses. Noting the limited resources available to the small businesses that dominate the DOB sector the submitter believes that the success of the proposed *Listeria* management programme will be strongly dependent on the resources (e.g. guidance documents) and advice that MPI can provide to help the affected DOBs transition to the new regulatory regime.	contamination and the controls. At least in the interim, the requirement for DOBs to have an environmental and product testing programme will be limited to those operators processing RTE animal products that are sold wholesale to vulnerable populations. This includes sale to hospitals and rest homes. This will target resources where the risk to the consumer is highest and will address some of the concerns raised in the submissions about equity and consistency. MPI believes that similar controls should apply to products with the same risk profile, regardless of the regulatory regime that an operator is working under. It is our intention to work to align requirements under the Food Act 2014 and the APA. Providing a longer commencement time for compliance with these requirements reflects this desire for alignment. It remains an MPI recommendation that all operators producing chilled RTE products (particularly chilled vacuum packed products) assess their operations and make improvements where necessary. MPI has published resource material and run workshops to help operators with the management of *Listeria*. Specific training resources are also under development to assist operators to meet the new Notice requirements. DOB's have an RMP template and it is MPI's intention to enhance this where necessary, so costs of developing, registering and operating an RMP are minimised. It will remain the responsibility of the operator to implement any new requirements that they currently don't meet.
	General comments	The submitter is strongly supportive of having effective systems in place to ensure that all food sold is safe and is fit for purpose and that facilitates the growth of the RTE food industry. The submitter is, however, mindful that compliance costs from increased regulatory oversight will increase business overheads. The submitter therefore reiterates the food safety principles endorsed by Cabinet via the recent MPI Food Safety Law Reform Bill - that include: • government involvement and compliance costs imposed on the food sector will be minimised, consistent with the need for	Agree. MPI is not seeking to impose additional costs and resources unnecessarily. Chilled RTE animal products are high risk foods that need to be processed by operators who are aware of the risks involved and can manage them appropriately. As noted in the submission it is the responsibility of the RMP operator to manage hazards in their products to ensure that they are safe and suitable. Although many chilled RTE animal products present a higher risk, greater attention will be focused initially on DOBs producing products for wholesale. In addition DOBs producing products for wholesale to vulnerable populations will be required to implement a microbiological monitoring programme.

		food to be safe and suitable; • any government involvement and regulatory controls will be risk-based and science-based as far as possible; and • the food regulatory programme will be seamless and coherent. The submitter therefore supports the ability of operators to manage their responsibilities with respect to *Listeria* within their RMP's, rather than having to develop separate documentation to manage this issue. The submitter believes that such measures are distortionary and unfair to DOBs who, it must be noted, already operate to, and incur the costs of, developing, registering and operating a RMP to manage food safety risks. The submitter notes the comment, that "… the current risk management controls applied by industry in many cases may be inadequate" Given this uncertainty and the corollary – that the controls may in fact be adequate - the submitter urges MPI to schedule a review of the *Listeria* requirements at an appropriate time interval, after the commencement of the new Notice, to confirm, or otherwise that the measures to be introduced are effective, cost efficient and necessary.	Noted. The principles referred to also include that persons will take responsibility for producing safe and suitable food. Noted. Noted. MPI is carrying out a study to investigate the effectiveness of current butchery practices in controlling *Listeria*, and also to aid in development of specific resources. The outcomes of this study will be used to review the content of the Notice.
	15.2 [140] Application of this Part	The submitter strongly supports MPI's decision that this Part not apply to retail only butchers (including DOBs) at this time. The submitter notes that not all ('wholesale') DOBs who will be impacted by the requirement to have a *Listeria* Management Programme (LMP) will be affected equally. For some such businesses, the 'wholesale' component is significant, but for other businesses it is very much less so. For the latter group, selling through wholesale channels may be sporadic and/or seasonal, a situation that, given the obligations that will be incurred in the area of *Listeria* management, may take some time to implement. This is discussed further below. The submitter notes the comment that MPI "… does not intend	Noted. Submission agrees with proposal. Noted. The requirement to have a microbiological monitoring programme will be limited to DOB wholesalers who sell to vulnerable populations. This targets the regulatory controls to those products that present the greatest risk. The overarching requirement to produce safe food remains the responsibility of the operator. The Notice does not specify the details of the monitoring programme, allowing the operator to tailor it to their operation and the scope of their activities. The requirements of this Part apply to all processors of certain chilled

		to apply more rigorous regulatory requirements to processors manufacturing RTE products for vulnerable populations" – on the basis that "…these manufacturers must be aware of the added risks …" and "… this is likely to require a more intensive programme …". Given that MPI is intending to implement new requirements on some of the DOB sector on the basis that existing requirements "may be inadequate", the submitter would expect MPI to have a high degree of confidence that businesses manufacturing RTE products for vulnerable products do have an effective programme in place with additional controls to protect vulnerable populations from the effects of *Listeria*.	RTE animal products under the APA. The requirements do not specify details of the controls to be applied or the testing regimes for any particular sector. The operator must design and implement controls and monitoring programmes that are appropriate to their operation. Competency is very important and operators producing for vulnerable populations (and others) must implement a programme that is appropriate to the products they produce.
	15.3 [141] Procedures for *Listeria* Management	There are a large number of *Listeria* management requirements documented in this section and DOBs are likely to have to devote significant resources to developing and implementing them. The submitter is concerned that MPI may not have understood the magnitude of the potential impacts on DOBs; especially as all such businesses that fall within the ambit of the *Listeria* requirements also operate a retail outlet. The submitter is particularly concerned about MPI's expectations in relation to the required actions around "management of any affected product including product disposition". For the retail side of their operations, DOBs do not operate a positive 'batch release' system and retail products are sold directly to "walk up" customers. It is, quite simply, impractical to expect any effective traceability system to work in a retail food outlet. In addition, MPI needs to be mindful that the business impacts of any food recall by a DOB selling a very small range of products in a local environment will be very much more severe than a for a large business selling a range of products nationwide. For these reasons, the submitter opposes the conflating of "environmental samples" and "product samples" in the	DOB's have an RMP template and this will be amended where necessary to incorporate additional *Listeria* controls for processors or RTE animal products, minimising the development costs. The cost involved in implementation will largely depend on the current state of the business. Businesses that have poorer good operating practices and facilities are likely to face greater costs. MPI is very aware of the impact these requirements may have on small businesses and has and will continue to apply significant resource to developing materials to assist DOBs to meet the requirements. The DOB study that is about to commence will further investigate specific controls that are necessary within retail butcheries. It is acknowledged that retail outlets are often unable to trace product to the final consumer. If product is sold that is subsequently found to be affected by a detection of *L. monocytogenes*, and is still within the use-by date, the DOB would be expected to take action to notify customers and minimise the chances that the product could be consumed. Noted. The types of businesses to which the monitoring programme will be applied has been reduced. Agreed. The actions to be taken will depend on whether a detection was made in the product or the environment (and where in the environment)

		requirements described in 141(4) (f). The submitter accepts that the detection of *L. monocytogenes* in (an) environmental sample(s) requires that some actions be taken, but believes that the appropriate actions consequent on *L. monocytogenes* detection in these two different sample types (environmental and product) be treated as separate, albeit related, issues. The submitter believes that MPI should be notified if *L. monocytogenes* is detected in any samples taken. The submitter notes also that the requirement, around the monitoring of results ("… in a way that trends or patterns are easily identified …") is onerous as it would require the operator to have a reasonable knowledge of statistical process control and it is not appropriate to, for example, DOB operations that may sell to wholesale only on an occasional basis. The submitter recommends that this requirement be considerably simplified.	and in the case of product, the levels at which they were found. The specific actions will not be specified. Noted. A recognised verifier is assigned to each premises and is the person to be notified. It is important that operators use the results appropriately or the value of the monitoring programme will be lost. The ability to review results does not require statistical process control. The MPI *Listeria* guide "*Guidance for the Control of Listeria monocytogenes in Ready-To-Eat Foods Part 3: Microbiological testing for verification of the control of Listeria monocytogenes"*, section 5 provides an example of a spreadsheet that results can be entered into so that any trends can be easily viewed. This could be done electronically or on paper.
	15.4 [142] Testing	The submitter notes that the requirement for operators to use an IANZ accredited laboratory should not, in itself, present a problem, but the availability of courier services to pick up samples for overnight delivery to a testing laboratory may, at times, impose some practical constraints on the taking of samples and hence production operations.	It is important that laboratories are accredited to perform the required tests. The operator and MPI need to be able to rely on the results to provide a level of assurance about the system. Certain actions will need to be taken as a consequence of the results (either the data demonstrates that the system is under control or that corrective actions must be taken). It is agreed that good planning will be needed to meet the time constraints involved with sampling and testing.
	15.5 [142B] Competencies	The submitter suggests that this section imposes a significant number of requirements on the operator and his/her staff, with two roles – that of the responsible person and the personnel who take the samples – of particular importance. Many DOBs are not located in the main centers and so would face considerable cost in sending staff away for training around the sampling process – in addition to which, the lack of suitable training options is noted by MPI in the consultation document. It is pleasing therefore that MPI is intending to develop training materials to assist operators with their obligations in this area. While heartened by this, the submitter would welcome a	MPI intends to provide training resources to meet a minimum competency standard. Knowledge is an important aspect in the management of *Listeria.* Maintenance of competence is an ongoing requirement for operators manufacturing the more high risk products. It is expected that the MPI training resources will allow a minimum

		statement, by MPI that this material will provide enough information for the responsible person to carry out their duties an meet their obligations in this area. The submitter notes that there is a significant content overlap in 16.7(1)(a) and 16.7(4). This clause could be simplified by expanding the current wording of (1)(a) to cover off the content of (4), including (4)(a) – (4)(c).	competency to be achieved. Agreed. The wording in this clause has been reviewed and simplified.
	15.1 [142C] Implementation	The submitter has two concerns around the proposed implementation dates for affected DOBs. Firstly, while 'retail only DOBs' are not impacted by the proposal under discussion, some DOBs operate largely in the retail space, with seasonal or sporadic selling using wholesale channels. Such businesses will be the most affected, financially, whether directly (e.g. the time/cost to update their RMP's) or indirectly (e.g. staff training costs) by the implementation of the *Listeria* proposal. The second concern relates to the fact that MPI proposes that the most challenging aspects of the proposal – the review of current processes and the development of the many necessary procedures and competencies around which training material still have to be developed, disseminated and learnt – are to take effect only 6 months from the date the Notice comes into force. DOBs are not large enterprises and have limited capacity to devote to meeting new regulatory demands and need to focus on their core business of meeting their customer's needs and wants. Bearing this in mind, the submitter believes that Clauses 141, 141A, 141B, 142 and 142B should all come into effect 12 months after the notice comes into force.	MPI intends to amend the DOB RMP template to incorporate the additional GOP requirements for *Listeria* management. This will reduce the time required by operators to meet these requirements. It will only be operators who produce for vulnerable populations that will now be required to implement a microbiological monitoring programme. Operator's producing chilled RTE animal products sporadically or seasonally, should design their monitoring programmes to operate during these periods. The concerns about timing have been noted and the commencement periods extended. The training materials for competency will be available before the requirements in the Notice come into effect. It is expected that it should take a person only an hour or two few to complete the basic training.
7.	General	Two areas of concern are the costs involved in the testing and monitoring of the *Listeria* management procedures and the transition time proposed for implementing such procedures. The submitter is fully supportive of procedures to manage risks to ready-to-eat foods from *Listeria* and is well aware of the	Many operators have already implemented *Listeria* management procedures within their RMPs. This Part provides a legal basis for those requirements for operator's who are electing not to do so. It is acknowledged that more time may be needed to meet these requirements and based on the feedback received, the timeframes will

		severity of impact if *Listeria* is present. However, the submitter is aware the procedures have been developed over many years (at least since the mid 2000s) and to provide only 6 months for operators to implement the comprehensive controls proposed appears impractical. The submitter suggests a staged transition should be considered. On the costs of the monitoring and testing programme, the submitter appreciates that the effectiveness of controls should be verified but that sampling and testing on every shift of every product locks in an extensive and costly programme. The submitter asks whether any alternatives to sampling and testing at an IANZ accredited laboratory were considered and whether the expansiveness of the requirements will remove many ready-to-eat products from the product. That is whether an impact assessment was conducted.	be extended for DOBs. For manufactures it is important that the requirements be implemented as soon as possible and so the 6 month commencement period is to be retained. The testing does not need to be conducted on every shift and every product for each sampling period. Rather, these variables need to be considered when developing the monitoring programmes to ensure that over time, all variants will be tested. Alternatives to laboratory accreditation were considered. However unless a laboratory is accredited there can be no guarantees that consistent validated techniques, appropriate to the product being tested, are being used. Issues have arisen previously where unaccredited laboratories had been used to conduct testing. Given that the results could have significant ramifications for both the operator and MPI, the proposal to require the use of accredited laboratories has been retained.
	Definitions	agricultural chemical The proposed definition would suggest that an agricultural chemical is not an agricultural compound when it is not used or intended for use on plants. Unless there are plants in water that the chemical is applied to irrespective of whether animals are managed in it, the chemical is not an agricultural compound. This appears to create a legislative gap or the product applied to water is a veterinary medicine since agricultural compounds that are used or intended for use on animals are not included in this definition of agricultural chemical.	This definition will be deleted as it is only used in Schedule 1 in relation to water. The intention of the definition had been to distinguish between agricultural chemicals and veterinary medicines both of which are a subset of agricultural compounds. The term agricultural compound will be used instead.
		aseptic processing and packaging The submitter agrees with the definition.	Submission agrees with proposal.
		Biotoxin: The submitter agrees with the definition	Submission agrees with proposal.

		BMS: The submitter agrees with the definition	Submission agrees with proposal.
		egg product: The submitter suggests the FDA definitions of both 'egg' and 'egg product' are very clear and that 'egg' should not include added salt or sugar. The FDA definition of 'egg product is Egg Product. (1) "Egg Product" means all, or a portion of, the contents found inside EGGS separated from the shell and pasteurized in a FOOD PROCESSING PLANT, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. (2) "Egg Product" does not include FOOD which contains EGGS only in a relatively small proportion such as cake mixes. The submitter considers that the Food Standards Code definition, by allowing salt and sugar to be added to a product that is defined as 'egg' is far less clear. Scrambled eggs and omelette mixes are products not eggs.	MPI agrees that "egg product" is difficult to define. The suggestion to use the FDA definition is problematic, as part (2) of the definition only excludes product which contains eggs in relatively small proportions. This is does not provide a clear delineation. The FDA definition would also exclude eggs processed in the shell (e.g. boiled eggs or shell eggs otherwise processed to meet the microbiological criteria in 1.6.1 of the Food Standards Code), which we would like to include in the definition. Further, the FDA definition requires egg product to be pasteurized, which again MPI will not be requiring. They will need to be treated in a manner to meet the microbiological criteria in 1.6.1 of the Food Standards Code. The definition will be simplified so that egg product only applies to egg contents (whether or not processed in the shell). Products with added ingredients will need to be processed under their RMP to ensure that identified hazards have been controlled through the application of HACCP principles. The same microbiological outcome would apply to formulated eggs products (i.e. salmonella not detected in 25 g) but they will not be captured in the definition of egg product.
		table egg: A definition of eggs sold to the consumer could reduce the flexibility of producers to redirect eggs from one sales avenue to another. However, the submitter appreciates that a term is required to differentiate risk management provisions and that 'table egg' fulfils this purpose	Submission agrees to some extent with the proposal. If redirected to another purpose they would no longer be considered table eggs and would so not need to meet the requirements for table eggs.
		Candling or candled: The submitter agrees with the new definition that increases flexibility for the candled' method of candling for the producer	Submission agrees with proposal.
		Label: The submitter agrees with the amended wording (the inclusion of "…labelled or labelling has a corresponding meaning" but notes that the consultation paper includes the	Agree. Suggested change made.

		term 'market' instead of 'marked'.	
		Transportation outer: The submitter agrees with the amended definition.	Submission agrees with proposal.
	2.12 [15] Process gases	The submitter agrees with the new wording and its cross reference to gases Standard 1.3.4 in the Food Standards Code.	Submission agrees with proposal.
	2.13 [16] Compressed air	The submitter agrees with the new wording and its cross reference to ISO 8573-1. We note that the date reference has been deleted (1991) and understood that for the purposes of removing doubt as to which version is used at any particular time, the version should be included. MPI suggests the most recent version is 2010.	The concerns are noted. However, regardless of whether the date of the current version is included in the Notice, an operator would still need to check that they are complying with the current version.
	2.14 [17] Additives, processing aids, vitamins, minerals, and other nutrients	The submitter agrees with deleting this reference and therefore removing duplication with provisions already required elsewhere.	Submission agrees with proposal.
	4.2 [23] Health	The submitter agrees with the proposed amendments to this clause to clarify the foodborne diseases possible and the associated action to be taken.	Submission agrees with proposal.
	5.2 [25] Competency: thermal processing	The submitter agrees with the proposed amendments to ensure aseptic processing and packaging is included in the clause.	Submission agrees with proposal.
	6.2 [28] Calibration And measuring	The submitter agrees that equipment used to record critical measurements as identified in the operator's risk management programme must be appropriately calibrated.	Submission agrees with proposal.

	equipment suitability		
	7.2 [30] Packaging	The submitter agrees with the new subclause that requires packaging to be appropriate to its intended use.	Submission agrees with proposal.
	8.2 [32] labelling of transportation outers	The submitter suggests that the rationale for this change is not clear, that only a single occurrence of labelling in another language can be approved by the Director-General	This requirement has been removed. This issue is better dealt with as a market access requirement.
	13.36 [103] Handling and processing	The submitter supports the co-location of provisions that are required from Technical Directives into a single Notice.	Submission agrees with proposal.
	13.37 [104] Chilling and freezing	The submitter agrees with amendments that ensure an effective interface between the Animal Products Act and the Food Act 2014.	Submission agrees with proposal.
	13.38 [105] Avian eggs Application of clauses 106 to 107C	The submitter suggests that since egg products (the contents of eggs) are widely used in many/most of clauses 106 to secondary processing premises, application of Clause 107B to107C "processing premises processing products containing egg products" appears to capture many unintended premises through the use of the word 'containing'. The rationale given for the amendment that results in clause 107B appears to be to allow "…broken and cracked eggs to be used to make egg products, but does not allow the use of broken eggs where the contents are leaking", which the submitter supports.	See previous comments. The definition of egg product is to be simplified to apply to the contents of an egg only. This will limit the scope of application of this clause. Formulated products will need to address the hazards through the application of HACCP principles. The requirements only apply to operators under the APA. These will need to be included under the Food Act 2014 and will be subject to consultation at that time.
	13.40 [107] Table eggs	The submitter agrees with the amendments to clause 107 which is more flexible than has been provided in the comparable provision in the Food Standards Code.	Submission agrees with proposal.
	13.41 [107B] Processing grade eggs	The submitter supports the use of broken and cracked eggs to make egg products, and the prohibition on using broken eggs where the contents are leaking. The use of broken eggs from layer farms could depend on the	Provided the eggs are not broken and their contents leaking at the primary processing premises, they may be supplied for further processing. The clause had required that cracked or broken eggs be stored at 6°C or less, but this has now been amended to allow

		circumstances of the breakage and the potential for contamination at the point of breakage.	alternative storage times and temperatures where the safety of the product will not be affected. A primary processor selling eggs for further processing must store and transport their cracked or broken eggs in accordance with those temperature requirements. This would include cracked or broken eggs sold to food service operations or cafes etc.
	13.43 [107C] Egg product	The submitter suggests that it is unclear how the proposed definition of egg product could include pickled eggs when the eggs are added to a pickling substance. Smoked eggs might also be problematic depending on the smoking technique. The submitter is strongly supportive of processing time/temperatures being contained in guidance.	See previous comments. The definition of egg product is to be simplified. If smoked or pickled eggs are considered formulated products they would still need to meet the microbiological criteria of salmonella not detected in 25 g.
	14.10 [117] Thermal processing of low-acid canned products	The submitter supports the inclusion of direct references to specific codes of practice rather than cross referencing to a regulation that contains such a list. We note that clause 117(1)(b) refers to "the current addition" rather than "the current edition". We also note that clause 117(1)(a) and (1)(b) are almost identical to clause 117(2)(a)(i) and (2)(b) and the drafting should be amended to remove this duplication.	Agree. Suggested change made.
	Part 15 [Part 14] *Listeria* requirements for processors of certain ready to eat products	The submitter supports measures to manage *Listeria* in ready-to-eat foods as part of the RMP. There is concern about the extent/scope and cost of the microbiological testing programme required to verify the effectiveness of the *Listeria* controls and whether cost of testing has been calculated, the impact of the cost on businesses and whether any alternate mechanisms for verification of *Listeria* management procedures have been identified/considered. The submitter notes that it is proposed that detections of *Listeria* spp be managed by the operator without involvement of MPI. But it is expected that an operator would have a documented action plan that they would follow if *Listeria* spp. was detected. The submitter supports this approach and does not support notification of the verifier. The verifier would see	Costs were considered during the development of these requirements. It was MPI's understanding that only a small number of DOBs produced chilled RTE animal product for wholesale. Feedback has indicated that this number may be higher. A decision has been taken therefore that the most costly aspects of the proposal (the microbiological monitoring programme) in relation to DOBs will only be required by DOBs who sell by wholesale to vulnerable populations. This is the group that presents the highest risk. This position will be reviewed as more information becomes available. Notification is only required for a detection of *L. monocytogenes*. However, the clause wording has been further clarified to require notification where the detection was made in product or on a product contact surface. Previous experience has indicated that notification is very beneficial when handling an incident. Notification would not

		records of any detection at the next verification visit and a notification on its own seems to be an unnecessary administrative step. We therefore support removal of clause 141(4)(f)(ii) concerning verifier notification. Clause 141(5)(a) requires the operator to review the documented procedures at least annually. Guidance on the extent of such a review will be important. The submitter notes that training for the required competencies is of limited availability and will necessitate MPI providing training materials. Clause 142C proposes a 6 month transition period. Since many of these provisions have been in development for a number of years, and training for the competencies is very limited, the submitter questions the feasibility of a 6 month transition period. A more practicable approach may be to sequence transition so that different aspects of the management procedures transition over different periods.	necessarily require the verifier to be involved in subsequent actions, but this would ultimately depend on the nature of the incident and the actions being taken by the operator. Agreed. MPI has created 3 guides to assist operator to develop and implement there *Listeria* management programmes: http://www.foodsafety.govt.nz/science-risk/programmes/hazard-risk-management/*Listeria*.htm The review would be expected to cover all aspects of the procedures to ensure that any changes to processes, products, equipment and personnel that have occurred since the last review are addressed and the procedures are current. Agreed. It is MPIs intention that the training materials will be available before the Notice comes into effect. This Part will have a 6 month commencement time for operators other than DOBs. As noted previously, DOBs selling product by wholesale will have 12 months to meet the competency requirements.
8.	Definitions	Processing eggs – for greater clarity we submit that consideration be given the a wording change – processing grade egg means an egg that that can be used to produce egg products, including fertilised eggs, but does not include an egg containing a developing embryo.	Agree. Changes to the clauses have been made to align with suggestion and simplify the definition.
		Whole Flock Health Scheme – we have a concern about the meaning of the term "measures for feed management". Many raw materials used for animal feed contain *Salmonella* and some may also contain mycotoxins. Some animals/birds are fed materials that have minimal or no heat treatment. Is there an expectation that farmers will need to have monitoring and control measures in place for feed? MPI may need to consider guidelines on their expectations in this area	Clause 41 of the HC Spec (2013) that applied to the supply of farmed poultry required an operator to: "ensure that all poultry intended for primary processing are subject to an effective whole flock health scheme (that includes the control of agricultural compounds, veterinary medicines, feed contaminants and environmental contaminants) to ensure that only birds that are suitable for processing are supplied to the primary processor."

			The Egg RMP template, section 7.1 requires the operator to specify the current Salmonella feed controls (these may be a salmonella inhibitor, heat treatment, other (specify)), and then goes on to ask if testing is performed. So the proposed wording captures the current requirements in relation to stock management within the definition of whole flock health scheme, rather than imposing new requirements. Given that feeds are a potential source of contamination it is appropriate that operators consider this when analyzing the sources of hazards and where appropriate apply controls. The new wording states that the programme must: "ensure that hazards associated with the birds or the eggs (as appropriate) which is likely to affect human health is identified and managed in an appropriate manner and which must include — c) measures for feed management" If feeds are likely to be contaminated the operator would need to apply appropriate controls.
	14.6 [113] Mechanically separated animal product	The poultry industry had agreed specifications with MPI from 2002 until they were dropped as unnecessary a few years later. Is MPI requiring this measure in reaction to specific incidents or does MPI have any evidence that mechanically separated products are causing food safety or wholesomeness issues? If not, it would appear that this measure imposes costs on industry with no defined benefit. The poultry industry produces thousands of tonnes of this product, uses much of it to produce smallgoods and sells the rest to other smallgoods producers. The submitter is not aware of any significant food safety issues with the products manufactured and wholesomeness complaints are at a very low level and on a par with other parts of the bird.	This proposal does not specify a particular limit that must be met, but rather requires the operator to set their own limits, with appropriate actions should those limits be exceeded. This is to provide greater clarity about the microbial condition of the product.
	Part 15 [Part 14] *Listeria* requirements for certain ready to eat	The submitter supports the introduction of LMPs but has a view that an opportunity may have been lost by concentrating on a single organism – though a very important one. The submitter believes that requiring a Pathogen Management	Agree, *L. monocytogenes* is not the only pathogen of concern. An RMP operator is required by law to apply the principles of HACCP, including identifying the hazards of concern and appropriate control measures. In relation to *Listeria*, MPI has specific requirements that an operator is

	animal products	Program would also add measures to address: • *Clostridium perfringens* – by appropriate cooling • *Staphylococcus aureus* • Hepatitis A & Norovirus • Other Hazards specific to that operation Although *L. monocytogenes* has to be the primary target but there are other significant hazards associated with the handling and processing of exposed RTE product that should be considered. The controls for *Listeria* will be effective at controlling some of the risks but not all of them. e.g. *Clostridium perfringens* outgrowth is controlled by appropriate cooling processes.	expected to have in their RMP. In 2012 MPI released detailed guidance on how *Listeria* should be addressed, with variable uptake. To ensure that all affected operators undertake a review and implement appropriate controls and a monitoring programme it was proposed that requirements be put in law. The operator has a responsibility to address all hazards that are reasonably likely to occur within their product and process. This would include controls during cooling to ensure that outgrowth of *Clostridium perfringens* minimised. If it becomes apparent that addition regulatory intervention is needed for other hazards, MPI will investigate this further.
	15.2 [140] Application of this Part	Limiting the LMP to RTE animal products ignores a known area of risk. As MPI are aware the most significant outbreak of human listeriosis in recent times in the USA originated from a cantaloupe packing plant. Should consideration be given to other sources?	This has not been overlooked. The APA only applies to animal products. MPI is looking to align requirements across the Food Act and the APA. Proposals for management under the Food Act 2014 are to be consulted on separately.
	15.2 [140] Application of this Part	If a product is sold frozen and then thawed and stored for a period of time before use it may still be a risk. Perhaps the phrase should be amended to stored frozen and re-heated immediately before use. Some poultry products are fully cooked, frozen and distributed. The purchaser thaws them (2 days normally in a chilled environment), then may use them on sandwiches or in salads up to 5 or more days later. Depending upon the storage conditions there may be an opportunity for significant growth to occur where a product has been contaminated after the listericidal treatment and before freezing.	Agreed. However, "foods that are sold frozen and thawed for sale or for use as an ingredient in another RTE product that has not been subject to a listericidal process; and that is intended to be consumed more than 5 days after thawing" has been removed from the definition of RTE animal product. This is because chilled RTE animal product with a shelf life of more than 5 days is captured under the Part anyway. The additional wording was confusing the application of the clause. Foods that are sold frozen and thawed immediately before consumption are not covered under this Part.
	15.3 [141] Procedures for *Listeria* management	There is some confusion apparent about the use of the word environmental. The definition of environmental samples in 16.1 is limited to product contact surfaces and materials, yet in 16.3 it is used to define a much wider area, including many points	Agreed. The definition of environmental samples will be deleted. The definition of product contact surface samples will be amended to delete indirect product contact surfaces. As indicated in this submission,

		which would be non-contact. The response to a positive result on a product contact surface or material and a non-product sample would be very different and thus the definitions need to be very clear. Suggest that "environmental samples" definition is used for non-product contact samples. "Product contact samples" should be used for product contact surfaces and materials. There must be a very different response to positive results on product contact surfaces than from non-product contact. A positive product contact surface result must require a product disposition decision. A positive non-product contact result is taken as a warning and systems and controls are reviewed and sampling intensified to try to find the source, a product disposition decision is not an automatic outcome.	the actions taken would differ depending on whether a positive result occurs on a product contact surface or indirect product contact surface and so it is not appropriate to combine these terms.
	15.3 [141] Procedures for *Listeria* management	If a positive release system is in place and all of the product is within the control of the manufacturer then there should be no requirement to notify the verifier – if the processor can be sure that their sampling system is sufficiently robust and the frequency of sampling will ensure that previous batches are unaffected.	MPI does not agree with this submission. The detection of *L. monocytogenes* should be notified to the recognised verifier, as a minimum to maintain an awareness of the situation within the premises they are responsible for. It does not necessarily mean that MPI would be involved in follow up actions.
	15.5 [142B] Competencies	The requirements are based on the competence of the "person responsible for *Listeria* management within the RMP premises" and their understanding of the systems required. In my experience in the food industry in New Zealand that level of competence is far from universal. As previously advocated I would suggest that MPI mandates two levels of competency – possibly by requiring that some Unit Standards have been achieved (these are yet to be written). Level 1 would be competence to design and implement a *Listeria* (or Pathogen) Management Program (this person need not be an employee of the company). Level 2 would competence to supervise and operate a *Listeria* (or Pathogen) Management Program. Each company operating in this area should be required to have	It is agreed that better training options would assist in improving knowledge within the industry and that this training should be targeted to the role to be performed. It is also agreed that the wording for the requirements in the proposal are disjointed. Two levels are being specified; those responsible for managing the programme and those responsible for the daily operations. The wording will be reviewed and simplified to clarify this. The person developing and implementing the *Listeria* requirements does not necessarily need to be present during processing but should be readily available should the need arise. This maybe someone contracted to the business. Competencies for samplers will be retained as knowledge of sampling will be critical to the effectiveness of the

		someone with this qualification in a position with authority to implement the requirements. This would give the system greater credibility and make it more robust. We welcome the competency requirements in 142(b) but submit that they are insufficiently robust without nationally recognised qualifications in the areas outlined above.	monitoring programme. MPI is investigating whether an NZQA standard is a feasible option.
	General	Is there a permitted period of time agreed with MPI VS to allow us to make the changes in the references to the HC specs in our RMPs. We have multiple RMPs across multiple sites with references to specific clauses in this Notice. We request that a minimum of 6 months from the effective date of the Notice be allowed for the changes to be made to references in RMPs and FSPs, if no provision has been agreed as part of this update.	Agreed. Time will be allowed for the references to be updated.
9.	Definitions	Dirty Egg. The submitter supports the definition as proposed by MPI. The submitter welcomes some measurable standards for defining dirty eggs.	Submission agrees with proposal.
		Processing Grade Egg. The definition of embryo needs to be clarified. The use of fertilised eggs but having no embryo visible is considered necessary for clarification. A suggested definition of a processing grade is "an egg that can be used to produce egg product, including fertilised eggs, but does not include an egg with evidence of embryo development." The use of eggs that have been fertilised but have "no evidence of embryo development is noted in clause 107. The submitter supports this definition being applied to the Processing Grade eggs definition.	Agree. Changes have been made to align with clause 107 "but does not include an egg with evidence of embryo development".
10.	12.4 [64B] Listing of animal material	The requirements state listing is only valid for one year and an annual renewal is required. While we appreciate the need for MPI to keep register details up to date, there is no legal requirement in the APA or associated regulations for a renewal	Agree. The clause will be amended to allow for a 2 yearly renewal for relisting. This will also be applied to animal material depots holding killed mammals. This is on the basis that these premises are also subject to verification and this together with the 2 yearly renewal should be

	depots	to occur. We suggest the listing period be valid for two years.	sufficient to maintain the register. If it becomes apparent that operators are not notifying MPI when their circumstances change (for example the premises are no longer being used, there are changes to their listing details or if they change hands without notification) such that the register becomes unreliable, this frequency will be reviewed.
	13.36 [103] Handling and processing	Include rock lobsters and update the sub-clause to read: Paua, kina, crabs, rock lobsters or other species as determined by the Director-General, harvested from water likely to be contaminated with biotoxin, must be managed or processed in such a way as to minimize relevant risk factors. Rock lobsters are a species that can accumulate some biotoxin types in their gut. Not all species are affected by all of the biotoxin types and there are other management tools (other than just processing methods) to minimize the relevant risk factors.	Agree. Changes will be made to align with the suggestion.
	13.37 [104] Chilling and freezing	Add new sub-clause after table 7: Despite sub-clause (2) chilled fish may leave the premises when the temperature of whole fish is greater than 1°C and processed fish is greater than 4°C, if they are stored at the originating premise for less than 12 hours and are maintained under temperature control at all times while in that premise. Some processors focus on high quality chilled products which are predominately packed & dispatched as soon as they are landed.	The suggested change is not necessary. Subclause (3) allows for alternative temperatures. "(3) Subclause (2) does not apply if the further processing or transportation of the animal material or animal product is documented in a registered risk management programme or approved food safety programme under the Food Act 1981 or a food control plan under the Food Act 2014, so that the relevant risk factors are managed."
	13.37 [104] Chilling and freezing	Amend sub-clause (5) to remove the reference to brine frozen fish. Brine frozen fish is allowed to be at a temperature of -9°C.	Agree. Brine frozen fish will be deleted.
	Part 15 [Part 14] *Listeria* requirements	The definitions for product contact and indirect product contact surfaces are confusing and need to be made clear.	Agree. See earlier comment. Indirect product contact surfaces will be removed from the definition of product contact surfaces.

	for certain ready to eat animal products Definitions		
	15.2 [140] Application of this Part	RTE seafood product with shelf life of less than 8 days should be excluded from the product sampling requirements. The timeframe between sampling and receiving a confirmed positive result can be up to 7 days. While it is noted that the proposed requirement to test product doesn't apply to product with a shelf life of 5 days or less, what about product with a 7 day shelf life? The product is still likely to have been sold and consumed before the test result is received as there is no way processors can operate a positive release system by holding product until results received. This is the current requirement in the Seafood Code of Practice which have MPI agreement and approval.	Product testing is not intended to be used as lot acceptance testing. The testing is intended to provide evidence that the system for *Listeria* management is under control and is functioning effectively. The fact that results may not be available before product is released for trade is not a concern for this programme. Also standard 1.6.1 of the Food Standards Code applies to these products and includes product with a shelf life of more than 5 days and was implemented more recently than the Seafood COP.
	15.3 [141] Procedures for *Listeria* management	We don't see that it is necessary to have both the person name and position declared in the documented procedures but that either the person name or the positon is sufficient.	Agree. This will be changed to name or position. An operator may choose to include both.
	15.3 [141] Procedures for *Listeria* management	This is overly prescriptive and detailed. The importance is to have sampling sites identified and this may be by a site plan, description or other means of identification.	Agree. This will be changed so that other means of identification may be used.
	15.5 [142B] Competencies	This is too prescriptive and detailed. To require a person that has sufficient training/knowledge (of all of the clauses) be present during processing is excessive, specifically: v) – vii) i.e. how to develop and implement environment and product testing programme, to analyse the test results and how to manage a response. Sub-clauses i) to iv) should be reconsidered and v) to vii) be	Agree wording has been reviewed. See previous comments.

		removed from clause c). These knowledge requirements are not necessary to be held by someone on site at all times while processing. The business needs to hold this knowledge or to have access to this knowledge at times when it is necessary but not at all times.	
	Part 15 [Part 14] 140-142	The seafood industry has significant concerns with the proposal to include chilled raw seafood that is intended to be consumed raw. With respect to raw seafood that is processed and packed in consumer ready packages, it is accepted that this product is likely to be consumed in the same state as it is sold, and therefore would need to meet the requirements of the recently amended Food Standards Code, Standard 1.6.1.	See previous comments. It is agreed that raw fish will be removed from the application of this Part.