



Review of Submissions

Draft Import Health Standard:
Returned New Zealand Animal Products

March 2017

Ministry for Primary Industries

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Regulation & Assurance

REVIEW OF SUBMISSIONS

Import Health Standard: Returned New Zealand Animal Products

March 2017

Approved for general release

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Manager Import and Export Animals
Ministry for Primary Industries

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1 Introduction

The draft *Import Health Standard: Returned New Zealand Animal Products* was notified for consultation from 20 July 2016 to 19 September 2016.

The Ministry for Primary Industries (MPI) received submissions from the following:

1. Roger Bray, Braesby Farm 19 September 2016
2. Russell Berry, Arataki Honey Ltd. 19 September 2016
3. Russell Berry, New Zealand Beekeeping Incorporated 19 September 2016

This document summarises the issues raised in the submissions, and presents the MPI response to each.

1.1 Acronyms Used in the Document

MPI	Ministry for Primary Industries		
IHS	Import Health Standard		

2 Summary of Amendments

As a result of comments made, the following is a summary of amendments to be made to the draft *Import Health Standard: Returned New Zealand Animal Products*.

2.1 Application

- (1) Clause 1.1 (2) in the consultation draft IHS, "This IHS does not apply to importers of New Zealand animal products that meet the requirements of another IHS", created confusion. This clause has been replaced by the following guidance information.

Guidance for 1.1

- Certain Returned New Zealand Animal Products may be given biosecurity clearance if they meet the requirements of another IHS. Some of the other IHSs under which biosecurity clearance may be given are:
 - a) [Import Health Standard: Specified Foods for Human Consumption Containing Animal Products, EDIPROIC.ALL, 30 June 2015](#)
 - b) [Import Health Standard for Biological Products \(including Samples\), BIOPRODIC.ALL, 5 November 2015](#)
 - c) [Import Health Standard for Microorganisms from All Countries, MICROIC.ALL, 31 January 2010](#)
 - d) [Import Health Standard for Marine Fisheries Products for Human Consumption from All Countries, FISMARIC.ALL, 6 October 2008](#)
 - e) [Import Health Standard for Shelf-Stable Petfoods containing Animal Products, PETFODIC.ALL, 3 November 2014](#)

2.2 Requirements for Returned New Zealand Animal Products

- (1) The IHS intends to set out import requirements for Returned New Zealand Animal Products that have been under Overseas Official Control while they are overseas. For products that have lost their packaging integrity, they must be treated or disposed of.
- (2) To accurately reflect this intent, clause 1.5 in the consultation draft IHS has been amended as below.

From:

(1) *Returned New Zealand animal products must either meet a) or b):*

- a) *Have been under official control while overseas and not been tampered with, reprocessed, manufactured, or repackaged.*
- b) *Have been treated in accordance with Schedule 3.*

To:

- (1) *Returned New Zealand Animal Products must have been under Overseas Official Control while overseas.*
- (2) *Where packaging integrity has been lost, the animal products must be treated or disposed of in accordance with Schedule 3.*

2.3 Formatting changes

- (1) To align with MPI internal requirements, Part 2: Specified Requirements has been created. Clause 1.5 in the draft consultation IHS has been moved to the newly created Part 2 of the provisional IHS.

2.4 Defining Overseas Official Control in Schedule 2

- (1) Submitters interpreted Overseas Official Control in a way that is different to the intent of the IHS.
- (2) To remove misinterpretation, MPI has added a definition for Overseas Official Control in Schedule 2, that is, "For the purpose of this IHS, New Zealand animal products are deemed to be under Overseas Official Control until overseas customs and biosecurity clearance are given."

2.5 Treatment options for bee products in Schedule 3

- (1) Clauses (3) and (4) in Schedule 3 provide treatment options for returned New Zealand origin bee products.
- (2) MPI agrees with the submitters that treatment options provided in clauses (3) and (4) should be available for treating returned New Zealand bee products other than honey as there are no approved treatment options for honey.

Copies of all external stakeholder submissions in their entirety are presented in Appendix 1.

3 Internal Submissions

The Animal Imports Team invited several MPI groups to review the IHS. Internal submissions from the Food Assurance Team and Verification Services Technical Team were received during the consultation period. The recommendations as a result of these submissions are included in this document.

3.1 Adding rendering as a disposal option to Schedule 3

- (1) MPI Verification Services anticipates New Zealand rendering operators to register as a transitional facility operator capable of carrying out biosecurity disposal. Rendering has been added as a disposal option.

3.2 Packaging integrity guidance information

- (1) To facilitate MPI staff responsible for clearing returned goods at the border guidance information on the meaning of packaging integrity has been included in the newly created Part 2: Specified Requirements section of the IHS.

4 Review of Submissions

4.1 Russell Berry, New Zealand Beekeeping Incorporated

4.1.1 Treatment options for returned New Zealand origin bee products

The submitter is concerned about the proposed heat and radiation treatment options provided in clauses (3) and (4) in Schedule 3 of the IHS.

MPI Response:

MPI agrees that treatment options provided in clauses (3) and (4) should not be available for treating returned New Zealand origin honey, given that there are no approved treatment options for this product. However, the treatments will remain in place for returned New Zealand origin processed bee products, of the types that are eligible for import under the IHS: BEEPROIC.ALL.

4.2 Russel Berry, Arataki Honey Ltd

4.2.1 Equivalence

"We will not find 'equivalence' acceptable unless approved by the Beekeeping Industry."

MPI Response:

Under the World Trade Organisation (WTO) Agreement on Sanitary and Phytosanitary (SPS) measures, New Zealand has the obligation to consider alternative measures that provide the same level of animal and public health protection and that are technically and economically feasible. These decisions are published on MPI's website: <http://www.mpi.govt.nz/importing/overview/import-health-standards/equivalence-decisions-and-reporting/>.

4.2.2 Provision for clearing returned products under other IHSs unclear

Regarding clause 1.1 (2) in the consultation draft IHS, "This IHS does not apply to importers of New Zealand animal products that meet the requirements of another IHS", the submitter stated that "this is very vague and we cannot accept it."

MPI Response:

Clause 1.1 (2) in the consultation draft IHS has been replaced by guidance information.

4.2.3 Treatment options for returned New Zealand origin bee products

The submitter is concerned about the proposed heat and radiation treatment options provided in clauses (3) and (4) in Schedule 3 of the IHS.

MPI Response:

Please see MPI response in Section 4.1.1 of this document.

4.2.4 Definition of Official Control

"We are concerned about your definition of 'official control'. Once it has been released from Customs, we are concerned that your definition of official control, may not meet our requirements of keeping new beekeeping diseases and viruses out of New Zealand."

MPI Response:

For the purpose of the IHS, New Zealand animal products are under Overseas Official Control while they are overseas until overseas customs and biosecurity clearance are given. To remove misinterpretation of the definition of official control, MPI has added a definition for Overseas Official Control.

Please note that proposed requirements for returned New Zealand origin animal products in the consultation draft IHS are higher than existing requirements.

4.3 Roger Bray, Braesby Farm

4.3.1 Provision for Equivalence and Import Permits

The submitter is concerned about the credibility of Equivalence decisions.

MPI Response:

Please see MPI response in Section 4.2.2 of this document.

4.3.2 Registered to be an food importer under the Food Act 2014

"This IHS relates to the Return of Product, where exporters, or those registered as supplying exporters, of animal products may not be importers of animal products and should not have to register as importers in order that product they may have previously exported is able to be returned to New Zealand."

MPI Response:

This is a Food Act 2014 requirement. Section 112 of the Food Act 2014 states that, "*For every consignment of food imported for sale into New Zealand, there must be a person who is a New Zealand resident and who is registered as an importer under this Act.*"

4.3.3 Only products held under official control should be cleared Clause 1.5

Regarding clause 1.5 in the consultation draft IHS, "In order that there is a guard against product substitution or other forms of fraudulent activities we submit that only product that has been held under official control should be eligible for return to NZ."

MPI Response:

MPI agrees with the submitter that only returned New Zealand animal products that have been under Overseas Official Control are eligible for biosecurity clearance. To clarify in the IHS, MPI has added a definition for Overseas Official Control in Schedule 2.

Please see MPI response in Section 4.2.4 of this document.

4.3.4 Treatment options for returned New Zealand origin bee products

The submitter is concerned about the proposed heat and radiation treatment options provided in clauses (3) and (4) in Schedule 3 of the IHS.

MPI Response:

Please see MPI response in Section 4.1.1 of this document.

4.3.5 Supporting documentation

"We do not support a new import document to be produced under 1.4 on the basis if there is no proof of origin or the integrity of the 'official control' the product should not be eligible for return/import into NZ."

MPI Response:

The requirement of official documentation issued by the overseas Competent Authority has been assessed to be appropriate for the risk profile associated with returned New Zealand origin animal products.

Please see MPI response in Section 4.3.3 of this document.

5 Appendix 1: Copies of Submissions

5.1 Russell Berry, New Zealand Beekeeping Incorporated

[Click on document for clearer text]

To: animal.imports@mpi.govt.nz

SUBMISSION ON DRAFT IHS FOR RETURNED NEW ZEALAND ANIMAL PRODUCTS (RETURNAP.ALL)

Dear Animal Imports Team,

New Zealand Beekeeping Inc. is the fastest growing beekeeping organisation concerned primarily about the sustainability of beekeeping in New Zealand and represents mainly commercial beekeepers.

New Zealand Beekeeping is concerned about aspects of the proposed new import health standard for the Returned New Zealand Animal Products, in particular, and we are concerned about the proposed heat and radiation treatment provided for in clauses (3) and (4) of schedule three. This treatment regime is lifted directly from the (now revoked) Import Health Standard for the Importation into New Zealand of Specified Bee Products from Australia, and the IHS for specified processed bee products. The Australian import health standard did not survive a legal challenge from the beekeeping industry. More importantly, the treatment regime designed only to prevent honey imported from eastern Australian states from introducing European foulbrood into New Zealand, and was devised only with that organism in mind. It took no account of the risk posed by other new organisms; it is the threat posed by other organisms not considered during the 2004 risk analysis which has continued to prevent the issue of a new IHS governing Australian bee products.

New Zealand Beekeeping does not accept that this treatment regime is likely to be effective even in the case of European foulbrood, but while there also remains scientific uncertainty about the effectiveness of heat treatment with respect to other foreign organisms – for example Israeli Acute Paralysis Virus – Beekeeping New Zealand submits that a far more robust treatment regime would be appropriate. The treatment regime will apply only where official control of the product has been lost, or where the product has somehow been tampered with, reprocessed, manufactured or repackaged, and it is submitted that in those circumstances strong and effective precautions are necessary.

We respectfully submit a better and safer treatment regime can be found in the revoked Australian IHS. That document provided (Part D, cl 1.2.3) that one of the approved treatments for American foulbrood was for the product to be heated to 120°C for 24 hours. This treatment regime – which will kill any possible pathogen – appears far more appropriate where control of New Zealand product has been lost. In any event, given the range of organisms which may otherwise be introduced, and the uncertainty that remains about the effectiveness of heat treatment with respect to some, it is submitted that a regime designed with respect to only to European foulbrood is inappropriate, at least in the absence of a new risk analysis, and further research on this issue.

Yours faithfully



Russell Berry
President
New Zealand Beekeeping Incorporated.

19th September, 2016.

NEW ZEALAND BEEKEEPING INCORPORATED | U/ 170 Rawles Crossing Road, RD 1, Ashburton 7771 |
Email: info@nzbeekeeping.co.nz

5.2 Russell Berry, Arataki Honey Ltd

[Click on document for full text]

Directors: **Russell Berry**
Mark Berry
Chris McNaull



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Arataki Honey Limited

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Visit our new web page www.aratakihoneyrotorua.co.nz

SUBMISSION ON DRAFT IHS FOR RETURNED NEW ZEALAND ANIMAL PRODUCTS (RETURNAP.ALL)

From: Russell Berry, Director: ARATAKI HONEY LTD
Phone: 07.3666111
Address: 2488 SH 5, RD3, Rotorua
Email: russell@aratakihoneyrotorua.co.nz

We are particularly concerned about a number of issues in the Return of New Zealand Animal Products document. For example Schedule 3 Treatment Bee Products (3) (4) regarding various heat treatments and times and gamma radiation.

Schedule 3 Treatment

Bee Products (3) "Gamma radiation with 15kGy for products not intended for human consumption",
(4) "A heat treatment in which the bee products have reached a core temperature of:

- a) 50 deg C for a minimum of 54 hours
- b) 60 deg C for a minimum of 10 hours
- c) 70 deg C for a minimum of 1 hour and 48 minutes
- d) 80 deg C for a minimum of 22 minutes
- e) 90 deg C for a minimum of 5 minutes "

There has been no information provided that proves these heat treatments will work. We do not accept this IHS, unless you provide to us acceptable peer reviewed information that proves that these heat treatments consistently work, both in bee diseases and viruses.

We request the release of updated research, if any, to support the safety of products treated to the level, as above, included in the Import Health Standard, Returned New Zealand Animal Products.

There is also concern on page 3, of the use of 'equivalence'. We would not find 'equivalence' acceptable unless approved by the Beekeeping Industry.

Part 1 Requirements:

1.1 Application

(2) "This IHS does not apply to importers of New Zealand animal products that meet the requirements of another IHS." This is very vague and we cannot accept it.

1.5 Requirements for Return New Zealand Animal Products

(1) Returned NZ Animal Products must either meet a) or b).

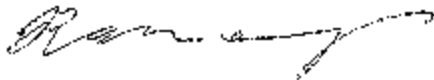
a) "Have been under official control while overseas and not tampered with, reprocessed, manufactured, or repacked"

b) "Have been treated in accordance with Schedule 3". We do not believe that unless you produce additional recent research, that Schedule 3 is sufficient to fulfil precautionary law requirements of imports into New Zealand.

We are also concerned about your definition of official control. Once it has been released from Customs, we are concerned that your definition of official control, may not meet our requirements of keeping new beekeeping diseases and viruses out of New Zealand.

I trust you find this Submission beneficial to rectifying the 'Returned New Zealand Animal Products' document. Thank you for the opportunity of making this submission.

Regards



Russell Berry

Director: ARATAKI HONEY LTD

5.3 Roger Bray, Braesby Farm

[Click on document for clearer version of text]

Submission on Import Health Standard: Returned NZ Animal Products - RETURNAP.ALL

This submission is from Braesby Farm, a partnership that operates a commercial beekeeping operation, processes bee products, exporting as well as supplying honey to the NZ Domestic market.

Overview

There has been a review of procedures regarding animal products that may need to be returned to the NZ supplier. In order that NZ Biosecurity risks are managed, MPI are consulting on the minimum entry requirements for the return of goods to NZ.

We support the process of allowing for the return of goods produced in NZ that have been exported providing there is some regulatory control to maintain the health status of our animals (in this case bees).

The proposal is to provide for goods to be returned subject to some listed controls itemised in the proposed Import Health Standard (IHS). Our submission comments on aspects we believe should be considered for the acceptance of the IHS.

Concerns

1. Equivalence.

The IHS provides for the Chief Technical Officer (CTO) to approve measures that may be applied to manage risks associated with the importation of previously exported goods, different from those proposed in the IHS. It appears the CTO has discretion on biosecurity control measures regardless of any scientific evidence or expert advice regarding the suitability of such measures as an effective control.

We consider it is more appropriate for IHS to be amended (and subject to public scrutiny) rather than a reliance of the ability of the CTO to provide for such random measures.

2. Importers to be registered.

The discussion document states (pg. 4) Importers of food intended for human consumption must be registered.

The Animal Products Act 1999 requires Exporters to be registered. Suppliers of products for human consumption are also registered with Risk Management Plans (RMP). This IHS relates to the Return of Product, where exporters, or those registered as supplying exporters, of animal products may not be importers of animal products and should not have to register as importers in order that product they may have previously exported is able to be returned to New Zealand. Administering the return of product via an Importers Registration may also provide an opportunity for misappropriation rather than following the return product process relevant to the export documentation.

3. Import permits.

Part 1, section 1.4 provides import permits to be issued if the CTO has approved an equivalent risk mitigation measure. We submit there should be no need for alternative risk mitigation measures and all risk mitigation measures should be approved in the IHS process.

4. Criteria for the return of animal products.

It is proposed the return of NZ animal products must meet

- a) that product has been held under official control and not been tampered with, reprocessed, manufactured or repackaged or
- b) have been treated in accordance with Schedule 3.

In view that the option b) does amount to some form of reprocessing or manufacturing we suggest inclusion of this provision is neither necessary nor desirable.

In order that there is a guard against product substitution or other forms of fraudulent activities we submit that only product that has been held under official control should be eligible for return to NZ.

5. Supporting documentation

In some cases NZ animal products are exported that are not subject to official documentation, however we submit there needs to be some documentation to show the goods have been subject to controls that would prevent any product tampering that could take place with uncontrolled goods. It does appear exports to those countries that do not require official assurance from our government agencies, would either meet with the importing standards of those countries with any non-complying goods refused entry at the border, or be granted entry into the country because it is deemed not to be a risk to the importing country. Therefore a form of official control of the product exists in that goods are held at the border because entry is denied.

Whilst some reliance has been placed on container seals being left intact for returning goods it is possible that there are multiple consignments in a container and some goods will be allowed entry whilst other goods may be refused. The container seal will then be broken to allow entry to some goods.

We support there needs to be some documentation that ensures the product being returned is the same product that was previously exported from NZ.

We do not support a new import document to be produced under 2.4 on the basis if there is no proof of origin or the integrity of the 'official control' the product should not be eligible for return/import into NZ.

6. Biosecurity Clearance.

It is proposed that a biosecurity clearance be given if goods meet with the requirements of the proposed IHS, however 1.5 states the requirements for returned animal products have either

- a) been under official control while overseas and have not been tampered with, reprocessed, manufactured, or repackaged or
- b) have been treated in accordance with Schedule 3.

We do not accept the treatment methods indicated in Schedule 3 as being appropriate for goods that may have been outside official control and therefore may have been tampered with, reprocessed, manufactured, or repackaged.

Schedule 3 provides for –

- a. Gamma irradiation for products not intended for human consumption- we wonder how bee products would be consumed. If irradiated bee products were to be destined for animal consumption then there is a very limited use as bee products are generally only suitable as food for bees, not other animals likely to be found in NZ. To expose NZ bees to (imported) product as a direct introduction into beehives is contrary to any precautionary approach to biosecurity protection for our bees.
- b. A heat treatment in which bee products have reached a core temperature ranging from 60°C to 80°C for periods of time ranging from 54 hours to 5 minutes. MPI have not provided sufficient information that the heat treatments are adequate to prevent the transmission of diseases and viruses that may be present in any product that may have been tempered with. Indeed there has been a lack of consistency with the sometimes quoted heat treating temperatures and timespans for treatments differing on occasions.
- c. We submit goods that are returned to NZ that cannot meet the requirements of 1.5 (1) a) must be managed in accordance with only one option – Incineration.

Conclusion.

In submitting to the proposal to allow the return of NZ products that have been exported, we consider there are real risks of product substitution and food fraud associated with any product that has moved from official control. There is a variation of value with New Zealand honey compared to honey from other countries. Whilst we do not need to state reasons why the variation exists there could be considerable financial advantage in product substitution of genuine NZ origin honey with cheaper honey and thus fraudulently marketing a product that has been 'manipulated'. Part of the manipulation chain could involve NZ product being removed from the packaging in a foreign country and still sold as a 'premium' product in that country. Then the NZ packaging is utilised for the substitution of cheaper foreign bee product and returned to NZ under the proposed changes to the IHS for returned animal products. The 'returned' product is 'imported' into NZ and sold on the domestic market at a considerable price advantage over locally produced bee products. For example the export of honey in bulk drums (330 kg) would make this type of fraudulent activity a distinct possibility with additional profits to those involved this form of trading.

The world of trade not only provides people access to goods from other areas but importantly establishes a financial incentive to move goods for profit – sourcing goods from a low valued producer and selling to a consumer that is prepared to pay a high value.

We seek, through this submission, to ensure that there is no possibility that misrepresentation or fraudulent type of activity would be possible by the provision of a returned product approval.

Recommendation

We recommend that MPI allows for the return of NZ Product but takes the necessary steps outlined in this submission to prevent the importation of product that has moved out of official control.

Thank you for considering this submission.

Roger Gray
Braesby Farm
Ashburton.

September 2016