As of 21 September 2021

Food Safety Regulatory System

The Food Safety Regulatory System primarily serves to ensure food safety and suitability throughout the supply chains for food and beverages and protect consumer interests. This includes food production, importing, processing, packaging, transporting, storage and sale, information for consumers and assurances for food exported to other countries.

In addition, the system promotes consumer awareness of food safety and authenticity and provides information that enables consumers to make informed decisions about food and its sources. Given the importance of exported food to the New Zealand economy, contributing to international standard setting is also a key activity.

Objectives

> Food is safe and suitable, and consumers make informed choices
> Food standards are evidence and risk based
> Food businesses thrive and innovate without undue cost and regulatory burden and have a strong food safety culture
> Overseas governments have a high level of trust and confidence in our export assurances.

PORTFOLIO	Food Safety
STATUTES	Agricultural Compounds and Veterinary Medicines Act 1997 Animals Products Act 1999 Food Act 2014 Health Act 1956 (Ministry of Health) Medicines Act 1981 (Ministry of Health) Wine Act 2003
OTHER GOVERNMENT AGENCIES WITH SUBSTANTIAL ROLES	Commerce Commission Environmental Protection Authority Food Standards Australia New Zealand Ministry of Health Ministry for the Environment Ministry of Business, Innovation and Employment Ministry of Foreign Affairs and Trade

As of 21 September 2021

Food Safety System Assessment Summary

KEY	
4	System performing well
3	System has some issues
2	System has significant issues
1	System at serious risk of failure
0	No Data

Effectiveness – The extent to which the system delivers the intended outcomes and impacts	The overall objectives of the system are clear and are being achieved - consumer health is protected and promoted, New Zealand exporters are accessing foreign markets and producers are able to grow. Key areas of risk to the effectiveness of the system have been clearly identified. Areas of focus include consumer health, consumer nutrition and food adulteration and fraud. Non-compliance rates are low, and incidents of non-compliance are acted on appropriately. While New Zealand Food Safety understands compliance well, it is working to improve its understanding of the customer motivations which drive these trends.
Efficiency – The extent to which the system minimises unintended consequences and undue costs and burdens	It is generally accepted that the system is protecting consumers from foodborne illnesses and facilitating exporter access to overseas markets. A majority of participants accept that the benefits of the system outweigh the costs of participation in it. Regular participation in international forums and regular audits of sections of the system by overseas authorities ensure that the system is calibrated against similar international examples. There is further work underway to make it easier for businesses to comply.
Durability and resilience – How well the system copes with variation, change and pressure	New Zealand Food Safety has a strong understanding of the changing context in which it operates as it regularly reviews changes to its operating context using multiple tools. The food safety system has successfully adjusted to changing contexts so far. Due to changes made after the Whey Protein Concentrate Incident, the food safety system is now better placed to meet similar future incidents. Although the food safety system is coping well, ongoing work is required to ensure that it remains robust to respond to increasing challenges. The way we grow, produce, buy and consume food is changing and a robust food safety system is key to navigating these challenges. Regular reviews are carried out on discrete parts of the system and work is underway to begin building a framework to direct reviews of the system as a whole
Fairness and accountability – How well the system respects rights and delivers good process	The system is seen to be fair – it is protecting the health of all New Zealanders. It also takes targeted action to protect groups at higher risk. The system settings provide a level playing field for all businesses. New Zealand Food Safety has a good understanding of the relevant larger industry sector organisations and businesses and engages appropriately with them. However, the system is complex and New Zealand Food Safety is working to improve its understanding of, and communication with, smaller businesses to help them better understand their obligations (e.g. labelling requirements for natural health products). New Zealand Food Safety is also redesigning delivery of its services to improve the experience of these regulated parties and ensure all businesses are served equally by the system. Concerns have been expressed about the clarity of some of the lower-level rules, and some members of the

	regulated community experience difficulties navigating interactions with other systems such as Animal Welfare and Biosecurity. New Zealand Food Safety is addressing these issues with a prioritised programme of work.

Planned regulatory amendments to legislation – 2021/2022

MATTER NAME	PURPOSE	PLANNED CONSULTATION	STATUS
Regulation redesign programme ***Matter type: Regulations***	To redesign the regulations under the Animal Products and Wine Acts to make them easier to find and understand. This implements recommendations made by the Government inquiry into the Whey Protein Concentrate Contamination Incident.	Consultation with stakeholders began on 11 March 2020 and will continue until late 2021. Consultation on specific parts of the regulatory system allows detailed discussion of the redesign proposals. Broader public consultation is planned for June 2021.	The regulatory redesign is on track to meet its legislated timeframe of March 2022.
Food recalls and risk-based plans and programmes ***Matter type: Regulations***	New regulations, enabled by the Food Safety Law Reform Act 2018, are being developed to strengthen food recalls and improve risk-based plans and programmes. The new regulations will implement recommendations made by the independent Government inquiry into the Whey Protein Concentrate Contamination Incident.	Consultation took place from 25 October 2018 to 7 December 2018.	Regulations for the risk-based plans were promulgated on 19 March 2020. The regulations for mock recalls and traceability were developed in 2020 and will be progressed with the redesign package (see above).
Inhibitors Discussion paper[1]	To seek approval from cabinet on proposed options for strengthening the	Consultation concluded last year with most stakeholders	Seeking cabinet approval for a regulatory option in March, which may

[1] Inhibitors are commonly considered to be compounds that inhibit the production of greenhouse gases or reduce nutrient leaching in some way.

Matter type: Bills	regulation of inhibitors used in agriculture.	supporting regulating inhibitors as Agricultural chemicals or veterinary medicines.	include drafting an Order in council to define inhibitors as agricultural chemicals.

Planned regulatory amendments to legislation – 2020/2021

MATTER NAME	PURPOSE	PLANNED CONSULTATION	STATUS
Regulation redesign programme ***Matter type: Regulations***	To redesign the regulations under the Animal Products and Wine Acts to make them easier to find and understand. This implements recommendations made by the Government inquiry into the Whey Protein Concentrate Contamination Incident.	Consultation with stakeholders began on 11 March 2020 and will continue until late 2021. There will be consultation on specific parts of the regulatory system to allow detailed discussion of the redesign proposals.	The regulatory redesign is on track to meet its legislated timeframe of March 2022.
Food recalls and risk-based plans and programmes ***Matter type: Regulations***	New regulations, enabled by the Food Safety Law Reform Act 2018, are being developed to strengthen food recalls and improve risk-based plans and programmes. The new regulations will implement recommendations made by the independent Government inquiry into the Whey Protein Concentrate Contamination Incident.	Consultation took place from 25 October 2018 to 7 December 2018.	Regulations for the risk-based plans were promulgated on 19 March 2020. The regulations for mock recalls and traceability will be developed in 2020.
Food Act (Extension of the Dietary Supplements Regulations) Amendment Bill ***Matter type: Bills***	To extend the Dietary Supplements Regulations 1985. A new regime for natural health products is being developed in parallel.	The public will have an opportunity to comment on the Bill during the Select Committee planned for 2020.	Policy development underway.

Key service design and operational changes

2019 - 2024	*New Zealand Food Safety Strategy* In December 2019 New Zealand Food Safety launched its strategy and action plan to maintain and grow the country's reputation as a trusted and recognised provider of safe and suitable food. The strategy outlines the following five priorities: 1. We will ensure New Zealand's world-class food safety system remains robust 2. We will proactively support consumers to make informed food choices 3. We will actively contribute to new thinking in international forums 4. We will work in genuine partnership with Māori 5. We will be innovative and forward-looking in meeting new challenges. The action plan supporting the strategy will enable New Zealand Food Safety to play its full part in ensuring that food imported, produced domestically or exported from New Zealand is trusted and recognised – by everyone, everywhere – and we will be actively monitoring and reviewing progress year by year. An immediate action (2020 - 2021) is the re-evaluation of the *Campylobacter* Risk Management Strategy and Action Plan, and implementation of new measures to decrease the unacceptable level of food-borne risks. There will be an evidence-based review and reset of the current regulatory standard for contamination levels on broiler carcasses, together with renewed engagement with consumers on good handling practice in the home. A further immediate action (2020 – 2021) is the establishment of an emerging risks and horizon scanning system, to identify and respond to emerging threats and opportunities.
2018 - 2024	*Make sure MPI services meet customer needs* To help ensure New Zealand's world class food safety system remains robust, New Zealand Food Safety will identify the rules which are the most difficult to understand, accept and implement by food businesses, and co-design solutions that are fit-for-purpose and address compliance barriers. Customer feedback and insights have identified that food businesses (particularly those that are small, regional, or that export) find it challenging to navigate what are often complex requirements.
Ongoing	*New technologies and food* The use of emerging technologies in food production will challenge traditional food production methods that underpin the New Zealand primary sector. New and novel foods create new opportunities and challenges for food safety regulation. Increasing demands for regulatory involvement in authentication of high-value foods will also require increased technological capability. Over the next five years, MPI will seek to understand the regulatory capability required for ensuring the safety and suitability of these foods, develop guidance for how to validate the equivalence of innovative food technologies and manage cost-effective compliance.
Ongoing	*Folic acid fortification of food* Folic acid is an essential B vitamin important for the healthy development of babies early in pregnancy. There is overwhelming evidence that consuming sufficient folic acid before conception and during early pregnancy can prevent many cases of neural tube defects such as spina bifida.

	After extensive public consultation and work with the flour and baking industries, the Minister for Food Safety announced a new policy on the fortification of food with folic acid. From mid-2023, all non-organic wheat flour used for bread making must be fortified with folic acid, except for some exported products.
2017 - 2021	*Antimicrobial resistance* Antimicrobial resistance (AMR) is a rapidly evolving and serious global risk to human, animal, and plant health. In addition, there is an increasing body of evidence that micro-organisms resistant to antimicrobials (which include antibiotics and other anti-microbial agents) can readily spread via the food chain to consumers. Effective risk management of AMR will become increasingly important to retention of overseas market access for New Zealand food products and primary produce according to international obligations and trading partner expectations. In concert with our overseas trading partners, there is an urgent need to understand and minimise AMR if NZ is to adequately safeguard animal and plant health and maximise productivity in NZ's primary sector. MPI's risk management work includes minimising the misuse and overuse of antibiotics in animals and plants (and humans) while maintaining appropriate access to effective antibiotics for plant, animal, and human health. This plan also includes actions that raise awareness of the threat and reduce the misuse and overuse of antimicrobials.