



Food Notice

Requirements for Recognised Agencies and Persons

[Subtitle]

6 December 2019

TITLE

Food Notice: Requirements for Recognised Agencies and Persons

COMMENCEMENT

This Food Notice comes into force on [Effective Date]

REVOCATION

This Food Notice revokes and replaces the Food Notice: Requirements for Recognised Agencies and Persons issued on 25 May 2017.

ISSUING AUTHORITY

This Food Notice is issued under sections 405, 406(1)p), 406(1)q) of the Food Act 2014.

Dated at Wellington, 6 December 2019

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(acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of the Food Notice, but is intended to indicate its general effect.

Purpose

The purpose of this Food Notice is:

- to set requirements to be met by recognised agencies and persons; and
- to set requirements for technical competencies for persons who are recognised or applying to be recognised under the Food Act 2014 (the Act) to perform particular functions and activities; and
- to set requirements for persons undertaking verifications to undergo Continuing Professional Development; and
- to set reporting requirements for recognised persons performing particular functions and activities.

Background

The purpose of the Food Act 2014 (the Act) is to achieve the safety and suitability of food for sale, maintain and improve confidence in New Zealand's food safety regime and provide for risk-based measures that minimise and manage risks to public health.

The Act provides that recognition may be granted to agencies and persons if the applicant is considered to be a fit and proper person to carry out the functions for which recognition is sought. The term 'fit and proper' may include consideration of the applicant's systems, competencies, qualifications, experience and their character and reputation.

The Act and Food Regulations 2015 (the Regulations) also set out the duties and requirements that apply to recognised agencies and recognised persons, defining the high level performance expectations that apply to the agency or person while carrying out their functions.

This Section builds on earlier Food Notices by incorporating new requirements for:

- recognising persons able to carry out Remote Verification; and
- persons undertaking verifications to undergo Continuing Professional Development; and
- reporting verification outcomes

Who should read this Food Notice?

This notice should be read by:

- persons and agencies that are recognised or applying to be recognised under the Act and those who wish to perform particular functions and activities; and
- persons and agencies which perform particular functions and activities.

Why is this important?

It is important that persons and their agencies recognised to carry out verification or evaluation of particular processes are aware of the key elements of those processes, and are able to confirm that the legal requirements are being complied with.

Failure by persons or agencies to meet or maintain the requirements for recognised persons or agencies may result in the suspension or withdrawal of the person's or agency's recognition. If recognition is suspended or

withdrawn, the person or agency would no longer be able to provide the service for which they had been recognised

Document History

Version Date	Section Changed	Change(s) Description
25 May 2017	NA	New Food Notice
6 December 2019	Part 2: Requirements for deemed recognised agencies and persons	<p>Removed:</p> <ul style="list-style-type: none">• references to deemed recognised agencies and persons. <p>Set new:</p> <ul style="list-style-type: none">• requirements for Recognition of Remote Verifiers;• remote verification process;• process for the Continuing Professional Development of recognised persons;• requirement for recognised agencies and persons to follow;• requirement to report verification outcomes to New Zealand Food Safety via Titiro (an electronic repository).

Part 1: Requirements

1.1 Application

- (1) This Food Notice applies to:
- a) agencies and persons that are applying for recognition under the Food Act 2014; and
 - b) agencies and persons recognised under sections 135, 136, 139, 140, and 141 of the Food Act 2014.

1.2 Definitions

- (1) In this Notice:

aseptic processing and packaging means the processing and packaging of a commercially sterile product into sterilised containers followed by hermetic sealing in a manner which prevents viable microbiological recontamination of the sterile product

continuing professional development (CPD) means activities that broaden and develop professional and technical skills and knowledge and enhance professional practice

low acid canned food means any food other than an alcoholic beverage that:

- a) has both a pH value greater than 4.6 and less than 7.0 after heat processing and a water activity greater than 0.85;
- b) is processed and packaged in accordance with good manufacturing practice;
- c) is packed in clean containers that are hermetically sealed;
- d) is processed by heat to ensure preservation, whether before or after being sealed in a container

MPI means the Ministry for Primary Industries, which is the Ministry responsible for administering the Food Act 2014

programme of continuing professional development means a programme of learning and development activities undertaken by a verifier after becoming a recognised person

Regulations means the Food Regulations 2015

remote verification means a verification of a food business using technology.

Titiro is the electronic system recognised persons and/or recognised agencies must use to report verification outcomes to MPI.

- (2) All terms used in this Notice and that are defined in the Food Act 2014 (the Act) or Food Regulations 2015, but not defined in this Notice, have the same meaning as in that Act or Regulations.

1.3 Requirements for recognised agencies and persons

- (1) A recognised agency must inform the Chief Executive in writing as soon as practicable if any of the following occur, if applicable:
- a) a recognised person ceases to be employed or engaged by the agency;
 - b) a recognised person employed or engaged by the agency has been found to not meet the requirements imposed by or under the Act;
 - c) any change in directorship or management and control of the agency;

- d) the date any new recognised person is employed or engaged or used by the agency and the name of the person.
- (2) A recognised agency and a recognised person who is not managed by a recognised agency must:
 - a) provide a report to the Chief Executive through Titiro of each completed verification within each calendar month; and
 - b) provide this report within 10 working days after the end of each calendar month and it must include all of information detailed in Schedule 1 of this Notice.
- (3) A natural person applying for recognition must:
 - a) have knowledge and understanding of the relevant guidance documents developed by MPI; and
 - b) specify the recognition being sought.

1.4 Requirements for recognition as an evaluator of low acid canned food processing and aseptic processing and packaging

1.4.1 Recognition as an evaluator of low acid canned food processing

- (1) A natural person applying for recognition as an evaluator of low acid canned food processing must demonstrate a good knowledge of the contents of all of the following Codes of Practice:
 - a) the Code of Hygienic Practice for Low and Acidified Low-acid Canned Foods, as published by the Codex Alimentarius Commission (CAC/RCP 23-1979); and
 - b) the United States Food and Drug Administration Requirements for Thermally Processed Low-acid Foods Packaged in Hermetically Sealed Containers, as contained in 21 CFR Part 113, and Acidified Foods as contained in 21 CFR Part 114.
- (2) The natural person must have successfully completed one of the following courses:
 - a) Qualified Cannery Persons (Thermal Processing) Course, University of Western Sydney (Hawkesbury) Australia;
 - b) Approved Persons Course for the Thermal Processing of Low-Acid Foods, Food Science Australia, Werribee, Australia;
 - c) Introduction to the Fundamentals of Thermal Process Evaluation, Massey University, Palmerston North, New Zealand;
 - d) any other course that the Chief Executive accepts as equivalent to any one of the courses specified in clause 1.4.1 (2)a) to c) of this Notice.
- (3) The natural person must have successfully completed the course required by clause 1.4.1 (2) of this Notice within the previous 5 years; or if more than 5 years has passed since the course was completed, have in those intervening years, sufficient practical or theoretical experience to maintain their knowledge of low acid canned food processing.

1.5 Recognition as an evaluator of aseptic processing and packaging

- (1) A natural person applying for recognition as an evaluator of aseptic processing and packaging operations must demonstrate a good knowledge of the contents of all of the following Codes of Practice:
 - a) the Code of Hygienic Practice for Aseptically Processed and Packaged Low-acid Foods, as published by the Codex Alimentarius Commission (CAC/RCP 40-1993);
 - b) the Code of Hygienic Practice for Low and Acidified Low-acid Canned Foods, as published by the Codex Alimentarius Commission (CAC/RCP 23-1979);
 - c) the United States Food and Drug Administration Requirements for Thermally Processed Low-acid Foods Packaged in Hermetically Sealed Containers, as contained in 21 CFR Part 113, and Acidified Foods as contained in 21 CFR Part 114.

- (2) The natural person must have successfully completed one of the following courses:
 - a) Approved Persons Course for the Aseptic Processing and Packaging of Low-Acid Foods, DWC FoodTech Pty. Ltd, Australia; or
 - b) any other course that the Chief Executive accepts as equivalent to the course specified in clause 1.5.2 (2)a) of this Notice.
- (3) The natural person must have successfully completed the course required by clause 1.4.2 (2) of this Notice within the previous 5 years; or if more than 5 years has passed since the course was completed, have in those intervening years, sufficient practical or theoretical experience to maintain their knowledge of aseptic processing and packaging operations.

1.6 Requirements for recognised agencies offering a remote verification service, and persons seeking recognition as a remote verifier of national programme businesses

1.6.1 Recognition as a remote verifier

- (1) A natural person applying for recognition as a remote verifier must:
 - a) be recognised as a verifier for the category of recognition required; and
 - b) be familiar with the contents of MPI's remote verification process and documents; and
 - c) have successfully completed the required remote verification learning modules plus one of the following:
 - i) MPI remote verifier training and assessment; or
 - ii) any other course the Chief Executive accepts as equivalent to clause 1.6.1 (1)c)i) of this Notice.
- (2) A natural person who is recognised to perform remote verification services must maintain remote verifier competencies in accordance with the MPI verification framework and meet its continuing professional development requirements.
- (3) When offering, or carrying out, a remote verification service the natural person must be subject to, or operating under, a quality management system administered by a recognised agency.

1.6.2 Recognised agencies offering remote verification services

- (1) A verification agency providing a remote verification service must only provide that service using persons recognised in accordance with clause 1.5.1 of this Notice.

1.6.3 Requirements for recognised agencies and persons undertaking a remote verification of national programme businesses

- (1) A recognised agency offering a remote verification service, must follow the procedures for remote verification described in Schedule 2 of this Notice.

1.7 Requirements for persons undertaking verification to undergo continuing professional development

1.7.1 Recognised persons to participate in the CPD programme

- (1) A person who is recognised to undertake verifications under sections 137, 139, 140 and 141 of the Act, must follow the continuing professional development programme to maintain, enhance and develop their professional and technical skills, knowledge and expertise described in this Notice.

1.7.2 Programme period and implementation

- (1) The CPD programme starts on the date a person is recognised as a verifier, and ceases on the date a person is no longer recognised as a verifier.
- (2) For verifiers already recognised, the first CPD period begins on 1 October 2019 and completes on the date of recognition.
- (3) For each 12 month period, or part thereof, if a verifier is already recognised under the Act a verifier must:
 - a) create a minimum of two CPD learning plans;
 - b) achieve a specified number of CPD points; and
 - c) meet CPD recording and reporting requirements, and
 - d) organise and undergo one CPD-learning focused peer review each year.
- (4) Verifiers already recognised on 1 October 2019 must submit their learning plans to MPI by 30 November 2019, unless granted a short extension specified by the Chief Executive.

1.7.3 CPD points requirements

- (1) One CPD point equates to 1 hour of active, focused and planned learning. A verifier must achieve a minimum of 20 CPD points every 12 months and accumulate no less than 75 CPD points over 3 years, subject to exceptions specified in Schedule 3 of this Notice.
- (2) Where a Verifier qualifies for an exception from the 12 months and three-year point requirements, the minimum points required for a 12 month period will be 10 and for the 3-year period will be 38 points.
- (3) The Chief Executive may set a minimum 12 months and three-year points requirements for those verifiers to which exceptions apply.
- (4) The Chief Executive may set points requirements for a verifier's CPD programme period on a pro-rata basis.

1.7.4 Documentation – Learning Plans and recording

- (1) For each 12 month period from the date of recognition or renewal of recognition a verifier must develop at least:
 - a) one Professional Practice Learning Plan; and
 - b) one Technical Practice Learning Plan.
- (2) Professional and Technical Learning Plans must be in writing and must include:
 - a) the professional skills, knowledge and expertise sought; and
 - b) how the skills, knowledge and expertise will be acquired.
- (3) Professional and Technical Learning Plans must reference the skills, knowledge-bases, and/or capabilities identified in the MPI Verifier Capability Framework.
- (4) A recognised person must maintain a record of their completed Learning Plan activities for a period of at least 7 years.
- (5) A verifier must identify in their CPD records the learning outcomes from the activity, and detail the ways they have applied these learning outcomes into their verification practice and describe the impact on their practice effectiveness.
- (6) CPD records must be made available to the Chief Executive on request, and provided when re-applying for recognition as a verifier.
- (7) The Chief Executive may approve templates for learning plans and related record-keeping which must be used by a verifier when completing their CPD documentation.

1.7.5 Peer review

- (1) A verifier undertaking the CPD programme must participate in at least one CPD-learning focused Peer Review process each 12 month period.
- (2) The peer reviewer must:
 - a) share similar job responsibilities and capability requirements;
 - b) be currently practicing as a verifier under the Act;
 - c) not be a person who manages, supervises or assesses the verifier being reviewed;
 - d) not receive any fiscal incentive or reward for reviewing the application of learning to practice by the verifier;
 - e) prepare a written report and provide this at no cost to the verifier being reviewed.

1.7.6 Non-completion of CPD requirements

- (1) A verifier who does not achieve the required number of CPD points during the specified periods must submit a written explanation to the Chief Executive, in the timeframe and format specified by the Chief Executive, when applying for re-recognition.
- (2) In the event of a verifier not meeting the requirements set in clause 1.7.3 of this Notice, the verifier must work with MPI to identify what action is required to meet the requirements of the programme.
- (3) Where any requirements of the CPD programme are not met, and there are genuine reasons for non-completion, the Chief Executive may provide a further extension to complete CPD requirements.

1.7.7 Recognised Agency responsibilities in relation to the CPD programme

- (1) The recognised agency of a verifier that is required to complete a CPD programme must:
 - a) undertake an assessment of the current state of practice of each verifier in order to inform the content of the Learning Plans;
 - b) ensure the required Learning Plans are completed for each CPD period;
 - c) ensure the Learning Plans are actioned;
 - d) facilitate access to learning activities and resources;
 - e) provide time during standard work hours for the completion of learning activities;
 - f) ensure there are valid and effective processes for identifying learning and determining the impact of the learning on the verifiers' practice and the resultant quality and effectiveness of verification services to businesses.

Schedule 1 – Requirements that apply to all recognised persons and recognised agencies

Independence, impartiality and integrity

A recognised person must not engage in any activities that conflicts with their independence of judgement and integrity in relation to verification activities. In particular, a recognised person must not have been involved in the design or implementation of any applicable risk-based measure that they verify, other than in an advisory capacity which may arise during the normal course of the verification.

A recognised person must be free from any commercial, financial, regulatory and other pressures that might affect their judgement. Procedures shall ensure that persons or organisations, external to the verifier, do not influence the results of verification carried out.

Organisation and management

A recognised person must maintain the capability to verify satisfactorily, including participating in a programme of continuing professional development.

A recognised person is responsible for ensuring that verification activities are carried out in accordance with this Schedule.

A recognised person must operate to an effective quality management system appropriate to the work performed. A recognised person who does not wish to establish their own quality management system, must be employed by or have a contract with a recognised agency and operate in accordance with that agency's quality management system.

A recognised person must maintain a system for control of all documentation relating to their activities.

A recognised person must have available suitable and adequate facilities and equipment to permit all activities associated with the verification services to be effectively carried out. A recognised person must have a management plan that states how their own equipment will be maintained and how they will access other equipment required for their verification activities. The plan must verify that all equipment is accurate, reliable and obtained from a reputable source. This documentation must be made available for inspection by MPI if required.

Where a recognised agency employs individual recognised persons, it must ensure all of the following:

- that all recognised persons are suitably qualified;
- that all recognised persons are independent of the business(es) being verified;
- that recognised persons do not verify outside of the scope of their recognition;
- that a verifier will maintain, enhance and develop their skills, knowledge and expertise through the verifier's continuing professional development programme.

Verification methods and procedures

A recognised person must have and use adequately documented procedures for all stages of the verification process.

A recognised agency must ensure that its recognised persons follow a verification method which has been specified by MPI. An example is the 'Mandatory and Top 5 Topics' method of verification.

All documentation and data relevant to the work of verifiers must be maintained up to date and be readily available for inspection by an officer of MPI if required.

All verification findings must be recorded in a timely manner using an electronic reporting system or process specified by MPI to prevent loss of relevant information and must be available to MPI if required.

A recognised person must ensure all of the following:

- verification to be undertaken is within their expertise and that they have adequate resources to meet the requirements;
- the requirements of those seeking the verifying services are defined and that special conditions are understood;
- the verification process is regularly reviewed and appropriate corrective action applied if required;
- each verification is reviewed with the operator of the food business.

Handling samples

A recognised person must ensure that all samples taken for verification are uniquely identified, are handled to maintain their integrity, and are representative of the process being verified.

Verification records

A recognised person must maintain an appropriate record system sufficient to permit satisfactory assessment of the verification undertaken.

All records must be safely stored, held secure and in confidence to the client, unless otherwise required by law for at least 7 years.

Verification report contents

The verification report the client receives must include all results of the examination of the process, and the determination of conformity to the applicable risk based measure. The report must be accompanied by any information needed to facilitate its understanding and interpretation.

The verification report must contain details of the review of the applicable risk based measure to demonstrate that it remains valid and must verify that the applicable risk based measure is effectively in place.

The verification report must contain details of any deficiencies in the applicable risk based measure together with details of the agreed corrective actions and the timeframe for these actions to be carried out.

Verification reports must be signed by the recognised person.

Corrections or additions to a verification report after issue must be recorded and reported as required by this Schedule.

Monthly reporting requirements

Details of verification completed within each calendar month must be included in a monthly report and provided to the Chief Executive within 10 working days after the end of each month.

The report must include all of the following:

- the type of verification (remote or on-site);
- the registration number;

- the verification date;
- the verification agency;
- the verifier;
- the verification status;
- whether the verification was notified, unannounced, unscheduled or remote;
- the result of each topic verified;
- details of any critical non-compliance;
- the verification outcome;
- the performance based verification step after verification;
- whether a technical expert was consulted;
- whether it is the initial verification of this business;
- whether a verification extension has been granted;
- reason for delay in verification;
- agreed close out date;
- actual close out date;
- reason for delay in close out;
- whether the verification has been escalated to the Registration Authority;
- why the verification has been escalated to the Registration Authority;
- reporting on incorrect business details.

Critical issues identified during a verification

Any critical non-compliance identified during a verification must be reported to the registration authority.

Ongoing issues relating to operators not addressing corrective actions

If there are ongoing non-compliance issues with a food business, the recognised person must notify the regulatory authority in writing outlining their concerns, providing a time frame of when concerns were raised and any response received from the operator. The notification should include any information relating to a request to increase verification frequency for business who fails to implement the identified corrective actions in the mutually agreed time frames.

Notifications regarding these matters should be sent to the registration authority.

Subcontracting

When a recognised person subcontracts any part of the verification, they must demonstrate that the subcontractor is recognised and competent to perform the service in question.

A recognised person may be assisted by persons who have specialist knowledge or technical skills but who are not recognised persons. In such cases the recognised person remains accountable for the overall integrity of the verification process.

A recognised person must advise their clients of the intention to subcontract or use a specialist assistant(s) for any part of the verification.

Complaints

A recognised person must reasonably attempt to resolve any matter under dispute.

Details of unresolved disputes or complaints must be reported by verifiers to the relevant registration authority.

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Schedule 2: Procedures that apply only to remote verification

During a remote verification, the remote verifier must:

- make an assessment of food business suitability for remote verification;
- make contact with the food business operator to:
 - offer remote verification as a verification option;
 - explain the remote verification process;
 - answer questions about the process;
 - seek agreement from the operator to continue with the process;
- prepare and send;
 - information to the food business operator about the remote verification process;
 - documents (for example, a remote verification agreement) for the food business operator to complete and return;
 - a request for additional documents (for example, a site plan) from the operator;
- assess whether the information received from the food business operator is satisfactory for proceeding with the remote verification process, and request further relevant information where this is needed to proceed with the process;
- arrange and carry out a technology test with the food business operator:
 - to ensure technology:
 - is available, and can be operated satisfactorily, at the business;
 - provides audio and visual clarity sufficient for gathering the information sought during a remote verification;
 - functions adequately at the parts of the business where remote verification will take place;
 - to identify any aspects of the food operation outside the scope of a remote verification or verifier recognition;
 - to confirm if the remote verification may take place;
- arrange and agree the date and time of the remote verification with the food business operator;
- prepare for the remote verification;
- carry out the remote verification; evaluate; communicate; and report on findings.

Schedule 3: Continuing professional development (CPD) - additional information

The CPD programme must enhance the professional standards of verifier best practice.

Professional and Technical practice pathways

Professional practice refer to capabilities, skills and knowledge associated with the:

- interpersonal;
- auditing;
- professional practice;
- legal/regulatory
- clusters within the Verifiers Capability Framework.

Technical practice refer to capabilities, skills and knowledge associated with the:

- base-line technical;
- technical Specialisation;
- clusters within the Verifiers Capability Framework.

Exceptions to CPD point requirements

A recognised person who carries out verification is exempted from realising the full annual and three-year CPD points requirements where:

- verification forms only part of the verifier's role; or
- a verifier works part-time; or
- a verifier takes extended leave; or
- a verifier is not active in a verifier role for at least 12 months within the CPD programme period.

The CPD points requirement for a verifier who is carrying out verification at 1 October 2019 will be pro-rated based on the number of months left on that verifier's recognition.

CPD Activities and Points

Neither one learning activity nor one learning activity type can deliver all annual CPD points.

The following are examples of CPD activities and points accruable:

Academy-focused activity	Maximum points per 12 month period
Create a learning resource for the academy	10
Participate in a recognised persons development event	10
Develop, have accepted, and present a seminar/webinar via the Academy	10
Complete a tracked activity in the Academy	10

Academy-focused activity	Maximum points per 12 month period
Create a resource for the Academy focused on learning acquired from completing a self-directed activity	10
Contribute to the Academy forums	10
Successfully complete remote verification TAC	10

Peer-focused activity	Maximum points per 12 month period
Participate in a peer review (other than CPD annual review)	5
Coach an Associate Verifier	5
Mentor a verifier (formal agreement)	5
Deliver a team learning event	5
Participate in team learning event	5

Shadow-focused activity	Maximum points per 12 month period
Be shadowed and calibration	5
Shadow an experienced verifier and debrief	5
Shadow a Technical expert and debrief; share learning	5
Be the shadow and debrief; share learning	5

Formal learning programme activity	Maximum points per 12 month period
Complete a relevant distance/virtual learning programme	5
Attend a conference and share learning (relevant technical or professional practice focus)	5
Complete a relevant non-NZQA training session/workshop and share learning	5
Attend a relevant seminar or webinar and share learning	5
Complete a NZQA recognised course relevant to verification role	5
Work towards an academic qualification relevant to verification role	5

Professional entity participation	Maximum points per 12 month period
Participate in professional technical committee with a food safety/suitability focus	5
Lead a technical committee with a food safety/suitability focus	5
Write/publish an article relevant to technical or professional verification practice	5
Fulfil temporary food safety-focused specialist position	5
Participate in working groups developing MPI tools and/or guidance	5

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