

Memorandum

To:	Allan Kinsella, Director, Assurance
CC:	Sharon Wagener, Manager, Food & Live Animal Assurance
From:	Ann Oliver, Live Animal Export Assurance
Date:	21 October 2019
Subject:	Permission to consult on Animal Products: Official Devices Notice

Purpose

1. This memorandum seeks your approval for the Food & Live Animal Assurance Team to commence public consultation on a notice consolidating all requirements around the supply and use of official devices for the export of animal products. The draft notice also includes a number of proposed changes to ensure the controls around supply and use are sufficient to support the issuance of official assurances.
2. If you agree, public consultation will commence on Friday 25 October 2019.

Key messages

Consolidation of Requirements

3. To assist exporters understand all requirements the Notice consolidates relevant information from the following documents:
 - Animal Products (Export Requirements for Branding, Marking and Security Devices) Notice 2012; and
 - Animal Products – Official Devices Programme: Interim Requirements and Guidance for Operator Seal Use; and
 - Animal Products – Official Devices: NZFSA Container Seals; and
 - Approval Notice Amending Carton Seals and Interventions Seals; and
 - Manual 15 – Brands – Inspection Legend Material – Container Seals
 - TD 00/41 Control of Brands, Seals and Legend Bearing Packaging Materials in Export Establishments.
4. The notice will be issued under section 167(1) of the Animal Products Act, for the purposes of sections 60, 158(1) and 158(3) of that Act.

Changes to Requirements

5. The draft notice includes a number of proposed changes to requirements:

Change proposed	Reason
The approval of seals used for live animal and germplasm exports.	To ensure adequate control around use of seals for live animal and germplasm.
An expiry date for approvals issued to manufacturers of official devices.	To ensure devices are fit for purpose and their supply is controlled.
A requirement for manufacturers of official devices to undergo an annual audit	
Permission to subcontract production of container seals and material for branding tools that do not include any official assurance legend.	This recognises that although approved manufacturers need to be resident in New Zealand there is a need to source these items from overseas and hence subcontracting is necessary.
Alignment of verification requirements for devices at RMP premises with general export verification requirements set under the Official Assurance Specification.	To aid clarity and co-ordination of verification while maintaining sufficient control.
Clarifying the requirement that the official assurance legend is only used where the product is derived from animal material that has been subjected to ante and/or post mortem examination and confirmed as fit for human consumption?	This was the original intention of the legend but due to insufficient clarity of legislation there has been some deviation in compliance.
That container seals only be mandatory where required by Overseas Market Access Requirements (OMAR).	To stop the current use of operator seals on containers of dairy product exported with official assurance while managing concerns raised by the industry regarding cost and distribution of the MPI seal.
Where an OMAR requires containers to be sealed then an NZMPI official seal (Approved Seal) must be used.	Note that the FLAT team has undertaken considerable pre-consultation with the industry on this issue including preparation and discussion of an options paper – <i>Controls around Container and Operator Seals</i>
Companies will be permitted to use the NZMPI official seal for all animal products exported with an official assurance.	
Operator seals will not be considered official devices.	
Companies may choose to use operator seals where the OMAR does not require a container seal but operator seals will not be permitted to be referenced on the official assurance even in as unofficial commercial information.	

That the reduced size legend (RSL) uncontrolled format is not considered an official device (is not approved by MPI)	This format is not manufactured by approved manufacturers this is a decision made in 2012 to allow RSL packaging material to be sourced from overseas in order to allow the meat industry greater ability to find and utilise specialist packaging to facilitate innovation. Given this earlier decision there are insufficient controls around the RSL uncontrolled format to allow for it to be considered an official device.
A new tamper evident seal is approved	This is to address the need for a seal <ul style="list-style-type: none"> • that is suitable for airfreight containers • can be used where the official assurance legend has been used inappropriately.
The ability for the DG to issue dispensations in situations where the animal material or animal product remains fit for purpose and any non-compliance does not breach the OMAR	To give flexibility where there is procedural noncompliance that does not impact the product for export.

Legal review

6. MPI Legal has reviewed the draft notice. Issues and comments raised during legal review have been addressed.

Internal consultation

7. Relevant staff from Verification Services, Animal Products (including dairy) and Market Access teams have been involved in the preparation of the notice and been given the opportunity to review the draft.

External socialisation

8. DPSAC is aware of the work and expecting the consultation to go ahead.

Indicative timeframes

9. The indicative timeframes for consultation are as set out in the following table.

	Action
Friday 25 October 2019	Consultation starts
Friday 6 December 2019	Consultation closes (6 weeks consultation)
Friday 14 February 2020	Consideration of submissions complete

Friday 28 February 2020	Final review (2 week)
Monday 2 March 2020	Notice is issued

The consultation package is enclosed for your perusal. This includes:

- The draft discussion document explaining the changes; and
- The draft amended notice.
- The earlier options paper *Controls around Container and Operator Seals*

These can also be found in Piritahi at:

[Animal Products Notice: Export Requirements for Official Devices](#)

[Discussion Document - Official Devices](#)

[Options Paper - Controls around Container and Operator Seals](#)

Recommendations

10. It is recommended that you:

- a) **Agree** for the Food & Live Animal Assurance Team to commence external consultation on the proposed Animal Products Notice: Export Requirements for Official Devices

Agree/Disagree



Karen Booth

Acting Director, Assurance

22 October 2019