



Analysis of Submissions: Proposed amendments to the Operational Code: Verification

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Operational Code: Verification**

Date: 20 December 2018 (closing date)

MPI received 21 submissions on the proposal document(s). These submissions have been analysed in the following table. As a result of the consultation process, and where appropriate based on the analysis below, amendments have been made to the Operational Code. MPI would like to thank those parties who have taken the opportunity to comment on the proposal(s).

Submission Analysis:

Consulted document Part, Section	Published document Part, Section	Submission comment(s)	Proposed Amendment(s)	MPI Response
General		I fully support the proposed changes to the Draft Proposed Animal Products Operational Code: Verification Statement		Noted.
General		<p>I have a question re the position of Egg farms subject to the Egg RMP in this new Specification and frequency of inspections.</p> <p>Are they included in this new specification and if they are do they fall into the grouping?</p> <p>All other processors of animal product for human consumption Step 5 initially Step 7 after initial verification Step 8 Ceiling Frequency</p>		Yes, it is the category that egg processors fall into.



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General		We are generally supportive of this draft document. Please note that our larger members may have differing views from those written below, but they are in a position to submit directly, and frequently do so. The views below are a consensus view of the smaller production members of our association.		Noted.
General		Specifically we are pleased about <ul style="list-style-type: none"> - If a business transfers from the food act regime to an RMP they initially retain the verification step they currently have. - Farm dairy RMP which now has a ceiling frequency of step 9 (3yrs) Dairy processors now have a ceiling of step 8 (18 months), which matches that of the Food Act Regime.		Noted.
Section 1.1	Section 1.1	It is not clear [whether] this excludes Raw Milk RCS which was the understanding originally?	Statement of inclusion or clear statement of exclusion.	Agree and amended to include a statement of exclusion.
Section 2.4(4)(b)	Definition	The Unacceptable Statement appears to copy other references in relation to Unacceptable e.g. Animal Products Notice: Export Verification Requirements 2018 “the operator is not in substantial compliance with <u>all</u>	Align standard statements to prevent variation of interpretation.	An unacceptable outcomes leads to significant impact on verification steps. It is acknowledged that there could a very high level of compliance and for example, potentially, non-compliance with the minor regulatory requirements.



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		applicable regulatory requirements” however this one is missing “all” Also point 4 in the guidance box below		In the case including the word ‘all’ in the definition this could result in significant effects on the verification outcomes every time there is a minor non-compliance.
Section 2.5.1(c)	Section 2.8.1(c)	Would this possibly include MPI compliance requesting verification?	Add the group or make it more generic if applicable.	Not needed.
Section 2.7	Section 2.4	All other reference to report time is 10 working days - Animal Products Export Verification Programme May 2009 section 19 (1) c) Other Agency’s struggle with 10 work days so changing to 5 would impact on reporting on time for all dairy verification agency’s	Maintain 10 working days for reporting or identify this as a site report (summary of Non-conformance identified and outcome of the audit) and make it 2 working days. The description indicates more than just a site report.	Noted. Amended the reporting requirements to be consistent with relevant Animal Products Notices.
Section 2.7.2	Section 2.4.2	Provision of the report within 5 working days is not consistent with the Export Verification Programme which states 10 working days. We provide a site report at the conclusion of the audit which is followed by a full report which is also copied to MPI. We cannot achieve a five day timeframe for the full report. The site report identifies the outcomes and deficiencies but may not include all of the items identified to be provided within 5 working days.	Change the requirement to match the Export Verification Programme.	Noted. Amended the reporting requirements to be consistent with relevant Animal Products Notices.



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Section 2.9 guidance box	Section 2.6 guidance box	Bullet point 5 notes suspension of exports however isn't this for domestic only?	Remove export if not intended	It refers to the exports without OAs. Amended and included text for clarity.
Section 3	Section 3	Verification of businesses moving from the Export Verification Programme The notice does not cover requirements where business changes from the Export Verification requirements to the domestic requirements. As the ceiling frequencies vary it would not be comparable to change from Step 5 (export programme) to Step 5 under this programme.	Make provision in the notice to transfer to the new ceiling frequency or the step deemed appropriate by the Recognised Agency.	Noted. A new section has been added in the Code to cover the transition of such businesses.
Section 3.2(4)	Section 3.2(4)	This references procedures issued by the Manager Dairy Products, MPI	Reference to the location of these procedures would be needed.	Noted. Reworded to say 'any alternative approach agreed with the Manager Animal Products, MPI'.
Section 3.2(4)	Section 3.2(4)	"Where are multi-business RMP relates to farm dairies, the number of farms subject to verification will be in accordance with the procedure issued by the Manager Dairy Products MPI" Currently the larger multi farm RMP's have a very small proportion of their farms verified as part of the RMP verification process. Our smaller members may have 100% of their farms verified. We would like some		Verification is on a RMP basis and will typically involve a selection of farms dairies to confirm that the RMP is effective and being followed. The options for farm dairy selection are limited when the RMP covers one or two farm dairies. Further clarification on verification of farm dairies are detailed in



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		clarification on the “number of farms subject to verification”.		verification of farm dairy RMPs document.
Section 3.3		<p>(1) <i>Where an animal product business is an emerging business and the application of the verification frequencies determined from Schedules 1 and 2 are not considered appropriate by the verifier, then the verifier can advise the operator to make a written request to the applicable agency technical manager for a dispensation to be made on a case-by-case basis.</i></p> <p>(2) <i>The application will be considered by the recognised verifying agency’s technical manager in conjunction with the Manager, Animal Products, and a decision will be made on what verification arrangement will be applied.</i></p> <p>(3) <i>This decision will be notified by the verifying agency to the operator.</i></p> <p>(4) <i>In all cases where an altered verification arrangement is applied, it will be subject to the requirement that the operator</i></p>		This is a carryover from the existing policy on verification steps for businesses that are exporting products without official assurances.



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		<p><i>must provide its recognised verifying agency with written advice of any change in the processing profile that mean it is more appropriate for the frequencies in Schedules 1 and 2 to apply to the business.</i></p> <p>This appears to be a powerful exemption clause for ‘emerging businesses’ seemingly without visible criteria, guidance or definitions for the application of this clause. We submit that transparency and equity in application of the clause would be improved by greater clarity of the description of emerging businesses and/or provision of publically available guidance.</p>		
Section 3.4(1)	Section 3.4 (1)	Where Food Act moves to RMP the Food Act Frequency May be used as a starting verification step for the RMP – Does this indicate it will not transfer an National Programme that is of a risk frequency that is allocated Step 8 (never to be audited again).	Although unlikely it may be key to ensure there is no ability to believe transferring an National Programme 1 to an RMP would be the base auditing for an RMP...if that is not the intent.	Clarification has been provided and businesses in this instance would move to the ceiling step.
	Schedules 1 and 2	These schedules propose that ‘non-official assurance’ dairy premises be verified at a frequency of step five (three months), step seven (twelve months) or step eight (eighteen		This is to harmonise verification steps across sectors that are exporting products without official assurances.



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		<p>months). This is a change from the current annual verification (albeit a surveillance only verification is conducted every second year) and is significantly different from the three month minimum frequency required for those premises requiring official assurances. We would appreciate comment as to whether the monitoring performance history for these 'non-official assurance' dairy premises support the risk analysis and rationale for the proposed movement to a step 8 ceiling frequency?</p>		
Schedule 2		<p>The requirements relating to initial verification frequencies are not clear.</p> <p>The relationship between the highest initial frequency and the frequency after initial verification frequency (compared with Schedule 3) are not clear. This is not explained within the document.</p> <p>Is the intent that a new dairy business would receive the initial audit within 3 months and then move to Step 7, followed by two acceptable outcomes to move to Step 8?</p>	<p>Make the intentions for initial verification clearer.</p> <p>Incorporate Schedule 2 into the body of the document.</p>	<p>Agree. Additional clarification has been added in the Code to explain the criteria for moving between the steps. Schedule 3 has been removed.</p>



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		Schedule 2 is not referenced from the body of the document.		Agreed and amended.
Schedule 2		The order of businesses in the document could be clearer. There are business of “all other... not covered above” when there have been additions to the end of the table which should also be excluded.	The order of Schedule 2 should be reviewed.	Agreed and amended.
Schedule 2		The frequency for verification of Farm dairies is too long. The frequency of farm dairy verification with an initial audit within 12 months and a maximum of 3 years between verifications is inconsistent with the typical findings of initial verification audits and also routine verification activities. It is noted that the Domestic Farm Dairy template does not require routine FDA assessments so there is no other audit activities completed at the domestic farm dairies between verifications.	Farm Dairies should match the dairy manufacturers.	Noted. Verification steps related to Farm dairies are amended. This is being addressed in the Dairy Processing Specification amendment notice.
Schedule 2		Farm Dairies moving to Step 9 is not aligned to the consultation for Dairy Processing Specifications document. 3 yearly is to[o] bigger gap	Review as time is significant between farm verification. A lot can happen on farm over that time and a lot can be completed incorrectly for a long time?	Noted. Ceiling verification step for Farm Dairies are amended to be Step 8 (18 monthly).



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		Many domestic farms align to a small producer on farm or nearby therefore aligning to the manufacturing criteria would allow both to be audited at the same time which is the true ease on the business to have one visit for all.	Could consider a reduced frequency audit based on historical performance e.g. 1 full verification and one reduced that still touches of key farm activities.	
Schedule 3		Schedule 3 missing verification step 9 and step 10.	These 2 steps should be included in schedule 3.	Schedule 3 is now removed. Additional clarification has been added in the Code to explain the criteria for moving between the steps.
Schedule 3		does not specifically refer to steps 9 or 10, both of which are possible. Am I correct is assuming the pattern of movement from step 4 onward would continue to include steps 9 and 10?		Schedule 3 is now removed. Additional clarification has been added in the Code to explain the criteria for moving between the steps.