Ministry for Primary Industries
Manatū Ahu Matua

Food Notice

Requirements for Recognised Agencies and Persons

16 October 2023

Issued under the Food Act 2014

New Zealand Government

TITLE

Food Notice: Requirements for Recognised Agencies and Persons

COMMENCEMENT

This Food Notice comes into force on 16 October 2023.

REVOCATION

This Food Notice revokes and replaces the Food Notice: Requirements for Recognised Agencies and Persons issued on 25 September 2020.

ISSUING AUTHORITY

This Food Notice is issued under section 405 of the Food Act 2014 for the purposes of the Food Regulations 2015 and section 390 of that Act.

Dated 12 Oct 2023 at Wellington

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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 supplement the Food Act 2014 (the Act) and Food Regulations 2015 (the Regulations) with respect to:

- requirements to be met by recognised agencies and persons; and
- requirements for technical competencies for persons who are recognised or applying to be recognised under the Act to perform specific functions and activities; and
- requirements for persons undertaking verifications to undertake continuing professional development; and
- reporting requirements for recognised persons performing specific functions and activities.

Background

The purpose of 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. Persons must be considered 'fit and proper' to carry out the functions for which recognition is sought.

The Act and the Regulations also set out the duties and requirements that apply to recognised agencies and persons, defining the high-level performance expectations that apply to the agency or person while carrying out their functions. The Regulations require a person to have knowledge and understanding of their functions/activities before being recognised (and they are required to maintain this knowledge and understanding).

Who should read this Food Notice?

This Food 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 specific functions and activities.

Why is this important?

Failure to comply with the requirements in this Notice may result in the agency or person's recognition not being granted, being withdrawn, or being suspended.

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	Removed: • references to deemed recognised agencies and persons. Set new: • requirements for recognised agencies to notify any change in circumstance; • requirements to report verification outcomes to MPI via Titiro (an electronic repository); • requirements for recognition as a remote verifier; • requirements for recognised agencies and persons undertaking a remote verification;

Version Date	Section Changed	Change(s) Description
		• requirements for persons undertaking verifications to undergo continuing professional development programme.
12 Oct 2023		Restructuring of Notice to achieve more streamlining and alignment with other similar Notices, resulting in re-numbering of Parts.
12 Oct 2023	Updated and renamed Part 2: Competencies for recognised agencies and persons	Separated out requirements for maintaining recognition. Moved previous Part 3 (recognition for evaluators and verifiers) into Part 2. Additional supervisor courses added to verifier recognition 2.2 (2) and 2.3 (2).
12 Oct 2023	New Part 3: Maintaining recognition	New Part that centralises requirements for maintaining recognition (from previous Part 4) and link to CPD.
12 Oct 2023	New Part 4: Reporting requirements	Separated out the rules for reporting from previous Part 2.
12 Oct 2023	New Part 5: Requirements for recognised agencies and recognised persons performing a verification service	This section lifts the general requirements for undertaking a verification service from guidance in the Food Safety Academy to notice level. The section also includes additional requirements when performing a remote or directed verification. .
12 Oct 2023	Updated Part 6: Requirements for persons undertaking verification to undertake continuing professional development	Re-numbered Part 5 to Part 6. Consolidation of wording to streamline the rules, including a table for CPD points required for each CPD year. Set new rules: • a verifier who works for less than 6 months of the CPD period does not need to achieve CPD points. • a verifier who works <20 hours per week and has been recognised between 6 to 11 months now only needs to achieve 5 CPD points. • the submission of peer review must be submitted to the CE by 30 September of the relevant year. • a verifier must notify MPI of any anticipated extended leave. • a learning plan must include any compulsory learning activities identified by MPI.

Part 1: Requirements

1.1 Application

(1) This Food Notice applies to the recognition of:

a) agencies under sections 135, 136 and 137 of the Food Act 2014 (the Act) and;
b) natural persons under sections 139, 140 and 141 of the Act.

1.2 Definitions

(1) In this Notice:

Act means the Food Act 2014

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

directed verification means a verification of a registered food importer which has been required by the chief executive under regulation 97 of the Regulations

directed verification letter means a letter sent to a registered food importer directing the food importer to arrange a verification of their operations within a defined timeframe

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; and
d) is processed by heat to ensure preservation, whether before or after being sealed in a container

Regulations means the Food Regulations 2015

reality check means that part of verification where the verifier gains assurance that what happens in reality actually matches what is documented

remote verification means a verification of a food business that is conducted by information-communications technology

verifier capability framework means a set of descriptions of the key behaviours, skills, knowledge, abilities and characteristics, which are required for effective performance as a verifier

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

Part 2: Competencies for recognised agencies and persons

2.1 Recognition as a remote verifier or directed verification verifier

(1) For the purposes of Regulation 114(2), a natural person applying to be a remote verifier must complete one of the following:

a) MPI remote verifier training and assessment process; or
b) any other course or process the chief executive (CE) of MPI accepts as equivalent to subclause (1)(a).

(2) For the purposes of Regulation 114(2), a natural person applying for recognition to undertake directed verifications of registered food importers must:

a) complete all MPI directed verification of food import businesses learning modules and learning checks; or
b) any other programme of learning the CE accepts as equivalent to subclause (2)(a).

2.2 Recognition as a verifier of low acid canned food processing

(1) For the purposes of Regulation 114(2), a natural person applying for recognition as a verifier of low acid canned food processing must demonstrate knowledge and understanding of the following Codes of Practice:

a) the current edition of 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 current edition of 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) A natural person applying for recognition as a verifier of low acid canned food processing 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 thermally processed Low-Acid Foods, DWC Food Tech Pty Ltd and CSIRO, Australia;
c) Introduction to the Fundamentals of Thermal Process Evaluation, Massey University, Palmerston North, New Zealand;
d) Principles of Thermal Process Control, Acidification and Container Closure Evaluation, Massey University, New Zealand;
e) Retort supervisors certification course, DWC Food Tech Pty Ltd, Australia;
f) New Zealand Retort Supervisors and Process Control School, Food Processing Specialists Pty, Australia; or
g) any other course that the CE accepts as equivalent to any one of the courses specified in subclause (2)(a)-(f).

(3) If a natural person applying for recognition as a verifier of low acid canned food processing has not completed one of the courses required by clause 2.2 (2) within the previous 5 years, the person must, in those intervening years, have completed sufficient practical or theoretical work to maintain their knowledge of low acid canned food processing.

2.3 Recognition as a verifier of aseptic processing and packaging

(1) For the purposes of Regulation 114(2), a natural person applying for recognition as a verifier of aseptic processing and packaging operations must demonstrate knowledge and understanding of the following Codes of Practice:

a) the current edition of the Code of Hygienic Practice for Low and Acidified Low-acid Canned Foods, as published by the Codex Alimentarius Commission (CAC/RCP 23-1979);
b) the current edition of the Code of Hygienic Practice for Aseptically Processed and Packaged Low-acid Foods, as published by the Codex Alimentarius Commission (CAC/RCP 40-1993); and
c) the current edition of 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) A natural person applying for recognition as a verifier of aseptic processing and packaging operations must have successfully completed one of the following courses:

a) Approved Persons Course for UHT Processing and Packaging, DWC FoodTech Pty. Ltd, Australia;
b) Principles of Thermal Process Control, Acidification and Container Closure Evaluation, Massey University, New Zealand; or
c) any other course that the CE accepts as equivalent to the course specified in subclause (2)(a)–(b).

(3) If a natural person applying for recognition as a verifier of aseptic processing and packaging operations has not completed one of the courses required by clause 2.3 (2) within the previous 5 years, the person must, in those intervening years, have completed sufficient practical or theoretical work to maintain their knowledge of aseptic processing and packaging operations.

2.4 Recognition as an evaluator of low acid canned food processing

(1) For the purposes of Regulation 114(2), a natural person applying for recognition as an evaluator of low acid canned food processing must demonstrate knowledge and understanding of the following Codes of Practice:

a) the current edition of 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 current edition of 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 applying for recognition as an evaluator of low acid canned food processing 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 thermally processed low-acid Foods, DWC Food Tech Pty Ltd and CSIRO, Australia;
c) Introduction to the Fundamentals of Thermal Process Evaluation, Massey University, Palmerston North, New Zealand; or
d) any other course that the CE accepts as equivalent to any one of the courses specified in subclause (2)(a)-(c).

(3) If a natural person applying for recognition as an evaluator of low acid canned food processing has not completed one of the courses required by clause 2.4 (2) within the previous 5 years, the person must, in those intervening years, have completed sufficient practical or theoretical work to maintain their knowledge of low-acid canned food processing.

2.5 Recognition as an evaluator of aseptic processing and packaging

(1) For the purposes of Regulation 114(2), a natural person applying for recognition as an evaluator of aseptic processing and packaging operations must demonstrate knowledge and understanding of the following Codes of Practice:

a) the current edition of the Code of Hygienic Practice for Low and Acidified Low-Acid Canned Foods, as published by the Codex Alimentarius Commission (CAC/RCP 23-1979);
b) the current edition of the Code of Hygienic Practice for Aseptically Processed and Packaged Low-acid Foods, as published by the Codex Alimentarius Commission (CAC/RCP 40-1993); and
c) the current edition of 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 applying for recognition as an evaluator of aseptic processing and packaging operations must have successfully completed one of the following courses:

a) Approved Persons Course for UHT Processing and Aseptic Packaging, DWC FoodTech Pty. Ltd, Australia; or
b) any other course that the CE accepts as equivalent to the course specified in subclause (2)(a).

(3) If a natural person applying for recognition as an evaluator of aseptic processing and packaging operations has not completed one of the courses required by clause 2.5 (2) within the previous 5 years, the person must, in those intervening years, have completed sufficient practical or theoretical work to maintain their knowledge of aseptic processing and packaging operations.

Part 3: Maintaining recognition

3.1 Maintaining recognition as a verifier

(1) For the purposes of Regulation 114(2), a natural person who is recognised to perform verification services must:

a) maintain knowledge and understanding of the verifier capability framework; and
b) meet continuing professional development requirements as required by clause 6.3 (CPD Programme Requirements).

Part 4: Reporting requirements for recognised agencies to the chief executive

4.1 Reporting requirements

(1) A recognised agency must inform the CE in writing within 10 working days if any of the following occur:

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) whether the agency is needing to take steps to mitigate risks on the delivery of agreed services; or
d) any change in directorship or management and control of the agency.

(2) All recognised agencies, and independently recognised persons, must:

a) provide a report to the CE, through Titiro, of each completed verification within each calendar month;
b) provide this report within 10 working days after the end of each calendar month; and
c) the report must include all of the following information:

i) the registration number of the food business being verified;
ii) the verification date;
iii) the verification agency;
iv) the verifier;
v) the verification status;
vi) whether the verification was scheduled, unscheduled, remote, or directed;
vii) the result of each topic verified, including mandatory topics (refer clause 5.1(1)(a) for a list of mandatory topics);
viii) details of any critical non-compliance;
ix) the verification outcome;
x) the performance-based verification (PBV) step after verification;
xi) whether a technical expert was consulted;
xii) whether it is the initial verification of this business;
xiii) whether a verification extension has been granted;
xiv) reason for delay in verification;
xv) agreed close out date;
xvi) actual close out date;
xvii) reason for delay in close out;
xviii) whether the verification has been escalated to the Registration Authority;
xix) why the verification has been escalated to the Registration Authority; and
xx) reporting on incorrect business details.

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Part 5: Requirements for recognised agencies and recognised persons performing a verification service

5.1 General requirements for undertaking a verification service

(1) Before the verification, the verifier must:

a) check the food business' registration details to determine what legislation and standards apply;
b) check the food business' compliance history;
c) confirm they have the necessary competency to undertake the verification based on 5.1(1)(a);
d) determine if there are any conflicts of interest and how these will be managed; and
e) determine the scope of the verification.

(2) The scope of the verification must be compiled using the list of verification topics in the Food Safety Academy.

(3) The scope of the verification must include the following:

a) at least one from each of the following categories:

i) Confidence in Management;
ii) Compliance History;
iii) Food Safety Behaviour;
iv) Environmental Control; and
v) Process Control.

b) the top five food safety topics for the food sector; and
c) the following mandatory topics:

i) registration/scope of operations;
ii) managing unsafe and unsuitable foods;
iii) non-compliance;
iv) complaints and recalls; and
v) improvements and corrective actions.

(4) During the verification, the verifier must:

a) introduce themselves to the food business and let them know why they're there;
b) let the food business know what they will be checking and what will happen if they identify something that must be changed or fixed;
c) explain when they need to report findings to a food safety officer. If they are also a food safety officer, explain what will happen if they need to switch from a verifier to an officer role. They must present a warrant if switching to an officer role;
d) explain the appeals and complaints procedure;
e) discuss follow-up to any issues that were identified at the previous verification;
f) check whether they have made any changes to their operation or key personnel since the last verification;
g) use professional judgement to determine whether the food business is taking the right steps to produce safe and suitable food;
h) add verification topics to the scope of the verification if they think it is necessary to confirm the food business is doing what is needed;
i) decide for each verification topic if the food business is:

i) performing;
ii) conforming;
iii) non-conforming;
iv) non-compliant; and
v) critically non-compliant.

Guidance
Use the verification frequency guidance in the Food Safety Academy to help decide which verification step a business should be on, and when their next verification will be due. When using Titiro, the system will calculate a proposed next verification date for you once you've determined the outcome and performance-based verification (PBV) step.

(5) After the verification, the verifier must:

a) provide a report to the food business within 5-10 working days;
b) follow-up with the business on all agreed corrective actions to ensure they have been satisfactorily completed within the agreed timeframe;
c) report to the registration authority any corrective actions that haven't been closed out in the agreed timeframe; and
d) close the verification.

5.2 Additional requirements for recognised agencies and persons undertaking a remote verification service

(1) During a remote verification, the remote verifier must:

a) assess the food businesses suitability for a remote verification;
b) if satisfied of suitability for remote verification, contact the food business to:
    i) explain the remote verification process;
    ii) assess the technology at the business site(s);
    iii) obtain a signed written agreement which sets out the conditions of the remote verification; and
    iv) obtain relevant documentation from the food business, for example a site plan.
c) assess records and other food safety documentation forwarded by the food business before proceeding with the remote verification process. Request further relevant information where this is needed;
d) arrange and carry out a technical check with the food business to:
    i) ensure technology:
        1) is available, and can be operated satisfactorily at the business;
        2) provides audio and visual clarity sufficient for gathering the information sought; and
        3) functions adequately at the parts of the business where remote verification will take place.
    ii) identify any aspects of the food operation outside the scope of a remote verification or verifier recognition; and
    iii) confirm verification can take place remotely.
e) arrange and agree the date and time of the reality check with the food business; and
f) prepare for the reality check and undertake the verification.

5.3 Additional requirements for recognised agencies and persons performing a directed verification service of a registered food importer

(1) During a directed verification, the verifier must:

a) verify all relevant and all mandatory topics, including the concerns raised in the directed verification letter;
b) communicate all information to the importer including the deadline for completion of any required actions related to non-compliances based on the due date provided by MPI in the directed verification letter; and
c) submit the verification report to MPI by the date specified in the Directed Verification Letter.

Guidance

- MPI Food Compliance contact is: Food.Compliance@mpi.govt.nz or 0800 00 83 33.
- Send the directed verification report(s) to MPI via the Approvals Team at approvals@mpi.govt.nz.

Part 6: Requirements for persons undertaking verification to undertake continuing professional development

6.1 Maintaining recognition

(1) For the purposes of Regulation 116, to maintain recognition a verifier who is a recognised person must participate in the CPD programme as required by clause 6.3 (CPD Programme Requirements).

6.2 CPD points

(1) A verifier who carries out verification functions and activities for the periods specified in columns 1 and 2 of Table 1: CPD Points Required for Each CPD Year must achieve the number of CPD points specified in column 3 of Table 1.

Table 1: CPD points required for each CPD year

Recognition period or number of months working in the role	Time working as a Food Act Verifier per week	CPD points
<6 months	NA	0 pts in the CPD year
6 – 11 months	less than 20 hours/week	5 pts in the CPD year
6 – 11 months	more than 20 hours/week	10 pts in the CPD year
12 months	less than 20 hours/week	15 pts in the CPD year
12 months	more than 20 hours/week	25 pts in the CPD year

6.3 CPD programme requirements

(1) For each CPD period (1 October through to 30 September of the following year), a verifier who carries out verification functions and activities must:

a) achieve the requisite number of CPD points;
b) complete a CPD self-assessment questionnaire template against the MPI self-assessment categories; and
c) develop learning plan(s) using the MPI templates and platform.

(2) Learning plans must:

a) set out the learning topics, learning activities, and learning objectives (expected outcomes);
b) encompass topics across at least 3 of the 6 Capability Clusters of the verifier capability framework: and
c) be undertaken in the CPD period that will achieve the CPD points as required by clause 6.2 (CPD Points).

(3) A learning plan must include any compulsory learning activities identified by MPI.

(4) A learning activity must be a relevant, planned activity that addresses a learning topic identified in a person's learning plan that is not part of a verifier's usual day to day work.

(5) Learning plans and the self-assessment questionnaire must be submitted to MPI (via the platform provided by MPI) by 30 November of each CPD period.

(6) A record of completion of each learning activity must be submitted to MPI (via the platform provided by MPI) within 10 days of completion of the activity.

(7) A verifier's learning must be peer reviewed as required by clause 6.4 (CPD Peer Review) by 30 September of the relevant CPD year.

(8) A verifier must submit the Peer Review form (via the platform provided by MPI) as required by clause 6.4 (CPD Peer Review) to MPI by the end of the CPD period.

(9) A recognised person who requires an extended leave of absence from the CPD programme, i.e. more than 6 months, must notify MPI of their extended leave.

Guidance

- MPI templates are located in the Food Safety Academy.
- The Food Safety Academy will identify compulsory activities including who needs to complete them and by when.
- Where a newly recognised person has been in the role for fewer than 6 months, then that person does not need to achieve any CPD points in that year, regardless of how many hours they work per week. NZFS still needs the verifier to enrol in the Food Safety Academy during this time to receive relevant communications.
- Examples of extended leave include parental leave, secondments, etc. Notifications of CPD extended leave can be sent to the CPD inbox: ContinuingProfessionalDev@mpi.govt.nz.

6.4 CPD peer review

(1) At least once in each CPD period a verifier who is a recognised person must have their learning peer reviewed by a person recognised to undertake verification, is actively carrying out verification in their role and does not manage or supervise the verifier whose learning they are peer reviewing.

(2) The Peer Review form must include:

a) the learning activities undertaken and the learning objectives; and
b) an assessment of both learning activities and validation of the CPD points by the peer reviewer.

(3) The peer reviewer must not be given any financial incentive or other reward for completing the CPD peer review.

6.5 Non-completion of CPD requirements

(1) A verifier who does not meet the CPD requirements for a CPD period must submit an explanation in writing to MPI within 31 days after the date the relevant CPD requirement is due to be met as required by clause 6.4 (CPD Peer Review).