Ministry for Primary Industries
Manatū Ahu Matua

Food Notice

Waiver from evaluation for custom food control plans developed through the 'What I need to do' tool

11 February 2019

Issued under the Food Act 2014

New Zealand Government

TITLE

Food Notice: Waiver from evaluation for custom food control plans developed through the 'What I need to do' tool

COMMENCEMENT

This Food Notice comes into force on 11 February 2019

ISSUING AUTHORITY

This Food Notice is issued under sections 53(4)(b) and 405 of the Food Act 2014.

Dated at Wellington, 11 February 2019

[signed and dated]

Paul Dansted
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Ministry for Primary Industries
(acting under delegated authority of the Director-General)

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Contents

Page

Introduction **3**

Part 1: Requirements **4**
1.1 Application 4
1.2 Definitions 4
1.3 Requirements 4

Introduction

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

Purpose

The purpose of this Notice is to grant a waiver to a food business from having their food control plan evaluated when the food control plan is composed entirely of content from the 'What I need to do' tool that has been pre-evaluated and issued by the Ministry for Primary Industries (MPI).

The 'What I need to do' tool is a multi-purpose online tool available on the MPI website designed to help NZ food businesses meet their regulatory requirements. The 'What I need to do' tool takes a food business operator through a simple online questionnaire and identifies the risk-based measure they must register under, and provides an appropriate plan to help them meet the requirements.

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.

A food control plan (FCP) is a plan for a particular food business to identify, control, manage, and eliminate or minimise hazards to enable them to prepare safe and suitable food. The Act specifies that a custom FCP must be evaluated before registration to confirm that it meets the requirements of a FCP, and to check that the plan allows for the operator to identify and manage food safety risks and produce safe and suitable food.

Section 53(4)(b) of the Act allows the Chief Executive to waive a food business from an independent evaluation of its FCP through a notice. This notice only waives this requirement when the requirements in Part 1.3 of this Notice have been met.

Who should read this Food Notice?

The persons who should read this Notice are:

- operators of food businesses that choose to create their custom FCP using pre-evaluated MPI developed content only; and
- evaluators of FCPs; and
- verifiers that will assess food businesses against their plan.

Why is this important?

Evaluation is important as it confirms that a business' FCP is fit for purpose. It confirms that the plan identifies and applies appropriate controls to food safety risks that are likely to occur. This Notice only waives the need for evaluation of pre-evaluated MPI developed content, as MPI has assessed the content to ensure it allows for the operator to identify and manage food safety risks, and produce safe and suitable food.

Document History

Version Date	Section Changed	Change(s) Description
11 February 2019	N/A	New Notice

Part 1: Requirements

1.1 Application

(1) This Notice applies to food business operators that use pre-evaluated material developed by the Ministry for Primary Industries (MPI), but is not based on an official template, to develop their food control plan (FCP).

1.2 Definitions

(1) In this Notice:

Pre-evaluated content means content produced and issued by MPI in relation to the 'What I need to do' tool.

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

1.3 Requirements

(1) A food business that submitted an FCP that is entirely composed of pre-evaluated content may be waived by the Chief Executive of MPI from evaluation under section 53(4)(b) of the Act if clause 1.3(2) applies.

(2) This clause applies if all of the following conditions are met:

a) the food business submits its FCP to MPI and the Chief Executive of MPI confirms that:

i) the FCP is composed entirely of MPI developed pre-evaluated content; and
ii) the FCP satisfactorily mitigates the food safety and suitability risks of the business; and

b) the relevant food business has been interviewed by MPI in relation to its FCP and the Chief Executive of MPI accepts the FCP as suitable and accurate for its intended function as set out in section 36 of the Act.

(3) Any FCP that is granted a waiver from evaluation under section 53(4)(b) of the Act must continue to meet the requirements set out in the Act, the Regulations and any notice made in accordance with section 405 of the Act.