New Zealand Food Safety
Haumaru Kai Aotearoa

This Animal Product Notice has been revoked. For more information on these changes:

Changes to animal products regulations and notices

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Ministry for Primary Industries
Manatū Ahu Matua

Animal Products Notice

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Specifications for animals treated with Buparvaquone

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21 October 2014

An animal products notice issued under the Animal Products Act 1999

New Zealand Government

TITLE

Animal Products Notice: Specifications for animals treated with Buparvaquone

COMMENCEMENT

This Animal Products Notice comes into force on 25 October 2014

ISSUING AUTHORITY

This Animal Products Notice is issued pursuant to sections 45, 60, and 167 of the Animal Products Act 1999 and regulations 5, 6, 18, 20, 22 and 25 of the Animal Products Regulations 2000 having had regard to the matters in section 60 of the Animal Products Act 1999 and regulation 21 of the Animal Products Regulations 2000 and having undertaken consultation in accordance with section 163 of the Animal Products Act 1999.

Dated at Wellington this 21st day of October 2014

[signed]

Allan Kinsella
Director, Systems Audit, Assurance and Monitoring
Ministry for Primary Industries
(acting under delegated authority of the Director General)

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Contact for further information
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Introduction

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

Purpose

This Animal Products Notice:

(a) provides for the identification and management of a buparvaquone treated animal being:

  (i) an animal treated with buparvaquone; or
  (ii) a calf born from a buparvaquone treated animal within 9 months from the day of treatment, or has drunk milk from an animal within withholding period for milk; and
  (iii) animal material and animal product derived from a buparvaquone treated animal; and

(b) ensures that animal material and animal product from a buparvaquone treated animal meet any domestic or overseas market requirements that may apply.

Background

Prior to this Animal Products Notice, the management of a buparvaquone treated animal, and animal material and animal product derived from this animal, was controlled under the Animal Products (Emergency Control Scheme - Buparvaquone Order) 2013 (the Order) in conjunction with the withholding periods for meat and milk set under the Agricultural Compounds and Veterinary Medicines Act 1997. The Order will expire on 24 October 2014. This notice will replace the Order with revised controls for a buparvaquone treated animal.

Who should read this Animal Products Notice?

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This notice should be read by anyone who:

(a) treats, owns, is in charge of, slaughters and processes a BPQ treated animal; or
(b) verifies the controls applying to a BPQ treated animals or animal material or animal product from the processing of a BPQ treated animal and exports; or
(c) records any information about a BPQ treated animal into the MPI database.

Why is this important?

(1) Operating other than in accordance with this notice may result in the loss of export eligibility of animal material or animal product to which the non-compliance relates.

(2) For the purposes of section 135(1)(c) of the Act, a failure to comply with this notice, without reasonable excuse, is an offence.

Part 1: General provisions

1.1 Application

This notice applies to:

(a) a person in charge of a buparvaquone treated animal; and
(a) a veterinarian or trained technician who treats an animal with buparvaquone; and
(b) a primary processor of a buparvaquone treated animal; and
(c) animal material and animal product from a buparvaquone treated animal; and
(d) verifiers of premises that carry out primary processing of animal material and animal product; and
(e) other persons provided for in this buparvaquone notice.

1.2 Definitions

(1) In this notice, unless the context otherwise requires,

Act means the Animal Products Act 1999;

animal material and **animal product** have the same meaning as in the Act, but relate only to animal material and animal product from a buparvaquone treated animal. Hides are excluded from this notice;

animal status declaration or ASD means a completed and signed supplier statement regarding an animal presented for slaughter, as provided for in the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2013;

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authorised user means a user of the MPI database who has been given database access rights by the Director-General;

buparvaquone means the unregistered veterinary medicine approved for use under special circumstances under the Agricultural Compounds and Veterinary Medicines Act 1997;

buparvaquone calf means a bovine animal that has drunk milk from a buparvaquone treated animal within the milk withholding period, or was born from a buparvaquone treated animal within 9 months of the day of treatment. A buparvaquone calf born to a buparvaquone treated animal ceases to be a buparvaquone calf at the expiry of the 9th month after the animal was treated, and a buparvaquone calf which consumed milk that was within the milk withholding period ceases to be a buparvaquone calf 91 days after it has consumed the milk;

buparvaquone surveillance list means the list of persons in charge under surveillance that is kept by the Director-General under Part 7;

buparvaquone treated animal means a bovine animal that has been treated with buparvaquone or a buparvaquone calf;

competent person means a veterinarian or a technician;

herd identification number has the same meaning as in the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011;

list of buparvaquone ear tags means lists of RFID numbers and visual ID numbers from buparvaquone treated animals contained in the MPI database that are sent to the primary processor on a weekly basis, which identify whether or not a buparvaquone treated animal is within the meat withholding period;

meat withholding period means the withholding period for meat and edible offals as set out in the conditions of approval of buparvaquone under the Agricultural Compounds and Veterinary Medicines Act 1997;

milk withholding period means the withholding period for milk set out in the conditions of approval of buparvaquone under the Agricultural Compounds and Veterinary Medicines Act 1997;

MPI database means the database maintained by the Director-General under Part 9;

NAIT Act means the National Animal Identification and Tracing Act 2012;

NAIT device means an animal identification device that is an RFID manufactured or supplied in accordance with standards issued under section 14 or regulations made under the NAIT Act;

person in charge means a person, or persons who have the knowledge and authority to complete the ASD for an animal from when that animal is treated with buparvaquone until when that buparvaquone treated animal is presented to a primary processor,

RFID means radio frequency identification device comprised of the unique identification number;

supervise means the activity of a veterinarian overseeing a technician treating an animal with buparvaquone without that veterinarian necessarily being physically present;

supervising veterinarian means a veterinarian who supervises a technician;

technician means a person trained by and acting under the direction of a veterinarian to treat an animal with buparvaquone;

THL ear tag means a blue ear tag, that bears the letters 'THL' clearly printed, and that is used for a buparvaquone treated animal;

verifier means a person recognised under section 101 or 103 of the Act to undertake verification activities of primary processing of animal material and animal product;

veterinarian means a person who is a registered veterinarian, and who holds a current practising certificate issued by the Veterinary Council of New Zealand; and

visual identification details means the visual identification details printed on the outside of the female portion of the NAIT device.

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(2) Any term or expression that is defined in the Animal Products Act 1999 but is not defined in this document has the same meaning as in that Act.

Part 2: General requirements and restrictions

2.1 Treating an animal with buparvaquone

Only a competent person may treat an animal with buparvaquone.

2.2 Improper use of THL ear tags

No person shall:

(a) use a THL ear tag for any purpose other than identification of a buparvaquone treated animal; or

(b) remove a THL ear tag must from any live animal.

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Part 3: Obligations of a supervising veterinarian

3.1 Application of this part

This part applies to a supervising veterinarian.

3.2 Competency records

(1) A supervising veterinarian must use his or her best endeavours to ensure the technician he or she supervises maintains ongoing compliance with this notice.

(2) For the purposes of this clause and section 144(1) of the Act a technician under supervision by a veterinarian is an agent of the veterinarian.

(3) A supervising veterinarian must reassess the competency of each technician he or she supervises in relation to buparvaquone treatment of an animal at least once every 12 months.

(4) A supervising veterinarian must keep a record of each technician supervised by that veterinarian, which must include:

(a) the full name of the technician; and
(b) the date of commencement of the technician's employment and the date the employment ceased; and
(c) the dates when any buparvaquone competency training took place and was completed; and
(d) the name of the supervising veterinarian responsible for training the technician; and
(e) the dates and results of the competency re-assessments of the technician carried out by the supervising veterinarian.

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(5) A supervising veterinarian must keep the records required by sub clause (4) for a period of at least 4 years from when their employment of the technician ceases.

(6) The records kept by a supervising veterinarian under sub clause (4) must be kept in a readily accessible form and be made available on request to a verifier.

Part 4: Obligations of a competent person

4.1 Application of this part

This part applies only to a competent person.

4.2 Treatment of an animal with buparvaquone

(1) A competent person may only treat an animal with buparvaquone in accordance with:

(a) this notice; and
(b) the approved use under special circumstances under the Agricultural Compounds and Veterinary Medicines Act.

(2) A competent person must not treat an animal with buparvaquone unless:

(a) the animal is fitted with a NAIT device and a THL ear tag; and
(b) the farm the animal is treated on is registered with NAIT.

(3) Despite sub clause (2), a competent person may treat an animal with buparvaquone if it is not fitted with a NAIT device, if, in the opinion of the veterinarian, the animal's welfare would be significantly affected by the process of fitting both the NAIT device and the THL ear tag. In this case the animal must be fitted with a NAIT device within 72 hours of treatment with buparvaquone.

(4) A competent person must scan the RFID of the animal treated with buparvaquone for entry by an authorised user into the MPI database.

4.3 Collection of information by a competent person

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Where a competent person treating an animal with buparvaquone collects information from a person in charge for the purposes of clause 4.4, the competent person must inform the person in charge that:

(a) the information is being collected for the purpose of verifying that a buparvaquone treated animal is not within the withholding period when sent to slaughter;
(b) the information will be entered into the MPI database as required under clause 4.4.

4.4 Information to be entered in the MPI database and a record of an animal treated with buparvaquone required to be kept

(1) An authorised user must enter into the MPI database the following information in relation to every animal treated with buparvaquone:

(a) name of the person in charge at the time the animal was treated with buparvaquone;
(b) physical address of the business operated by the person referred to in (a);
(c) herd identification number;
(d) NAIT number of the farm;
(e) for a dairy animal, the dairy supply number of the farm;
(f) date of buparvaquone treatment of the animal;
(g) NAIT device RFID;
(h) buparvaquone product;
(i) animal class;
(j) physical address of the business veterinary practice; and
(k) name of the competent person.

(2) The competent person may enter the FarmsOnLine number into the MPI database upon receipt of permission to do so from the person in charge

(3) The supervising veterinarian must ensure that the information collected in clause 4.4 is entered into the MPI database, and that entry is approved by the veterinarian in the MPI database:

(a) within 2 working days of the animal being treated with buparvaquone; or
(b) where clause 4.2 applies, within 2 working days of the NAIT device and THL ear tag being fitted to the animal treated with buparvaquone.

(4) All information collected under subclause (2) must be retained and made available to a verifier upon request.

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Part 5: Obligations of a person in charge

5.1 Application of this part

This part applies to a person in charge of a buparvaquone treated animal.

5.2 Identification of a buparvaquone calf

(1) A person in charge of a buparvaquone calf must identify the calf from the time of birth, or from the time of consumption of milk within the milk withholding period, or as soon as practicable after either of these events.

(2) For the purpose of sub clause (1), the person in charge must ensure that the method of identification that he or she uses will allow for effective and accurate identification to prevent a buparvaquone calf being sent for slaughter.

5.3 Buparvaquone calf not eligible for slaughter

A person in charge of a buparvaquone calf must not supply the animal for slaughter.

5.4 Identification of an animal for sale or supply to slaughter

(1) A person in charge must only supply a buparvaquone treated animal for sale or slaughter when the animal is identified by a NAIT device and a THL ear tag.

(2) Where a NAIT device is lost from an animal treated with buparvaquone and a replacement NAIT device is fitted the person in charge of the animal must notify a competent person of the replacement RFID within 2 working days of fitting or before the animal is sold or supplied for processing, whichever date is the earlier.

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Part 6: Obligations of a primary processor

6.1 Application of this part

This part applies to a primary processor processing a bovine animal for human or animal consumption.

6.1.1 Obligations of a primary processor

(1) A primary processor must:

(a) have a documented control system to identify and separate animal material and animal product derived from a buparvaquone treated animal within the meat withholding period; and

(b) ensure that the NAIT device of every bovine animal is scanned or manually read into their information system; and

(c) compare the NAIT device scan to the list of buparvaquone ear tags at the time of processing, to establish buparvaquone status.

(2) Despite sub clause (1)(c), where a primary processor does not have a system to scan and compare the NAIT device scan, the primary processor must have an alternative system to detect an animal treated with buparvaquone within the meat withholding period or a buparvaquone calf.

(3) If a bovine animal meets any of the criteria in (a), (b), (c) or (d), then all animal material and animal product must rendered, burned or buried:

(a) the ASD question 'Are any of these animals within the withholding period of any treatment' is ticked 'Yes' and is a buparvaquone product; or
(b) the NAIT device scan is positive for treatment of the animal with buparvaquone; or
(c) the NAIT device number is included in the list of buparvaquone ear tags; or
(d) the animal is a buparvaquone calf.

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(4) If a buparvaquone treated animal within the meat withholding period is supplied to slaughter, the primary processor must inform the verifier.

(5) A primary processor must receive and process any bovine animal from a person in charge on the buparvaquone surveillance list in accordance with the conditions stated in the buparvaquone surveillance list.

6.2 Records of primary processing

(1) A primary processor must keep records relating to the disposition of a buparvaquone treated animal within the meat withholding period.

(2) These records must be made available to a verifier upon request.

Part 7: Surveillance list

7.1 Surveillance list

(1) The Director-General must keep and maintain a buparvaquone surveillance list.

(2) The purpose of the list is to identify a person in charge who has not complied with this notice.

(3) The list may be kept in the manner and form determined by the Director-General including on the MPI website.

(4) The Director-General may enter a person in charge onto the buparvaquone surveillance list if:

(a) the ASD supplied by the person in charge when the animal is presented for slaughter is not, or is suspected not to be, a record which complies with this notice; or

(b) by any act or omission, the person in charge has breached a requirement of a notice issued under section 60 of the Act.

(5) Every entry on the buparvaquone surveillance list must identify a person in charge by name and business address.

(6) The Director-General must notify a person in charge in writing of any entry in relation to the person in charge on the buparvaquone surveillance list, and any subsequent amendments to the person in charge's details.

(7) The person in charge must comply with the conditions stated in the buparvaquone surveillance list.

7.2 Amendment of incorrect entry on the buparvaquone surveillance list

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(1) A person in charge whose name is entered onto the buparvaquone surveillance list may apply in writing to the Director-General to request that an entry relating to that person in charge is amended because it is incorrect.

(2) Following an application made under subclause (1) the Director-General must amend the entry within 5 working days of receipt of the application unless the Director-General is satisfied that the entry is correct.

(3) If, after receiving and considering an application under subclause (1), the Director-General decides not to amend the entry, the Director-General must provide written reasons to the applicant within 5 working days of the Director-General's decision.

7.3 Amendment or revocation of entry on the buparvaquone surveillance list if the risk is under control or eliminated

(1) The Director-General may revoke or amend an entry on the surveillance list if the Director-General is satisfied that the written information provided that shows there were insufficient grounds for the entry to be made, or that the risk associated with the entry has been eliminated or brought under control.

(2) A person in charge whose name is entered onto the buparvaquone surveillance list may apply in writing to the Director-General and supply such information as is necessary to demonstrate to the satisfaction of the Director-General that there were insufficient grounds for the entry or, as the case may be, that the risk associated with the entry has been eliminated or brought under control.

(3) If, after receiving and considering an application under subclause (2), the Director-General decides not to revoke or amend the entry, the Director-General must provide written reasons to the applicant within 5 working days of the decision.

7.4 Surveillance notice

(1) The Director-General must provide a surveillance notice in writing to the affected person in charge as soon as practicable, but not later than 7 working days after making a new entry or revoking or amending an existing entry on the surveillance list.

(2) A surveillance notice must specify:

(a) the date from which the notice takes effect;
(b) the part or parts of this notice that have not been complied with;
(c) if applicable, any other lawful reason that the Director-General has for placing the person in charge on the surveillance list; and
(d) other administrative matters as the Director-General considers appropriate.

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Part 8: Obligations of a verifier

8.1 Application of this part

This part applies to a verifier who is responsible for verifying that the control of a buparvaquone treated animal by a primary processor is in accordance with this notice.

8.2 Verification procedures

(1) A verifier to whom this part applies must:

(a) implement and maintain documented procedures for verifying the compliance with this notice of any primary processor of a bovine animal to whom that agency provides verification services; and

(b) fully document any non-compliance by a primary processor.

(2) Any non-compliance by a primary processor may be considered by the Director-General or an authorised person when determining whether an official assurance can be issued for a consignment of animal material and animal product from a buparvaquone treated animal.

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Part 9: MPI database

9.1 Application of this part

This part applies to:

(a) authorised users; and
(b) eligible persons wishing to become authorised users.

9.2 MPI database

(1) The Director-General must maintain a database containing the information about every animal treated with buparvaquone required to be entered under clause 4.4.

(2) The MPI database must be accessible only to authorised users, and the Director-General must ensure that sufficient measures are in place at all times to protect the MPI database from being accessed and used by unauthorised persons.

(3) The required information for the MPI database must be entered accurately and within the periods required by this notice.

(4) The Director-General may provide the record of animals treated with buparvaquone that are within the meat withholding period, to primary processors on a weekly basis.

9.3 Authorised users

(1) A person who accesses or enters information into the MPI database must, at the time of accessing the database, be an authorised user, and have a user name and password issued to them by the Director-General.

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(2) Any of the following persons may apply to be authorised users of the MPI database:

(a) veterinarians and supervising veterinarians;
(b) technicians;
(c) data entry personnel who input required buparvaquone information;
(d) verifiers; or
(e) employees of the Ministry for Primary Industries.

(3) In conferring authorised user status on any person the Director-General may grant the authorised user a level of access to the MPI database that is commensurate with the functions of the authorised user under this notice or (in the case of a person referred to in subclause (2) (c) or (e)), as required to perform that person's functions in relation to buparvaquone information.

(4) An authorised user must not disclose:

(a) his or her MPI database username or password;
(b) any information contained on the MPI database; or
(c) to any other person, except as reasonably required to enable the authorised user to perform his or her functions under this notice or (in the case of a person referred to in subclause (2) (c) or (e)), as required to perform that person's functions in relation to buparvaquone information.

(5) The Director-General may at any time, suspend or withdraw authorised user status from any authorised user of the MPI database, if the Director-General becomes aware on reasonable grounds that the authorised user:

(a) is no longer eligible to be an authorised user of the MPI database (under subclause (2));
(b) has failed to comply with this notice;
(c) has disclosed his or her username or password to the MPI database to any other person (except as provided in subclause (4));

(d) has disclosed any information from the MPI database to any other person (except as provided in subclause (4)); or

(e) has otherwise misused his or her access rights or privileges to the database in any way.

(6) In the event that the Director-General suspends access to the MPI database in respect of any user, he or she must notify the user of the expected duration of the suspension and any steps required to be taken by the user to enable the user's access to be restored.

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