



Food Notice

Food Control Plans and National Programmes

Draft for Consultation

TITLE

Food Notice: Food Control Plans and National Programmes

COMMENCEMENT

This Food Notice comes into force on 1 March 2016..

ISSUING AUTHORITY

This Food Notice is issued

Dated at Wellington this ... day of 2015

Name:

Role:

Ministry for Primary Industries

A copy of the instrument of delegation may be inspected at the Director General's office.

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Introduction

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

Purpose

Part 1 – the purpose of this part of the Notice is:

- (1) to set requirements for national programme operators receiving, storing, handling, and transporting, readily perishable food;
- (2) to set requirements for food businesses providing food service to pre-school children (including children under 5 years of age) in a centre based setting.
- (3) Specifically it sets requirements for:
 - a) temperature limits to ensure readily perishable food is maintained as safe and suitable; and
 - b) record keeping.

Part 2 - the purpose of this part of this Notice is:

- (1) to specify requirements that must be met for self-supply water used at places used for food production and processing and handling; and
- (2) to include requirements for water supplied by food business operators for their own use; and
- (3) to clarify and give effect to the general standards for food that have been set in the Food Act 2014 and Food Regulations.

Part 3 - the purpose of this part of this Notice is:

- (1) to identify the types of amendments to a Food Control Plan which must be treated as significant amendments to the Food Control Plan. This notice does not apply to food business operators regulated under a National Programme.

Background

Background for Part 1

- (1) Readily perishable food is food that will support the growth of harmful microbes or must be kept under temperature control to prevent toxins forming due to microbial growth. Operators of food businesses must ensure that readily perishable food is handled, stored, transported and processed in the right way to ensure it remains safe and suitable as is required by the Food Act 2014 (the Act).
- (2) Some foods that are not initially readily perishable may become readily perishable when modified or altered. For example, dry custard powder is not readily perishable, but becomes readily perishable when mixed with milk or water, or, a can of beef stew is not readily perishable, but becomes readily perishable and must be refrigerated once opened.

Background for Part 2

- (1) The Food Act 2014 (the Act) contains requirements that are imposed for the purpose of achieving the safety and suitability of food for sale. The Act applies to all food business operators involved in the production, and processing handling of food. These businesses may be operating under a custom or approved template Food Control Plan (FCP) or a National Programme (Levels 1, 2 and 3).
- (2) Regulation xx[regulation number to be confirmed when Food Regulations are made] of the Food Regulations 2015, require a food business operator to ensure that any water used is suitable for the purpose for which it is used and does not adversely affect the safety and suitability of food.

- (3) Part 2 of this Notice specifies requirements for self-supplied water used in places at which food is produced or processed and handled.

Background for Part 3

- (1) The Food Act 2014 contains requirements that are imposed for the purpose of achieving the safety and suitability of food for sale. The Food Act 2014 applies to all food business operators involved in the production, and processing and handling of food. These businesses may be operating under a Food Control Plan or a National Programme (Levels 1, 2 and 3).
- (2) The Food Act 2014 allows the operator of a registered Food Control Plan to amend the Plan. The Plan could either be based on a template or model issued or approved under the Act, or it could be a Plan that is not based on such a template or model.
- (3) If a significant amendment is made to the Plan, the food business operator must apply to the appropriate registration authority to register the amended Food Control Plan.
- (4) If an amendment is made to the Plan and it is not a significant amendment, the food business operator is required to notify the appropriate registration authority of the amendment but need not apply to register the amended Plan.

Who should read this Food Notice?

Part 1

- (1) The following persons should read Part 1
- National Programme operators receiving, storing, handling, preparing and transporting readily perishable food;
 - food businesses providing food service to pre-school children (including children under 5 years of age) in a centre based setting;
 - operators of vending machines containing readily perishable food.

Part 2

- (1) The following persons should read Part 2
- food business operators regulated under a food control plan;
 - food business operators regulated under a National Programme (Levels 1, 2 and 3);
 - Territorial Authorities;
 - verifiers of food business operations and food control plans;
 - evaluators of food control plans.

Part 3

- (1) The following persons should read Part 3
- Food business operators regulated under a Food Control Plan.
 - Territorial authorities and District Councils
 - Verifiers of Food Control Plans
 - Evaluators of Food Control Plans
 - Food Safety Officers

Why is this important?

Part 1

Readily perishable food is food that if not handled properly by a food business can make people sick. The Food Act 2014 says that food must be safe and suitable.

Those persons to whom this Food Act 2014 notice applies are responsible for ensuring compliance with all the requirements specified in this notice, and evidence of that compliance must be retained.

It is an offence under the Food Act 2014 to fail to comply with this notice.

Part 2

Food business operators are responsible for ensuring compliance with all the requirements specified in this Notice, and evidence of that compliance **must be** retained.

Failure to comply with this Notice is an offence under the Act.

Part 3

Those persons to whom this Food Act 2014 notice applies are responsible for ensuring compliance with all the requirements specified in this notice, and evidence of that compliance must be retained.

It is an offence under the Food Act 2014 to fail to comply with this notice.

Other information

Part 2

Businesses operating under the Food Act 2014 will also be subject to relevant requirements under the:

- Animal Products Act 1999, and the relevant Animal Product Act Notices; and
- Wine Act 2003, and the relevant Wine Act Notices.

Part 3

Businesses operating under the Food Act 2014 will also be subject to relevant requirements under the:

- Animal Products Act 1999, and the relevant Animal Product Act Notices; and
- Wine Act 2003, and the relevant Wine Act Notices.

Part 1: Requirements for transport, receiving, preparing or storing readily perishable food

1.1 Application

- (1) This notice applies to operators of food businesses that are subject to national programmes and that process or handle readily perishable food, including operators of vending machines that contain and supply readily perishable food.

1.2 Definitions

- (1) In this part of this Notice:

operator means the operator of a food business that is subject to a national programme

readily perishable food means:

- a) food that meets one of the following criteria:
- the food will support the growth of harmful microbes; or
 - food that must be kept under temperature control to prevent toxins forming due to microbial growth
- b) food that meets one of the criteria in a) as a result of it being modified or altered or exposed to air (for example, dry custard powder is not readily perishable, but becomes readily perishable when mixed with milk or water, or, a can of beef stew is not readily perishable, but becomes readily perishable once opened)

ready-to-eat foods means food that can be eaten in the form in which it is sold and that does not require further preparation, such as washing or rinsing, by the consumer before consumption

- (2) All terms used in this Notice and that are defined in the Food Act 2014 or regulations made under that Act, but not defined in this Notice, have the same meaning as in the Act or regulations where they are defined.

1.3 Receiving food

- (1) This section applies to all food businesses operating under national programmes.
- a) When readily perishable food is received by a food business, the operator must ensure that:
- i) packaging is free from damage and the food is not contaminated; and
 - ii) the food is not past its use-by date; and
 - iii) frozen food is frozen solid.
- b) The operator must not use readily perishable food unless when the operator receives the food it is:
- i) at a temperature of or below 5°C; or
 - ii) at a temperature above 60°C, or
 - iii) at the temperature specified by the manufacturer or supplier of the food; or
 - iv) it can be cooked or otherwise treated to make it safe and suitable.
- c) The operator must keep a record of occasions when food has not been accepted by the operator.

1.4 Storage and display of readily perishable foods

This section applies to all food businesses operating under national programmes.

- (1) The operator must ensure that readily perishable food is stored in a way that maintains the temperature specified in clause 1.3.1 (b) of this Notice.
- (2) Readily perishable food that has been stored at temperatures between 5°C and 60°C for a total of more than 4 hours must not be sold, or used in the processing of food, for human consumption.
- (3) If readily perishable food has been stored at temperatures between 5°C and 60°C for a total of less than 4 hours the operator must:

Total time limit between 5°C and 60°C	What must be done
Less than 2 hour	Refrigerate or use immediately
Between 2 and 4 hours	Use immediately

1.5 Vending machines

This section applies to all food businesses operating under national programmes.

- (1) The operator must ensure that all readily perishable food that is to be dispensed from a vending machine is:
 - a) delivered to the vending machine, and stored within the vending machine, at a temperature:
 - i) of or below 5°C or of not less than 60°C; or
 - ii) at a temperature specified by the manufacturer or supplier of the food; and
 - b) not able to be dispensed after its 'use-by' date.

1.6 Cooking and food processing

This section applies only to all food businesses providing food service to pre-school children (including children under 5 years of age) in a centre based setting operating under a national programme level 2.

- (1) When processing or handling readily perishable food, the operator must ensure that:
 - a) food preparation surfaces are clean and, where necessary, sanitised before use; and
 - b) contamination of ready-to-eat food is prevented by:
 - i) using different food contact surfaces and utensils for preparing raw or ready-to-eat food; or
 - ii) food contact surfaces and utensils used for preparing both raw and ready-to-eat foods are thoroughly washed and then sanitised between use for ready-to-eat and cooked foods.
 - c) when cooking readily perishable food, that the food is thoroughly cooked.
- (2) For poultry, poultry product and liver to be thoroughly cooked as required in clause 1.6 (1):
 - a) the poultry, poultry product and liver must be cooked for the time and at the temperature specified by the manufacturer or supplier ; or
 - b) the internal temperature of the poultry, poultry product or liver(at the thickest part) must meet one of the following time and temperature combinations.

Internal Temperature	Minimum Time
65°C	10 minutes
70°C	2 minutes
75°C	15 seconds

- (3) For minced or ground meat, such as meat patties or sausages, to be thoroughly cooked as required in clause 1.6 (1):
 - a) the thickest part of the meat must reach a temperature of 75°C for at least 15 seconds; or
 - b) the thickest part of the meat must reach a temperature and for a time specified by the manufacturer or supplier.
- (4) The operator must keep a record of the cooking temperatures and times achieved when cooking poultry. The record must state all of the following:
 - a) the product;
 - b) the date cooked;
 - c) the temperature the product was cooked to and the time held at this temperature;
 - d) if the product is not thoroughly cooked as required by this notice, why it happened;
 - e) what was done if the product was found not to be thoroughly cooked as required by this Notice.

1.7 Cooling readily perishable food

This section applies to all food businesses operating under national programmes.

- (1) Once cooked, readily perishable food may be eaten immediately or held at or above 60°C. If cooling readily perishable food that has been cooked, the operator must:
 - a) protect the food from contamination; and
 - b) cool the food in accordance with the following requirements:
 - i) from 60°C to 21°C within 2 hours; and
 - ii) from 20°C to 5°C within another 4 hours.

Guidance

If the operator wants to use an alternative to the method in clause 1.7 (1) of this Notice, the operator must elect to operate under a food control plan. This allows the operator to choose how to manage the risks associated with cooling readily perishable food and have that process evaluated as part of registering the food control plan.

- (2) If readily perishable food has been held at more than 5°C and less than 60°C for more than 6 hours the operator must ensure that it is not sold, or used for processing, for the purposes of human consumption.
- (3) The operator must keep a record of the process for complying with clause 1.7 (1). The record must state all of the following:
 - a) the food;
 - b) the date the food is cooled;
 - c) the time that it took to cool the food to the temperatures identified in clause 1.7 (1) above.

1.8 Reheating readily perishable food

This section applies to all food businesses operating under national programmes.

- (1) When reheating poultry that has been previously cooked and cooled, the operator must ensure that the temperature at the thickest part reaches a temperature of 75°C and the poultry is then used immediately.
- (2) When reheating any other readily perishable food that has been cooked and cooled, the operator must rapidly heat the food so that the centre of the thickest part reaches a temperature of at least 60°C, and it is then held at 60°C or above, or used immediately.

Guidance

If the operator wants to use an alternative to the method in clauses 1.8 (1) and (2) of this Notice, the operator must elect to operate under a food control plan. This allows the operator to choose how to manage the risks associated with cooling readily perishable food and have that process evaluated as part of registering the food control plan.

1.9 Transporting readily perishable food

- (1) This section applies to all food businesses operating under national programmes.
- a) When readily perishable food is transported, it must be transported under conditions that ensure that:
 - i) it is delivered at a temperature of below 5°C or at a temperature of above 60°C; or
 - ii) it is delivered at a temperature of between 5°C and 60°C if it is going to be used or eaten within four hours; or
 - iii) it remains frozen if intended to be delivered frozen.

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Part 2: Requirements for self-supply water at places used for food

2.1 Application

- (1) This Notice applies to operators of registered food control plans and operators of food businesses subject to a national programme.

Guidance

This Notice applies to each place of food business that is covered by a registered food control plan or that is subject to a national programme.

2.2 Definitions

- (1) In this part of this Notice:

ISO/IEC 17025 means AS/NZS ISO/IEC 170256 - General Requirements for the Competence of Testing and Calibration Laboratories

self-supply water means water from sources such as bore water, rainwater, surface water, or ground water obtained directly by the operator. This is distinct from water supplied by an independent supplier (including a public or private supplier)

2.3 Requirements for water used in the production, or processing and handling of food

- (1) An operator must ensure that only clean water is used for the purpose of food production, processing and handling, including:
- a) adding to, or use as, food; and
 - b) personal hygiene; and
 - c) cleaning of surfaces

2.4 Design and installation of water systems

- (1) The operator must ensure that:
- a) the system for carrying water through the place of food business is designed, installed and operated to prevent:
 - i) dead ends (where water does not circulate but remains static), unused pipes and back flow; and
 - ii) contamination of water and cross-connections with water that is not clean water;
 - b) hot water is available to facilitate cleaning or personal hygiene.

2.4.1 Unclean water

- (1) Clause 2.4.1(2) applies if an operator is advised by a water supplier that water is not clean water without additional treatment, or an operator has reason to believe that water is not clean water.
- (2) The operator must cease any operations that require clean water, where water would adversely impact the safety and suitability of food, unless the operator takes steps that ensure that clean water is available at the point of use;

2.5 Requirements in relation to operators using self-supplied water

- (1) An operator using self-supplied water must comply with the requirements set out in Schedule 1.
- (2) An operator must keep a record of:
 - a) the test results of self-supplied water; and
 - b) the action(s) taken when any test result did not meet the criteria set out in Schedule 1, Table 1 of this Notice, including the action(s) taken in relation to any food or surfaces that may have become contaminated from the water or as a result of persons handling the food not having access to clean water.

Guidance

Self-supply and on-site water systems:

Information about the assessment of self-supplied water, and the provision, installation and maintenance of filtration and treatment systems is in the Food Notice: Approved Template Food Control Plan for Schedule 1 Food Businesses: Food Service and Food Retail

Schedule 1 – Requirements for self-supply of water: Food business operators using water from sources other than an independent drinking water supplier

Criteria for water quality

- (1) An operator using self-supplied water must ensure that the water does not exceed the criteria specified for each test in Table 1 below.

Table 1: Testing requirements for a self-supply water source

Test	Criteria
<i>Escherichia coli</i>	Less than 1 in any 100 ml sample
Turbidity	Must not exceed 5 Nephelometric Turbidity Units (NTU)

Frequency of testing

- (1) An operator must ensure that tests are carried out to determine that water meets the criteria in Table 1:
- a) whenever an operator obtains water from a new source ; and
 - b) as soon as practicable and not later than within 1 month of the operator becoming aware of a change to the environment or activities in or around a water source that may affect the safety and suitability of water from that source.

Tests for E.coli must be performed at an accredited laboratory

- (1) Tests for E. coli must be performed at a laboratory accredited in accordance with ISO/IEC 17025 , and recognised by the Ministry of Health under [refer to particular legislation] to perform tests on drinking water supplies, or otherwise approved by the chief executive under section 291 of the Act.

Part 3: What constitutes a significant amendment to a food control plan

3.1 Application

- (1) This Notice applies to operators of registered food control plans.

3.2 Definitions

- (1) In this Part of this Notice:

Scope of the plan means:

- a) type of food prepared under the plan; and
 - b) nature of the business or businesses; and
 - c) trading operations.
- (2) All terms used in this Part of this Notice and that are defined in the Food Act 2014 or Regulations made under that Act, but not defined in this Part of this Notice, have the same meaning as in that Act or Regulations where it is defined.

3.3 Requirements: What is a significant amendment to a food control plan?

- (1) The following amendments to a food control plan are significant amendments for the purposes of sections 45 and 46 of the Act.
- a) Amendment to physical address or location of the food business identified in the plan or, in the case of mobile premises, the nominated home base identified in the plan.
 - b) Any changes to the scope of the plan, the procedures or the type of food identified in the plan that may have an effect on the safety and suitability of food produced under that plan, including
 - i) major alterations to facilities or equipment
 - ii) changes to the nature of the business as a result of the merger of 2 or more food businesses or the reorganisation of 1 or more food business, where the registration authority's decision to register the Plan under section 59 of the Act applies to a type of business, premises or place rather than to specific businesses.
 - c) Clause b) does not include changes to the scope of the plan by introducing or changing the type of food or a process identified in the plan where:
 - i) the change results in a type of food or process that is similar to the existing food or process under the plan; and
 - ii) The operator has carried out, and documented, an assessment of the hazards and other factors that are likely to result from the change; and
 - iii) That assessment indicates that there is no significant impact on the safety and suitability of food produced under the plan
 - iv) In the case of a food control plan based on a template issued under section 39 or section 40 of the Act where the new type of food or process is covered by another component of the template that can be added to the plan.
 - d) An amendment to the plan that has an impact on the safety and suitability of the food, including (without limitation), the hazards and other factors that are likely to occur or arise.

- e) Adding a new site to a multi-site Food Control Plan.

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