Ministry for Primary Industries
Manatū Ahu Matua

Animal Products Notice

Disposal of Non-conforming Dairy Material or Dairy Product

27 March 2024

Issued under the Animal Products Act 1999

New Zealand Government

TITLE

Animal Products Notice: Disposal of Non-conforming Dairy Material or Dairy Product

COMMENCEMENT

This Animal Products Notice comes into force on 27 March 2024

REVOCATION

This Animal Products Notice revokes and replaces the Animal Products Notice: Disposal of Non-conforming Dairy Material or Dairy Product issued on 29 June 2022

ISSUING AUTHORITY

This Animal Products Notice is issued under section 167(2)(b) of the Animal Products Act 1999 to supplement Part 2 and Part 9 of the Animal Product Regulations 2021.

Dated at Wellington, 27 March 2024

Jenny Bishop
(Acting) Director, Food Regulation
Ministry for Primary Industries
(acting under delegated authority of the Director-General)

Contact for further information
Ministry for Primary Industries (MPI)
New Zealand Food Safety
PO Box 2526
Wellington 6140
Email: animal.products@mpi.govt.nz

Contents

Introduction

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

Purpose

(1) This notice prescribes procedures and requirements for the disposing of or dealing with dairy material or dairy product that, for the purpose of regulations 70 and 71 of the Animal Product Regulations 2021 (Regulations) is non-conforming or may be non-conforming.

Background

(1) The Act sets requirements to ensure products are fit for their intended purpose.

(2) Regulation 71 of the Regulations provides for supplementary notices to set out additional requirements for disposing of or dealing with non-conforming animal material or animal product, including matters such as:

a) RMP operators requiring the written consent of the Director-General or their verifying agency before disposal occurs; and
b) procedures for further processing; and
c) identification requirements; and
d) corrective actions

(3) This notice provides the supplementary procedures for disposal of non-conforming dairy material or dairy product.

Who should read this Animal Products Notice?

(1) The following persons should read this Notice:

a) operators of dairy RMPs; and
b) dairy processors; and
c) recognised agencies and persons responsible for verification of dairy RMPs.

Why is this important?

(1) A person who fails to comply with the requirements of this Animal Products Notice may be committing an offence under Part 10 of the Act.

Other information

(1) Processors, RMP operators and exporters of dairy material and dairy product intended for export must identify and ensure compliance with all relevant general and market specific export requirements in accordance with Part 5 of the Act. The relevant export requirements can be obtained from the Ministry for Primary Industries website (search on “exporting dairy”).

(2) The prescribed procedures in Part 2 may be followed by a risk management programme (RMP) operator as an alternative to obtaining the written consent of the Director-General under regulation 71 of the Regulations before disposing of or dealing with non-conforming dairy material or dairy product.

Part 1: Requirements

1.1 Application

(1) This notice applies to the disposal of and dealing with dairy material or dairy product that is or may be non-conforming.

1.2 Definitions

(1) In this Notice, unless the context otherwise requires:

Act means the Animal Products Act 1999

CCP means critical control point

local market means the New Zealand domestic market

lot means a homogenous quantity of relevant product manufactured during a discrete period of time as part of one continuous process and has been assigned the same lot or batch identifier

product disposal application means an application to the applicable verifying agency for the approval to dispose of any non-conforming dairy material or dairy product

Regulations means the Animal Products Regulations 2021

suitable waste system means a refuse station, landfill, effluent system, drainage system, effluent pond, irrigation system, worm farm, composting system, biofuel production process or an industrial process where the dairy material or product will not re-enter the food or feed chain and will either be consumed by the process or disposed of as waste

use-by date has the meaning given to it in the Australia New Zealand Food Standards Code

(2) Any term defined in the Act, Regulations, or the Animal Products Notice: Production, Supply and Processing and used in this Notice but not defined in this Notice has the meaning given in the Act, Regulations, or Animal Products Notice: Production, Supply and Processing.

1.3 Requirements

(1) If there is any conflict, duplication, or inconsistency between the requirements of this notice and the requirements of the Animal Products Notice: Production, Supply and Processing, the requirements of this notice prevail.

Part 2: Disposal of non-conforming dairy material and dairy product

2.1 Procedures for disposal of non-conforming dairy material or dairy product

(1) As provided for under regulation 71, an RMP operator must obtain written consent from the Director-General before disposing of or dealing with all non-conforming dairy material or dairy product, except as provided in 2.2 and 2.3.

(2) All applications for the consent of the Director-General must:

a) identify the non-conforming dairy material or dairy product and its location; and
b) specify the reasons for the non-conformance; and
c) specify the corrective actions taken to date and those intended to be taken; and
d) specify the proposed manner of disposal.

(3) Applications for the consent of the Director-General must be made through the applicable verifying agency.

2.2 Operator managed product disposal

(1) An RMP operator may dispose of non-conforming dairy material or dairy product directly to a primary producer in New Zealand for the purposes of animal consumption provided that:

a) no other restrictions have been placed on movement of the dairy material or dairy product by or under the Act; and
b) the dairy material or dairy product is delivered directly to the primary producer; and
c) the RMP operator informs the primary producer in writing that the dairy material or dairy product must not be subject to further sale or trade; and
d) the dairy material or dairy product remains under the control of the RMP operator until it is received by the primary producer; and
e) the RMP operator retains evidence to confirm the disposal occurred as provided for in this clause; and
f) a record is kept of the date, place and method of disposal (including the recipient of the dairy material or dairy product); and
g) the dairy material or dairy product is fit for the intended purpose and will not:

i) spread pathogens at a level or in a manner that could be harmful to humans or animals when used as intended; or
ii) transmit disease, result in physical harm, or cause unnecessary pain and distress to animals; or
iii) be toxic to animals when used as intended; or
iv) result in unacceptable residues in animal material or animal products.

(2) An RMP operator may dispose of non-conforming dairy material and dairy product directly to land or to a suitable waste system in New Zealand provided that:

a) no other restrictions have been placed on movement of the material by or under the Act; and
b) the RMP operator ensures that:

i) the method of disposal is appropriate and permitted; and
ii) the dairy material or dairy product is delivered directly to the place of disposal within New Zealand; and
iii) the person responsible for activities at the place where disposal occurs is made aware that the dairy material or dairy product is not for human or animal consumption; and

iv) the dairy material or dairy product remains under the control of the RMP operator until the point of disposal to ensure it is disposed of correctly; and
v) they retain evidence to confirm the disposal occurred as provided for in this clause; and
vi) the date, place, recipient and method of disposal is recorded at the time of the disposal.

(3) An RMP operator may dispose of packaged dairy material or dairy product with an expired use-by date mark for the purposes of animal consumption in New Zealand or non-edible use provided that:

a) no other restrictions have been placed on movement of the dairy material or dairy product by or under the Act; and
b) the dairy material or dairy product remains under the control of the RMP operator until it is received by the recipient; and
c) the RMP operator has an agreement with the recipient that the recipient will take all reasonable steps to ensure that the dairy material or dairy product will only be used, as appropriate, for animal consumption or non-edible use; and
d) the RMP operator retains evidence to confirm the disposal occurred as provided for in this clause; and
e) a record is kept of the date, place and method of disposal (including the recipient of the dairy material or dairy product); and
f) if intended for animal consumption, the dairy material or dairy product must be fit for the intended purpose and must not:

i) spread pathogens at a level or in a manner that could be harmful to humans; or
ii) transmit disease, result in physical harm, or cause unnecessary pain and distress; or
iii) be toxic to intended animals; or
iv) result in unacceptable residues in animal material or animal products.

(4) An RMP operator may dispose of any dairy material or dairy product with compromised packaging (i.e., packaging that no longer meets Regulation 68) for the purposes of animal consumption or non-edible use provided that:

a) no other restrictions have been placed on movement of the dairy material or dairy product by or under the Act; and
b) the dairy material or dairy product remains under the control of the RMP operator until it is received by the recipient; and
c) the RMP operator has an agreement with the recipient that the recipient will take all reasonable steps to ensure that the dairy material or dairy product will only be used, as appropriate, for animal consumption or non-edible use; and
d) the RMP operator retains evidence to confirm the disposal occurred as provided for in this clause; and
e) a record is kept of the date, place and method of disposal (including the recipient of the dairy material or dairy product); and
f) if intended for animal consumption, the dairy material or dairy product must be fit for the intended purpose and must not:

i) spread pathogens at a level or in a manner that could be harmful to humans; or
ii) transmit disease, result in physical harm, or cause unnecessary pain and distress; or
iii) be toxic to intended animals; or
iv) result in unacceptable residues in animal material or animal products.

(5) A farm dairy operator may dispose of non-conforming raw milk for animal consumption or as waste to land or to a suitable waste system provided that:

a) no other restrictions have been placed on movement of the raw milk by or under the Act; and
b) the farm dairy operator ensures that:

i) the method of disposal is appropriate given the non-conforming nature of the milk; and
ii) the disposal occurs on or at the farm where the farm dairy is located; and
iii) the milk remains under the control of the farm dairy operator until disposed of; and

iv) the milk will not be consumed by animals unless the farm dairy operator determines that the conditions set out in clause 2.2(1)g) will be met; and
v) a record is retained of the relevant disposal details including the date, estimated volume of milk, where the milk was disposed of and the disposal method.

2.3 Recognised agency product disposal consent

(1) An RMP operator may submit a product disposal application to the applicable verifying agency for their written consent if:

a) the product disposal application relates to a non-conformance of a type set out in Column 1 of the Schedule to this notice; and
b) the non-conforming dairy material or dairy product is intended for a use set out in the corresponding row in Column 2 (Disposal option) of the Schedule; and
c) all applicable requirements specified in the corresponding row of Column 3 (Requirements) of the Schedule are met.

(2) All applications for consent of the verifying agency must:

a) identify the non-conforming dairy material or dairy product and its location; and
b) specify the reasons for the non-conformance; and
c) specify the corrective actions taken to date and those intended to be taken; and
d) specify the proposed manner of disposal; and
e) confirm that any proposed sublotting is in compliance with clause 2.5; and
f) specify the procedure to be followed that ensures non-conforming dairy material and dairy product and associated transportation outer is either:

i) clearly labelled to indicate its status; or
ii) effectively controlled through equivalent means.

(3) If the applicable verifying agency provides written consent for a product disposal application, the RMP operator must only dispose of or deal with the non-conforming dairy material or dairy product in accordance with that consent unless following a permitted option under clause 2.2.

2.4 Verifying agency requirements

(1) An applicable verifying agency that receives a product disposal application must not give their written consent unless they can verify that the requirements in clause 2.3(1) and (2) have been met.

(2) If the applicable verifying agency has verified that the relevant requirements in clause 2.3(1) and (2) have been met, the applicable verifying agency must, subject to subclause (3), give their written consent for the product disposal.

(3) The applicable verifying agency must, prior to, or in conjunction with giving the RMP operator written consent for disposal pursuant to subclause (2), notify the Director-General in writing confirming the agency's consent and verification that clause 2.3(1) and (2) have been met.

2.5 Sublotting provisions

(1) A non-conforming lot of dairy material or dairy product may be split into conforming and non-conforming sublots, provided that the following conditions are met:

a) the lot has not been split previously; and
b) the lot is only split in one of the following ways:

i) conforming/non-conforming; or
ii) non-conforming/conforming; or

iii) conforming/non-conforming/conforming; or
iv) non-conforming/conforming/non-conforming; and

c) clear evidence exists which demonstrates that:

i) the process differed in some way and this has caused dairy material or dairy product to be non-conforming; or
ii) separation exists between the conforming and the non-conforming dairy material or dairy product; and
iii) the conforming portion of the lot is sampled and tested at sufficient intensity to confirm its conformance.

(2) Despite subclause (1) a lot may be split in other ways if:

a) the RMP operator can provide clear evidence of the root cause; and
b) the justification is supported by adequate test data; and
c) the nature of the process ensures clear separation of product, such as discrete packing lines.

(3) The RMP operator must keep records of the matters referred to in subclause (1) and (2).

2.6 Operator communication requirements

(1) If an applicable verifying agency gives their written consent for a product disposal application for further processing at the premises of another business to rectify the non-conformance in dairy material or dairy product intended for human consumption, the RMP operator must inform the receiver of the non-conforming dairy material or dairy product of:

a) the nature of the non-conformance; and
b) prior to the dairy material or dairy product being released from the RMP premises, any specific processing conditions or restrictions, including intended consumer or market restrictions, that apply.

Schedule – Circumstances for recognised agency/recognised person managed product disposal

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
Known or suspected foreign matter contamination	Release for unrestricted use **without** further processing	(1) The dairy material or dairy product is not intended for infants or young children up to 36 months of age; and (2) The dairy material or dairy product is wholesome; and (3) The known or suspected foreign matter: a) is not of a size or sharpness that might cause harm such as choking, or injury to the mouth or gastrointestinal tract by perforation or other mechanisms; and b) will not release compounds harmful to health; and c) is not of a type that exceeds a requirement specified under the Act; and d) is not glass greater than 0.1mm
	Release for unrestricted use **with** further processing	(1) Further processing is carried out in New Zealand, in a premises which has an RMP or risk-based measure for the type of processing; and (2) The further processing includes either a: a) validated processing step (for example, filters, separators or sifters) which will remove the potential foreign matter present; or b) a metal detection or x-ray examination step which will detect the presence of the foreign matter. This step must be a CCP or a validated operation determined to be suitable by the verifier for the premises carrying out the further processing.
	Release for local market animal consumption use **without** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f); and (2) The foreign matter is not glass greater than 0.1mm; and (3) The RMP operator must ensure the dairy material or dairy product is correctly labelled.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
Known or suspected foreign matter contamination	Release for animal consumption use **with** further processing	(1) Further processing is carried out within New Zealand in a premises that meets the requirements of the Act for the nature of processing. (2) The further processing includes a: a) validated processing step (for example, filters, separators or sifters) which will remove the potential foreign matter present; or b) metal detection/x-ray step which will detect the presence of foreign matter. Appropriate calibration and validation of operational records must be maintained by the RMP operator.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances that relate to the absence of foreign matter; and (2) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Heat treatment failures, including CCP failures, (as stated in the operator's RMP) where not all applicable heat treatment criteria have been met	Release for unrestricted use **with** further processing	(1) Further processing is carried out within New Zealand in a premises which has an RMP for the intended processing; and (2) The further processing includes a defined heat treatment step that ensures the resultant product has received an applicable heat treatment compliant with relevant requirements.
	Release for unrestricted use **without** further processing	(1) A dairy MP evaluator recognised for the activity Defined Heat Treatment determines, by way of a documented assessment, that: a) the product has received a defined heat treatment; or b) for loss of heat treatment records, all defined heat treatment criteria have been met.
	Release for animal consumption use **with** further processing	(1) Further processing is carried out within New Zealand in a premises which has an RMP for the intended processing; and (2) The further processing includes a defined heat treatment step that ensures the resultant product has received an applicable heat treatment compliant with relevant requirements.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
	Release for animal consumption use **without** further processing	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances that requires a heat treatment attestation. (2) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (3) The RMP operator must ensure the dairy material or dairy product is correctly labelled.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances that relate to the heat treatment applied; and (2) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
CCP failure other than heat treatment (as stated in the operator's RMP)	Release for unrestricted use	(1) Measures have been taken to confirm that the dairy product is fit for its intended purpose, for example: a) filter/sifter failures where all foreign matter has been recovered and/or where it has been positively identified that there would have been little/no foreign matter risk e.g. checking of intrusive maintenance records etc.; or b) metal detector check failures, where the potentially affected dairy product has been rescanned through a fully functioning metal detector.
	Release for unrestricted use **with** further processing	(1) Further processing is carried out within New Zealand in a premises which has an RMP for the intended processing. (2) The further processing includes a CCP or processing step acceptable to the verifier that ensures the resultant dairy product will conform with relevant requirements.
	Release for local market animal consumption use **without** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2 (4)(f); and (2) The RMP operator must ensure the dairy material or dairy product is correctly labelled.
	Release for local market animal consumption use **with** further processing	(1) Further processing is carried out within New Zealand in a premises which has an RMP for the intended processing. (2) The RMP operator must ensure the dairy material or dairy product is correctly labelled.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances that relate to the non-conformance; and (2) The RMP operator must: a) inform the person receiving the dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Cronobacter spp. *(E. sakazakii*) levels exceeding regulatory limits	Release for restricted use **without** further processing	(1) The dairy material or dairy product may only be used for products intended for general population, must be correctly labelled and must not be in a consumer ready package that could be confused with infant formula.
	Release for unrestricted use **with** further processing	(1) Further processing is carried out within New Zealand, in a premises which has an RMP and procedures for this type of operation. (2) The further processing includes a defined heat treatment that ensures the: a) dairy material or dairy product receives a validated heat treatment; and b) resultant product is shown to meet applicable limits. (3) The tipping and reconstitution areas must be segregated from the blending and packing areas.
	Release for animal consumption use **without** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (2) The RMP operator must ensure the dairy material or dairy product is correctly labelled.
	Release for animal consumption use **with** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (2) If further processing occurs at another premises, the RMP operator must ensure the dairy material or dairy product is correctly labelled through to delivery to the premises undertaking the further processing.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
Bacillus cereus or *Staphylococcus aureus* microbiological levels exceeding a relevant regulatory limit	Release for general population use	(1) The dairy material or dairy product: a) meets the general population microbiological limit for *B. cereus* and *S. aureus*; and b) is correctly labelled; and c) is not in a consumer ready package that could be confused with specified population product.
	Release for unrestricted market animal consumption use **without** further processing	(1) The level of *B. cereus* must not exceed 20,000 cfu/g. (2) The level of *S. aureus* must not exceed 100,000 cfu/g.
	Release for unrestricted market animal consumption use **with** further processing	(1) Further processing is carried out within New Zealand in a premises which has an RMP for this type of operation. (2) The level of *B. cereus* in the resultant dairy material or dairy product must not exceed 20,000 cfu/g. (3) The level of *S. aureus* in the resultant dairy material or dairy product must not exceed 100,000 cfu/g.
	Release for local market animal consumption use **with** further processing	(1) Further processing is carried out within New Zealand. (2) The level of *B. cereus* in the resultant dairy material or dairy product must not exceed 20,000 cfu/g. (3) The level of *S. aureus* in the resultant dairy material or dairy product must not exceed 100,000 cfu/g.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances that relate to the non-conformance; and (2) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Escherichia coli microbiological levels exceeding specified population limits	Release for general population use	(1) The dairy material or dairy product meets the general population microbiological limit, is correctly labelled and is not in a consumer ready package that could be confused with specified population product.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
Escherichia coli microbiological levels exceeding regulatory limits	Release for unrestricted use **with** further processing	(1) Further processing is carried out within New Zealand in a premises which has an RMP for this type of operation. (2) The further processing includes a defined heat treatment that ensures the: a) dairy material or dairy product has received a defined heat treatment; and b) resultant dairy material or dairy product meets any applicable limits.
	Release for local market animal consumption use **without** further processing	(1) The dairy material or dairy product must: a) meet the requirement set out in clause 2.2(4)f); and b) only be given to animals older than 2 weeks post weaning; and c) not be fed to pigs if the level of *E. coli* is greater than 50,000 cfu/g.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances that relate to the non-conformance; and (2) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Pathogen levels (excluding *B. cereus*, *Staphylococcus aureus, E. coli and* Cronobacter spp.) exceeding regulatory limits	Release for rendering for industrial use (not for human or animal consumption)	(1) The RMP operator must: a) ensure that dairy material or dairy product is delivered directly to the person undertaking rendering; and b) inform the person undertaking rendering that the resultant product(s) is not for human or animal consumption.
Truth of labelling failures other than infant formula products	Release for unrestricted use **with** further processing	(1) Further processing is carried out within New Zealand, in a premises which has an RMP for this type of operation. (2) The further processing will ensure the resultant product complies with: a) the Australia New Zealand Food Standards Code; and b) any relevant Overseas Market Access Requirements (OMARs) under the Act, as applicable.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
	Release for local market animal consumption use **with** or **without** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (2) Any further processing is carried out within New Zealand. (3) The RMP operator must ensure the dairy material or dairy product is correctly labelled.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Truth of labelling failures for infant formula products	Release for local market animal consumption use **with** further processing	(1) Further processing is carried out within New Zealand, in a premises; a) which has an RMP for this type of operation; or b) where no other operations requiring an RMP take place. (2) The RMP operator maintains control of the dairy product until it is delivered to the place where further processing will occur. (3) The RMP operator must have an agreement: a) with the recipient that no product is on sold or supplied to another person in its original packaging; and b) that the recipient takes all reasonable steps to ensure that the product is only used for animal consumption.
	Release for local market animal consumption use **without** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (2) The RMP operator must maintain control of the product until it is delivered to the place where animal consumption will occur. (3) The RMP operator must have an agreement: a) with the recipient that the product is not to be sold or supplied to another person, and b) that ensures the recipient takes all reasonable steps to ensure that the product is only used for animal consumption.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported. (2) The RMP operator must: a) inform the person receiving the product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Incorrect scoop size or missing scoop for canned powdered infant formula products	Release for local market animal consumption use **with** further processing	(1) Further processing is carried out within New Zealand, in a premises; a) which has an RMP for this type of operation; or b) where no other operations requiring an RMP take place. (2) The RMP operator maintains control of the product until it is delivered to the place where further processing will occur. (3) The RMP operator must have a written agreement: a) with the recipient that no product is on sold or supplied to another person in its original packaging; and b) that the recipient takes all reasonable steps to ensure that the product is only used for animal consumption.
	Release for local market animal consumption use **without** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (2) The RMP operator must maintain control of the product until it is delivered to the place where animal consumption will occur. (3) The RMP operator must have an agreement: a) with the recipient that the product is not to be sold or supplied to another person, and b) that ensures the recipient takes all reasonable steps to ensure that the product is only used for animal consumption.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported. (2) The RMP operator must: a) inform the person receiving the product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
Sorbic acid levels exceeding the limit specified in the Australia New Zealand Food Standards code	Release for animal consumption use **without** further processing	(1) The dairy material or dairy product must not be toxic to the intended animals (2) The RMP operator must ensure the dairy material or dairy product is correctly labelled.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Beta Lactam or other identified antibiotic residues	Release for local market animal consumption use	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (2) The RMP operator must ensure the dairy material or dairy product is correctly labelled.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Nitrates and Nitrites levels exceed regulatory limits	Release for unrestricted human consumption use **with** further processing	(1) Further processing is carried out within New Zealand, in a premises which has an RMP for this type of operation. (2) The further processing will ensure the resultant dairy product: a) meets regulatory requirements; and b) is sampled and tested at an increased frequency, where limits apply.
	Release for animal consumption use **with** or **without** further processing	(1) The dairy material or dairy product meets the requirement set out in clause 2.2(4)f). (2) The RMP operator must ensure the dairy material or dairy product is correctly labelled.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.

Column 1	Column 2	Column 3
Non-conformance	**Disposal option**	**Requirements**
Product not stored in dairy premises covered by an RMP	Release for sale on the local market or for export to Australia **without** official assurances	(1) The dairy material or dairy product must have been stored in accordance with an RMP or risk-based measure under the Food Act 2014 when not stored in a dairy premises covered by an RMP.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances; and (2) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.
Product intended for export with official assurances that has been transported outside RMP/Regulated Control Scheme chain	Release for export **without** official assurances or local market use	(1) The dairy material or dairy product has been transported in accordance with an appropriate risk-based measure under the Food Act 2014.
	Release for technical grade industrial application (not for human or animal consumption) use	(1) The dairy material or dairy product is not to be exported to any market requiring official assurances; and (2) The RMP operator must: a) inform the person receiving the dairy material or dairy product, in writing, that it is not for human or animal consumption; and b) ensure that the dairy material or dairy product is correctly labelled.