DRAFT Animal Products (National Microbiological Database Specifications) Notice 2008

Pursuant to sections 45 and 167(1)(h) (and XX) of the Animal Products Act 1999 and regulation 15 (and XX) of the Animal Products Regulations 2001, I, Carol Barnao, Director (Standards) issue the following notice for the purpose[s] of-

(a) specifying the requirements for risk management programme operators and authorised representatives of approved laboratories with respect to the national microbiological database sampling programme; and

(b) specifying the Technical Procedures for the National Microbiological Database.

Signed at Wellington this [xxxxx] day of [xxx] 200[x]

Carol Barnao
Director (Standards)
New Zealand Food Safety Authority
(Acting under delegated authority)

Certified in order for signature

Solicitor
Legal Services

/  / 200[x]

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Schedule 1
Technical Procedures for the National Microbiological Database
Notice

1 Title
This notice is the Animal Products (National Microbiological Database Specifications) Notice 2008.

2 Commencement
This notice comes into force on xx January 2008

Part 1
Preliminary Provisions

3 Purpose
This notice contains specifications relating to the operation of the National Microbiological Database and the requirements for risk management programme operators and authorised representatives of approved laboratories in relation to it.

4 Application
This notice applies to –
(a) all operators of premises that carry out primary processing of bovine (including bobby calf), caprine, cervine, ovine, emu, ostrich or poultry for human consumption; and
(b) all operators of premises that carry out the following secondary processing (except where they are subject to the Food Act 1981): cutting and boning of bovine (including bobby calf), caprine, cervine, and ovine products intended for human consumption to the extent that this processing and those product types are covered by the Technical Procedures; and
(c) authorised representatives of approved laboratories.

5 Interpretation
(1) In this notice, unless the context otherwise requires, -
   Act means the Animal Products Act 1999 unless otherwise stated
   approved laboratory means a laboratory approved under the Laboratory Approval Scheme
   associate trainer means any person approved by the LAS Administrator as competent in sample collection and in training restricted samplers
   authorised representative means the person nominated to be the representative of a approved laboratory
   carcass means an animal carcass
   certified trainer means any person approved by the LAS Administrator as competent in sample collection and in training associate and restricted samplers
   data submitter means any person who submits premises sampling data to an approved laboratory on behalf of the operator
   laboratory signatories means persons recognised under section 103 of the Act, who can authorise NMD programme test results
   LAS Administrator means the person appointed to the position of Laboratory Approval Scheme Administrator
Laboratory Approval Scheme means the Laboratory Approval Scheme recognised by the Director-General under the Animal Products (Accredited Persons Specifications) Notice 2001 and any subsequent amendments to this notice

NMD means National Microbiological Database

NMD Administrator means the person appointed to the position of NMD Administrator

NMD Controller means the person appointed by the operator to control the NMD programmes at the premises. This may be the operator himself or herself

NMD Programme means the programme described in the Technical Procedures

NZFSA means New Zealand Food Safety Authority of the Ministry of Agriculture and Forestry

operator means an operator of a risk management programme carrying out primary or secondary processing of animal material or product

poultry means broiler chickens

premises means premises in which primary or secondary processing of animal material or product is carried out

processing period means a set sampling period for poultry broiler carcasses of either five processing days for standard throughput or one processing week for very low throughput (VLT)

product type means either carcass or cut or bulk pack product

red meat includes meat derived from bovine (including bobby calf), caprine, cervine, ovine, emu, or ostrich

regulatory limit has the meaning given to it as defined in the Animal Products (Risk Management Programme Specifications) Notice 2003

restricted sampler means a person trained by either an associate or a certified trainer to collect samples

risk management programme verifier means a person recognised under section 103 of the Act as a risk management programme verifier

sampler includes certified trainers, associate trainers or restricted samplers

sampling week means a week beginning Monday to the following Sunday inclusive in which samples must be taken if the premises is processing on any day or days during that week

spreadsheet means the data entry spreadsheet provided by NZFSA for data entry and submissions of NMD results to NZFSA

Statistical Process Control Charts means cumulative charts (graphs or tables), summarising premises NMD results

Technical Procedures means “Schedule 1 Technical Procedures for the National Microbiological Database signed January 2008” and includes any amendments to those procedures or any procedures that replace those procedures.

Any term or expression that is defined in the Animal Products Act 1999, Animal Products (Ancillary and Transitional Provisions) Act 1999, or regulations made under those Acts and used, but not defined, in this notice has the same meaning as in those Acts or regulations.
Part 2
The National Microbiological Database Programme

6 Operator Responsibilities and Obligations

(1) The operator must ensure that an NMD Programme is implemented at the premises.

(2) The operator must ensure that an approved laboratory conducts the tests required as specified in Technical Procedures.

(3) The operator must allow sampler(s) access to the premises' processing environment as is necessary to enable the sampling required under this notice to be carried out.

(4) The operator must provide appropriate clothing and hygiene and safety equipment to samplers.

(5) The operator must provide refrigeration, storage facilities and any other equipment necessary to store samples if required prior to transportation of the samples to the laboratory.

(6) The operator must appoint an NMD Controller and advise the NMD Administrator in writing of the identity and contact details of the NMD Controller.

(7) The operator must ensure any changes to the details in subclause (6) are advised to the NMD Administrator as soon as practicable.

(8) The operator must advise the authorised representative of any changes to sampler details, such as a sampler's name and position, of samplers employed by the operator as soon as practicable.

7 NMD Controller Responsibilities and Obligations

The operator must ensure that the NMD Controller:

(a) controls the implementation of the NMD programme at the premises;

(b) interprets and reviews data received from an approved laboratory relating to samples taken at the premises;

(c) ensures any corrective actions identified during the data review under paragraph (b) above as being required by the Technical Procedures are undertaken and reported to the operator;

(d) produces for the operator Statistical Process Control Charts on, at least, a weekly basis for each species covered by this Notice when the premises is processing that species;

(e) keeps any approved laboratory used by the premises informed of premises production schedules and plant closures that could impact on NMD sampling;

(f) immediately on receipt of results from an approved laboratory, informs the risk management programme verifier of any Salmonella detection and, poultry Campylobacter performance target non-compliance; and

(g) assigns competent and appropriately trained replacements to fill the roles of samplers, data submitters and NMD Controllers at the premises when those persons are absent.

8 Sample Collectors and Training Requirements

(1) The authorised representative must ensure that samples received for testing have been collected by certified trainers, associate trainers or restricted samplers.

(2) The authorised representative is responsible for ensuring that:

(a) all NMD samplers submitting samples to the approved laboratory are formally trained in accordance with the Laboratory Approval Scheme;

(b) current records of samplers are maintained at the approved laboratory; and
(c) the relevant operator is advised of the results of training and status of samplers.

(3) The records of samplers in subclause 2(b) must include the species and product type for which each sampler has been trained, the date of each sampler’s training, the name of each sampler’s trainer and the operator(s) with whom each sampler is associated.

(4) The authorised representative must ensure that audits are carried out by the laboratory at the premises where sampling is being conducted to ensure that subclause (2) is being met and that samplers are continually sampling to the standard specified in the Technical Procedures.

(5) The authorised representative must ensure that the approved laboratory does not accept a sample for testing where the sample does not comply with the standard specified in the Technical Procedures.

(6) The authorised representative must ensure that the approved laboratory does not undertake NMD Programme testing unless the approved laboratory has engaged the services of at least one certified or associate trainer.

9 Sampling Requirements

Operators are responsible for ensuring that sampling is carried out:

(a) for all product types processed at the premises that fall within the scope of the Notice; and

(b) in accordance with the NMD sampling requirements for red meat and poultry under Section 2 of the Technical Procedures.

10 Technical Failures

(1) Where an incident or omission occurs during sampling, storage or transport of samples, which results in a sample not meeting NMD sampling requirements, the operator must ensure that the incident or omission is reported to the NMD Administrator as soon as practicable.

(2) Where an incident or omission occurs during analysis of samples which results in a sample not meeting NMD analysis requirements the authorised representative must ensure that the incident or omission is reported to the NMD Administrator.

(3) If an incident or omission under subclause (1) occurs at any stage during the sampling or testing required under this Notice, every effort must be made by the operator to re-sample in that sampling week.

(4) If no other times to resample are available in that sampling week the operator is not required to supply to the laboratory two sets of samples the following sampling week.

(5) Where the NMD Administrator requires evidence of corrective action based on repetitive failures to meet the sampling requirements, the operator must provide that evidence when requested as soon as practicable.

11 Results and Calculations

(1) The authorised representative must ensure that all results calculated by the approved laboratory are calculated:

(a) in accordance with Section 5 of the Technical Procedures; or

(b) in a manner that achieves a result that is equivalent to the result that would be achieved if the calculations were carried out in accordance with Section 5 of the Technical Procedures.

(2) The operator must ensure that all results calculated at the premises are calculated:

(a) in accordance with Section 5 of the Technical Procedures;
(b) in a manner that achieves a result that is equivalent to the result that would be achieved if the calculation were carried out in accordance with Section 5 of the Technical Procedures.

(3) The authorised representative must ensure that systems are in place to enable laboratory signatories to reconcile the results calculated against the original colony counts recorded at the approved laboratory.

(4) The authorised representative must ensure that systems are in place to ensure that final test reports are signed by a laboratory signatory.

(5) Where an operator has engaged the services of an off site laboratory, as specified in the Laboratory Approval Scheme, to provide results directly to the NMD Administrator, the operator must formally notify the NMD Administrator in writing of engagement.

(6) The operator must ensure that when authorised laboratory results are entered into the spreadsheet at the premises, independently of the approved laboratory, the substance of those results are not altered in any manner. This does not prevent alterations being made to the format or presentation of the results provided that such alterations do not affect the results themselves.

12 Reporting of Results

(1) Operators must ensure that they meet the relevant requirements and responsibilities on premises under Section 5.5 of the Technical Procedures regarding reporting of sampling results.

(2) Authorised representatives must ensure that they meet the relevant requirements and responsibilities on approved laboratories under Section 5.5 of the Technical Procedures regarding reporting of sampling results.

Part 3
Revocations

13 Specification Revocations

(1) The Animal Products (National Microbiological Database Specifications) Notice 2007 is revoked by the commencement of this Notice.

(2) Despite the revocation of the notice in sub-clause (1), the validity, effect or consequence of any function or activity performed in accordance with that notice is not affected.

(3) Despite the revocation of the notice listed in subclause (1), the revoked notice continues to have effected as it had not been revoked for the purpose of:-
   (a) investigating any offence or breach of those notices; and
   (b) commencing or completing proceedings for the offence or breach; and
   (c) imposing a penalty for the offence or breach.

Schedule 1

Technical Procedures for the National Microbiological Database