
Food Safety

Section Detail Report

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Overview

The objective of New Zealand's food safety system is to ensure safe and suitable food. This report details the approach to food safety and fitness for purpose of seafood produced, in and exported from, New Zealand.

The Ministry for Primary Industries ('the Ministry'¹) is responsible for legislation that covers all aspects of food safety, including production, processing, transport and retailing. Food Standards Australia New Zealand (FSANZ) also establishes food labelling and composition standards, including limits for some microorganisms and contaminants, for both countries. The Ministry enforces these standards in New Zealand.

The safety of food produced and traded in New Zealand is legislated under two statutes, the Animal Products Act 1999 and the Food Act 2014. Both of these provide for a risk management approach requiring food business operators ('operators') to ensure food traded is safe and suitable for its intended purpose. The Ministry administers both Acts.

While both Acts apply a similar approach, there are subtle differences in terms of application. The Food Act applies to food that is sold and intended for human consumption in New Zealand and requires it to be safe and suitable. The Animal Products Act applies to product of animal origin that is destined for either human or animal consumption and requires it to be fit for its intended purpose.

New Zealand's risk-based approach requires operators to take responsibility for food safety and to work within the appropriate risk management framework. For the seafood industry, this results in the deployment of various regulatory controls and verifications, depending on the type of processing activity being conducted, where that activity occurs and the market to which the product is sold. For the majority of seafood processed in New Zealand, the Animal Products Act applies.

Key statistics

- 264 registered Risk Management Programmes that have fish included in their scope (as at January 2019)²
- 26 Factory Vessels operating a registered Risk Management Programme (as at January 2019)²
- 31 commercial fishing vessels are registered as Limited Processing Fishing Vessels (as at January 2019)³
- There were 54 food recalls undertaken in 2017, 5 of these related to seafood, and there were 66 food recalls undertaken in 2018, 3 of these related to seafood.⁴

Scope

This report details the approach to food safety and fitness for purpose of seafood produced in, and exported from, New Zealand.

It discusses the overall legislative approach to food safety, which for seafood is specified in the Animal Products Act 1999 and the Food Act 2014. The Agricultural Compounds and Veterinary Medicines Act 1997 is not relevant to the scope of this report.

Given that a large proportion (approximately 90%) of New Zealand seafood is destined for the export market, the legislative regime that applies is the Animal Products Act and the Food Standards Code. It is on this regime that the content of this report is focused.

¹ Throughout this report, 'the Ministry' refers to the Ministry for Primary Industries and its various predecessors including the New Zealand Food Safety Authority.

² <https://www.foodsafety.govt.nz/registers-lists/risk-management-programmes/index.htm>

³ <https://www.foodsafety.govt.nz/registers-lists/limited-processing-fishing-vessels/index.htm>

⁴ <http://www.mpi.govt.nz/food-safety/food-safety-for-consumers/food-recalls/>

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The legislation does not distinguish between wild caught and farmed seafood and as such, the content of this report applies to both commercial fishing and aquaculture harvesting operations.

New Zealand's regulatory responsibilities for food safety apply to all food made and/or consumed within New Zealand and up to the point of import by another country. The scope of this report applies to all seafood produced in New Zealand and up to the point of import by another country but does not include product imported into New Zealand for domestic consumption.

In terms of food safety requirements, seafood is defined as fish and fish material, including finfish, crustaceans, cephalopods, echinoderms, molluscs and gastropods.

The New Zealand Food Safety system

New Zealand's food safety system extends from "sea to plate." The Food Act covers all food for sale for human consumption, whereas the Animal Products Act includes product of animal origin that is destined for either human or animal consumption. The legislative and regulatory controls also include the management of agricultural compounds and veterinary medicines. The aim of the system is to ensure the health and safety risks from food are managed, and that the health of consumers is protected.

The food safety system requires a focus on proactively identifying and managing biological, chemical and physical hazards across the food supply chain that could present a food safety risk. This requires the operators to consider the scope of the processing that occurs and the intended purpose of the product, i.e. whether it is intended for human or animal consumption, for further processing prior to consumption or is considered ready-to-eat, and then to identify the relevant hazards and risks and implement controls to manage them. The objective is to reduce the likelihood that a food safety risk would occur and to enable the operator to quickly identify and manage real and potential incidents.

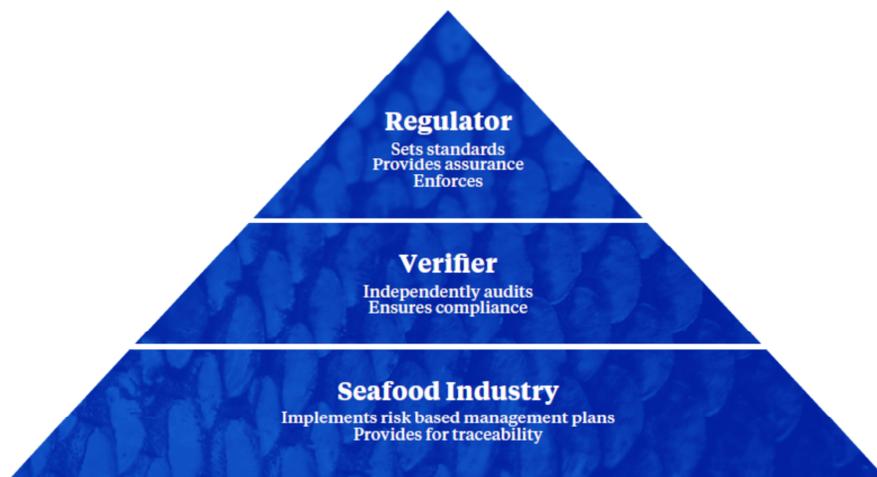


Figure 1. New Zealand Food Safety Regulatory Model

In terms of exports, the Ministry cannot issue official assurances⁵ unless the business has demonstrated compliance through external verification. This requirement on the Ministry is prescribed in legislation through the Animal Products Notice: Official Assurances Specifications for Animal Material and Animal Products.

Food safety incidents

The Ministry leads New Zealand's food safety system, protecting the health and wellbeing of consumers here and overseas. This includes reducing food-related risks to human health. Human health surveillance is an essential element of the monitoring and review component of the Ministry's risk management framework.

As part of this work, the Ministry contracts the Institute of Environmental Science and Research Limited (ESR) to prepare an annual report concerning foodborne disease in New Zealand.⁶ This report forms part of a series providing a consistent source of data and method of presentation to monitor trends on foodborne illness in New Zealand over time. It brings together information from disease notifications, case enquiries and outbreak or epidemiological investigations.

With respect to foodborne illnesses, the source of many of those reported incidents is unknown. However, the report makes the following comments regarding fish-related illnesses:

Ciguatera Fish Poisoning

During 2016, a single outbreak of ciguatera fish poisoning was reported, with four associated cases. This outbreak was weakly linked to the consumption of some eel that had been imported from Samoa.

Histamine (scombroid) Fish Poisoning

Two histamine (scombroid) fish poisoning outbreaks were reported in 2016 involving five associated cases, none of which were reported as hospitalised. Smoked fish samples relating to one of the outbreaks (3 cases) were submitted to ESR's Public Health Laboratory and the samples had high levels of histamine present.

Norovirus

During 2016, 18 of the 185 norovirus outbreaks and 542 of the 5548 outbreak-associated cases were reported as foodborne. It has been estimated that approximately 24% of norovirus infections were due to consumption of seafood. However, the food sources were reported as unknown and not confirmed in any of the foodborne norovirus outbreaks reported in 2016.

Salmonella

The report identifies that there were 2 confirmed and 2 probable cases of salmonellosis attributed to the consumption of tuna sushi.

Legislative requirements

New Zealand food safety legislation is administered by the Ministry. The regulatory system is based on two primary Acts and a supplementary Code:

- The Animal Products Act 1999
- The Food Act 2014; and
- The Australia New Zealand Food Standards Code.

⁵ Animal Products Act 1999

⁶ The series of annual foodborne disease reports for 2006 – 2016 can be found here:

<https://www.mpi.govt.nz/food-safety/food-safety-and-suitability-research/human-health-surveillance/foodborne-disease-annual-reports/>

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The Food Act applies to all food that is sold in New Zealand for human consumption. Seafood can be produced under the Animal Products Act or the Food Act. This allows for a seamless regulatory system for all food produced in New Zealand, regardless of whether it is intended for the New Zealand or export market.

The Animal Products Act

The Animal Products Act is the primary act that applies to seafood processors and it requires animal material and animal product to be fit for its intended purpose.

The objectives of the Animal Products Act are:

- to minimise and manage risks to human or animal health arising from the production and processing of animal material and products by instituting measures that ensure so far as is practicable that all traded animal products are fit for their intended purpose; and
- to facilitate the entry of animal material and products into overseas markets by providing the controls and mechanisms needed to give and to safeguard official assurances for entry into those markets.

The Animal Products Act applies to animal material and animal product that is primary processed and intended for human or animal consumption. The Animal Products Act also has several supporting regulations and notices relevant to food safety in the seafood industry. These are:

- Animal Products (Definition of a Primary Processor) Notice
- Animal Products (Regulated Control Scheme – Limited Processing Fishing Vessels) Regulations
- Animal Products (Specifications for Limited Processing Fishing Vessels) Notice
- Animal Products (Risk Management Programme Specifications) Notice
- Animal Products Notice: Specifications for Products Intended for Human Consumption
- Animal Products (Regulated Control Scheme – Bivalve Molluscan Shellfish) Regulations
- Animal Products Notice: Regulated Control Scheme - Bivalve Molluscan Shellfish for Human Consumption

The Food Act

The Food Act is designed to ensure that food traded in New Zealand is safe and suitable for human consumption. It places the duty on the person who sells food to operate an appropriate risk-based measure. Businesses producing higher risk food are required to operate under a more stringent measure than businesses producing lower risk food.

The purpose of this Act is to:

- restate and reform the law relating to how persons trade in food
- achieve the safety and suitability of food for sale
- maintain confidence in New Zealand's food safety regime
- provide for risk-based measures that
 - o minimise and manage risks to public health
 - o protect and promote public health
- provide certainty for food businesses in relation to how the requirements of this Act will affect their activities; and
- require persons who trade in food to take responsibility for the safety and suitability of that food.

The Food Standards Code

The Code establishes joint Australia and New Zealand standards for the labelling and composition of food. The Code is administered by Food Standards Australia New Zealand (FSANZ) which is a statutory authority in the Australian Government Health portfolio. Standards in the Code are adopted into New Zealand law via a mechanism in the Food Act.

The Code is enforced in New Zealand by the Ministry for Primary Industries.

When FSANZ undertakes establishing food regulatory measures it considers the following three objectives:

- the protection of public health and safety
- the provision of adequate information relating to food to enable consumers to make informed choices
- the prevention of misleading and deceptive conduct.

The Food Standards Code includes requirements and standards for food safety, labelling, food additives and other foods that need pre-approval (such as any genetically modified food). It is divided into four parts:

1. Chapter One – Introduction and Standards: This chapter includes the requirements and standards that apply to most foods such as labelling, food additives and processing aids, limits for chemical and microbiological contaminants and residue limits for veterinary and chemical compounds.
2. Chapter Two – Food Standards: This chapter includes the compositional requirements for specific food such as meat, fish and dairy products.
3. Chapter Three – Food Safety Standards: This chapter includes requirements for good food safety practices. It only applies in Australia. Food safety standards in New Zealand are covered in the Animal Products and Food Acts.
4. Chapter Four – Primary Production Standards: This chapter includes the requirements for primary production and processing for food commodities such as meat, dairy and seafood products. It only applies in Australia. Primary production standards in New Zealand are covered in the Animal Products and Food Acts.

The Code sets standards for microbiological safety in Standard 1.6.1 Microbiological Limits for Food. This standard aims to prevent unsafe levels of microorganisms in food which may lead to foodborne illness. Maximum limits for microorganisms in different food groups are listed in Schedule 27. Standard 1.6.1 includes microbiological criteria for certain seafood products.

In terms of chemical contaminants, limits are set under Standard 1.4.1 Contaminants and Natural Toxicants. This standard includes specific criteria for certain seafood products.

Standards in Parts 1.1 - 1.3 and 1.5 of the Code provide the criteria and regulatory controls for food identification, labelling, nutritional information panels, substances added to food, novel foods, gene technology and food irradiation.

Legislative application

The food safety requirements that apply depend on whether the seafood is processed on land or at sea, the type of processing activities that occur (i.e. primary or secondary processing) and whether the processed product is intended for the New Zealand market or for export.

The various requirements for the seafood industry are categorised here as follows:

- land-based seafood processing (primary and secondary)
- full factory vessel processing
- limited processing fishing vessels
- inshore fishing vessels
- bivalve molluscan shellfish.

Land-Based Seafood Processing

Land-based seafood processing operators conducting primary or secondary processing must operate under one of the following:

- the Animal Products Act 1999, using a registered Risk Management Programme; or

- the Food Act 2014, using a registered Food Control Plan⁷.

Primary and secondary processing are defined in the Animal Products (Definition of a Primary Processor) Notice. For land-based operators primary processing includes the following types of activities:

- heading, gutting and filleting of fish
- tubing of squid
- tailing of crustaceans
- shucking, heat shocking, land-based wet storage and depuration of bivalve molluscan shellfish.

Secondary processing of seafood products is essentially any processing that occurs beyond primary processing, for example:

- acidification, salting, brining, smoking, thermal processing, refrigeration and storage
- extraction, drying, blending of powders from fish or shellfish
- addition of non-animal product ingredients to seafood products such as breadcrumbs and sauces.

The Animal Products Act applies to the following operators:

- primary processor whose product is intended for export
- primary processor selling by wholesale only on the New Zealand market
- secondary processor preparing seafood for export to markets requiring official assurances (export certificates).

The Food Act applies to operators who:

- conduct primary processing of seafood for both retail and wholesale and sell on the New Zealand market only
- conduct primary processing of seafood for retail and sell on the New Zealand market only
- conduct secondary processing only and sell on the New Zealand market only
- conduct secondary processing only and export to countries where there is no requirement for official assurances (export certificates).

Processors operating under the Animal Products Act using a registered Risk Management Programme must also comply with the Animal Products Notice: Specifications for Product Intended for Human Consumption.

At-Sea Processing

For food safety purposes, at-sea seafood processing operators are categorised as those:

- that carry out full factory primary processing activities
- that carry out limited processing but have the ability to export directly; and
- inshore vessels that may carry out limited processing but land all of their catch into a land-based premise for further processing.

Full factory processing

Full factory processing covers vessels that carry out fishing and primary and/or secondary processing of seafood at sea. The definition of primary processing at sea is slightly different from the definition of primary processing on land and includes:

- the filleting of finfish (but not heading, gutting or scaling) at sea whether or not the fish are to be delivered to a land-based processor; or
- with respect to seafood processed at sea for the purposes of export and that is not to be delivered to a land-based processor, any other processes normally applied to the fish such as heading, gutting, washing, chilling, freezing, packing, transport or storage.

⁷ Risk Management Plans and Food Control Plans are both discussed in the following section.

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The definition is included in the Animal Products (Definition of a Primary Processor) Notice.

All full factory processing operators must operate under the Animal Products Act and a registered Risk Management Programme. Full factory processing operators must also comply with the Animal Products (Specifications for Product Intended for Human Consumption) Notice. This allows product to be sold from the vessel directly into the New Zealand market or to export markets without further processing on land.

Limited processing

Limited processing fishing vessels covers vessels that do not carry out full processing at sea but want the ability to export product directly from the vessel without landing into a land-based processor for further processing first.

The types of processing that can occur on a limited processing fishing vessel are restricted to:

- washing, scaling and gutting
- deheading, tubing and tailing
- chilling and freezing
- storage, packing and transport.

Limited processing fishing vessel operators do not require Risk Management Programmes or Food Control Plans. However, they must register and operate under the Animal Products (Regulated Control Scheme – Limited Processing Fishing Vessels) Regulations. This requires operators to develop and implement a documented system that includes how food safety hazards are controlled. Limited processing fishing vessels must also comply with the Animal Products (Specifications for Limited Processing Fishing Vessels) Notice which provides for further detailed requirements designed to manage food safety risks.

Operator compliance with these requirements allows the processed product to be:

- exported without further processing; or
- processed at a land-based fish processing premise.

Other inshore fishing vessels

Inshore fishing vessels are vessels that harvest fish and are able to carry out activities on-board that are not classified as primary processing under the definition of primary processing at sea, these include:

- heading
- gutting
- scaling
- chilling or freezing.

Inshore fishing vessel operators must comply with the Food Act.

If an inshore fishing vessel supplies fish (other than live fish) to a land-based processing premise, the vessel operator must also comply with clause 11.31 of the Animal Product (Specifications for Products Intended for Human Consumption) Notice. These specifications require that the fish is:

- subject to chilling or freezing from the time of catching or harvesting to the time of arrival at the processing premises; and
- handled in a manner such that contamination and deterioration are minimised.

Inshore fishing vessel operators are allowed to carry out filleting of fish at sea. However, if they do, they must then operate under the Animal Products Act, including a registered Risk Management Programme.

Bivalve Molluscan Shellfish

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The food safety requirements for both farmed and wild bivalve molluscan shellfish apply to the operators of the following bivalve molluscan shellfish activities:

- commercial harvest
- relay
- sorting shed
- depot
- wet storage
- transport.

The requirements are described in the Animal Products Act, the Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations and the Animal Products Notice: Regulated Control Scheme - Bivalve Molluscan Shellfish for Human Consumption.

This includes the classification of growing areas, use of sanitary surveys and the development and implementation of management plans designed to mitigate any potential food safety hazards and includes the management of waste water, pollution, marine biotoxins, contaminants and harvesting procedures.

The processing of bivalve molluscan shellfish includes both primary and secondary processing, as well as land-based wet storage and depuration. Processing must occur under a registered Risk Management Programme.

Processors must also comply with certain aspects of the Animal Products Notice: Specifications for Products Intended for Human Consumption. These specifications include the requirements for:

- processing
- microbiological requirements
- mixing shellfish from different harvest lots and growing areas
- wet storage including the appropriate wet storage systems
- depuration
- heat shocking (treatment)
- packing and labelling
- monitoring and managing listeria.

Complying with the New Zealand approach

The legislation requires operators to work within the appropriate risk management framework. As described in the previous section, for the seafood industry this can mean different things depending on the type of processing activity being conducted, where that activity occurs and the market to which the product is sold.

The majority of seafood produced in New Zealand is produced in land-based premises or aboard factory vessels operating under a Risk Management Programme.

Risk Management Programmes

The purpose of a Risk Management Programme is to identify and manage the relevant food safety hazards and other risk factors (relating to wholesomeness and truth of labelling) that are specific to the products being produced in order to ensure product meets the required standards and specifications.

Seafood businesses which are required by the legislation to operate under a Risk Management Programme are responsible for developing, implementing, maintaining and registering a programme that is specific to their operations (unless an exemption exists in legislation).

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A Risk Management Programme must be registered with the Ministry and independently verified by a verification service provider recognised by the Ministry, typically this is performed by the Ministry's Verification Services.

The legislative requirements of a Risk Management Programme focus on:

- processing activities and HACCP application
- good operating practices
- operator verification
- documentation and records
- system administration.

A Risk Management Programme is a documented system that ensures all products are fit for their intended purpose and, if intended for human consumption, also meet the requirements of the Food Standards Code.

Registration of Risk Management Programmes

Prior to registering a Risk Management Programme with the Ministry, an operator must arrange for an evaluation from an independent, recognised evaluator. The evaluator must conduct an evaluation of both the documented Risk Management Programme and of the physical premises (unless a site waiver has been granted by the Ministry). The purpose of this evaluation is to confirm that the Risk Management Programme has identified and controlled all of the relevant risks, is suitable and meets legislative requirements. The operator must submit the evaluator's report on application for registering the Risk Management Programme.

As part of the Ministry's registration process, the Risk Management Programme is further assessed by officials. Registration is only granted if the Programme is deemed suitable and meets legislative requirements. The operator must provide for independent, on-going verification from a verification service provider recognised by the Ministry. This is discussed in the next section.

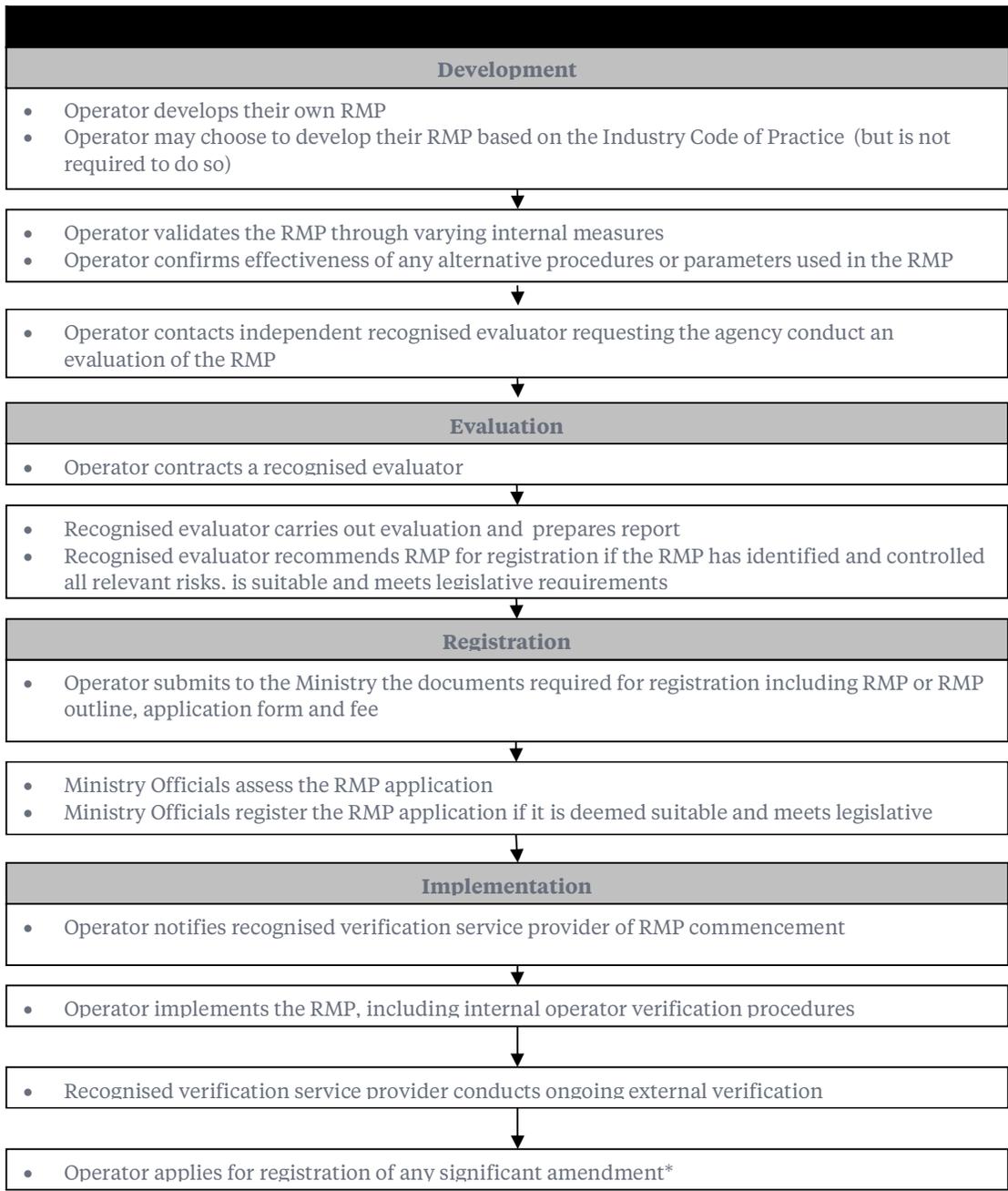


Figure 2. Risk Management Plan (RMP) Development and Registration

Industry Code of Practice

The New Zealand Seafood Standards Council and the Ministry have jointly developed a Code of Practice for the Processing of Seafood Products (The Code of Practice: Processing of Seafood Product). The objective of the code is to outline the acceptable or agreed procedures for meeting the regulatory requirements. The purpose is to:

- provide guidance to develop, register and implement a risk management programme
- enable the production and processing of safe seafood.

The code incorporates HACCP application, identification of other risk factors (relating to wholesomeness and truth of labelling) and their controls, and good operating practices and process controls.

In terms of limited processing fishing, the legislation requires operators to develop and implement a documented system that also incorporates HACCP, good operating practices and operator verification in order to ensure that the food safety hazards relevant to the processing activities being conducted and the products being produced are controlled.

Limited processing fishing vessel operators are also subject to ongoing verification which is required to be completed by a verification service provider recognised by the Ministry.

For inshore vessels, voluntary food safety guidelines have been developed by the Seafood Standards Council. These guidelines have been designed to ensure safe fish-handling, safe hygiene practices, and to provide advice on controlling the temperature of seafood.

Food Control Plans and National Programmes

Businesses operating under the Food Act are required to operate under a Food Control Plan (FCP) or a National Programme, depending on the activities they undertake. Businesses that are higher risk from a food safety perspective will operate under more stringent food safety requirements and checks than lower risk food businesses.

Food control plans are written plans for managing food safety on a day-to-day basis. They must identify food safety hazards and how they're intended to be managed. These are used by higher risk businesses and are specific to the products and processes carried out and are similar in nature to a Risk Management Programme.

National programmes are a set of food safety rules for medium and low risk businesses. These do not require the operator to develop written plans, but they must meet food safety standards and keep records required by the legislation.

Conformance and enforcement measures

Operator performance is monitored and measured by both internal and external processes, including customer audits. A key factor in successful food safety risk management is the requirement for operators to conduct their own internal verification, and therefore ensure preventive controls are in place, rather than reacting to issues once they occur.

Evaluating and verifying that operators are meeting their food safety requirements is a core part of the food safety system. Operators' Risk Management Programmes, and limited processing fishing vessels, must provide for external verification by a provider recognised by the Ministry. These recognised providers can be people or organisations recognised as having sufficient competence and independence. For operators producing for export, external verification is provided by the Ministry's Verification Services.

Recognised verification agencies must have a quality management system that meets the requirements of the legislation and must apply to the Ministry for approval. The approval process is undertaken as per the following diagram:



Figure 3. Application Process for Recognised Agencies

Internal measures

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All operators are required to confirm that their system complies with the various Animal Products legislation. To confirm compliance, operators must implement a system that is designed to gather sufficient evidence to determine that their operation meets the requirements. Under a Risk Management Programme or an Operator System for a limited processing vessel, this evidence is gathered by both routine monitoring and dedicated operator verification activities.

Operator verification specifically relating to a Risk Management Programme is the application of methods, procedures, tests and other checks by the operator to confirm the on-going:

- compliance of the Risk Management Programme with the legislative requirements
- compliance of the operations with the Risk Management Programme; and
- applicability of the Risk Management Programme to the operation.

The operator verification programme describes the dedicated activities that are undertaken and their frequency. It includes the action to take when issues are identified, the records used and reporting procedures. It also identifies the person or position with overall responsibility and, if necessary, individual responsibilities.

The types of operator activities include:

- review of monitoring, non-conformance and corrective action records
- internal audits and reality checks
- calibration
- final product tests and measurements.

The frequency of operator verification activities will always vary but is set at a frequency appropriate to the operation. At a minimum, a full review must occur annually. In considering the appropriate frequency, an operator is likely to have considered the following:

- risk profile of the products and processes
- size of the company
- overall complexity of the operation
- experience and stability of the staff.

External measures

The frequency of external verification is provided for in the legislation.

External verification includes on-going checks to determine whether:

- Operations that are subject to a Risk Management Programme or a regulated control scheme are in compliance with the requirements of the programme or the scheme or of the Act
- Animal material or products, for which export requires an official assurance, have been produced or processed in a way that meets the requirements for the official assurance.

For those seafood businesses that produce for export, external verification measures can be found in the Animal Products Notice: Export Verification Requirements. The system is called the Performance Based Verification system.

The Performance Based Verification system allows the frequency of external verification to be based on performance. With good performance, businesses face less frequent external verification. Poor performance results in more frequent external verification. For the seafood businesses that export, the frequency is capped at six-monthly audits, with a 12-weekly load-in and load-out audit. For those businesses which solely sell on the New Zealand market, the frequency is capped at annual audits.

The Ministry holds data on the frequency and number of verifications undertaken. However, this information is not publicly reported.

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In terms of exports, the Ministry cannot issue official assurances unless the business has demonstrated compliance through external verification. This requirement on the Ministry is prescribed in legislation.

Non-compliance, recall and incident response

Non-compliance can result in a series of actions depending on the severity. A risk management programme must document and detail the corrective action procedures that are to be applied in the event of loss of control and this includes:

- how control will be restored
- how any affected animal material or animal product will be identified, controlled or disposed of; and
- any measures to be taken to prevent recurrence of the loss of control.

A risk management programme must also contain a recall procedure, detailing the criteria for deciding when a recall will be initiated and how retrieval and disposition of the relevant animal material or animal product will be managed. It must include a system for notification as soon as possible when animal material or animal product is recalled from trade, distribution or consumers.

Should it be found that the product has become unsafe or unsuitable for its intended purpose, the operator is obliged to investigate the cause and to undertake a recall as described in the Risk Management Programme if the product has been released from their control. All food safety recalls are made public on the Ministry website (<https://www.mpi.govt.nz/food-safety/food-recalls/recalled-food-products/>).

In addition, the Chief Executive of the Ministry can direct food recalls when needed and is able to warn the public of any broader food safety risks.

The Animal Products Act prescribes penalties for offences against the act⁸, including failure to produce seafood fit for its intended purpose. Offences against “endangerment to human health” (i.e. production and sale of unsafe food) can result in fines and/or imprisonment for persons or body corporates.

Comparability to international best practice

New Zealand exports seafood to a large number of countries and for this reason the food safety system has been designed to align with international best practice, most notably the principles of Codex Alimentarius.

Overarching measures

The Ministry contributes to international standard setting in areas that are important to food safety and trade, particularly in the area of food safety science. This includes ongoing contributions to the food standards body Codex Alimentarius. New Zealand (via the Ministry) has been an active member of Codex since its formation in 1963. Codex Alimentarius Commission is critical to advancing the objectives of:

- the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)
- the Agreement on Technical Barriers to Trade (TBT Agreement).

These agreements provide a strong framework of rules and disciplines for technical standards and regulations at national and international levels. As a signatory to the agreements, New Zealand is obliged to comply with them. New Zealand demonstrates its obligations through a combination of OMARs, domestic legislation and regulation.

The New Zealand government also works within broader international fora to negotiate and develop food safety regulations and requirements.

⁸ Part 10 of the Animals Products Act 1999.

Bilateral measures

Along with complying with New Zealand legislation, businesses exporting seafood must demonstrate compliance with all relevant bilateral requirements. There are a number of countries that New Zealand trades with that set specific additional requirements that must be met when exporting to them. These are called Overseas Market Access Requirements (OMARs). They are requirements that the New Zealand government has agreed to with the governments of export destinations.

OMARs can relate to both food safety and non-food safety measures and commonly include requirements relating to the operator being specifically listed or approved for export to a particular country, country labelling criteria, additional sampling and testing requirements and certification requirements. The Ministry is responsible for administering the OMARs and providing official assurances that seafood exported from New Zealand meets the specific OMARs of the destination country.

In addition, New Zealand has formal agreements with a number of other countries and while these agreements differ in construct, their purpose is to give recognition to New Zealand's food safety framework and to facilitate trade of New Zealand products.

For seafood, this includes arrangements with:

- the United States of America
- the European Union
- Canada (for bivalve molluscan shellfish).

As discussed in previous sections, New Zealand works closely with Australia to develop joint food standards for labelling and composition through arrangements such as the Australia New Zealand Food Standards Code.

These agreements support global recognition that New Zealand is operating in accord with international best practice in terms of managing food safety.

References

Animal Products Act. Available from: <http://www.legislation.govt.nz/act/public/1999/0093/latest/DLM33502.html>

Animal Products Regulations. Available from:

<http://www.legislation.govt.nz/regulation/public/2000/0207/latest/DLM9546.html>

Animal Products (Regulated Control Scheme – Limited Processing Fishing Vessels) Regulations. Available from:

<http://legislation.govt.nz/regulation/public/2001/0334/latest/whole.html#DLM91830>

Animal Products (Risk Management Programme Specifications) Notice. Available from:

http://www.foodsafety.govt.nz/elibrary/industry/risk-management-programme-specifications-and-policy-statement/Animal_Products-Contains_That.pdf

Animal Products (Specifications for Products Intended for Human Consumption) Notice. Available from:

<http://www.foodsafety.govt.nz/elibrary/industry/animal-products-specifications-asd/index.htm>

Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations. Available from:

<http://www.legislation.govt.nz/regulation/public/2006/0038/latest/DLM369353.html>

Animal Products (Export Verification Requirements) Notice. Available from:

<http://www.mpi.govt.nz/exporting/food/seafood/requirements/>

Animal Products Notice: Official Assurances Specifications for Animal Material and Animal Products. Available from:

<http://www.mpi.govt.nz/document-vault/11434>

Code of Practice: Processing of Seafood Products. Available from: <https://www.mpi.govt.nz/processing/seafood/codes-of-practice-and-templates/>

Food Act, 2014. Available from:

http://www.legislation.govt.nz/act/public/2014/0032/latest/DLM2995811.html?search=ta_act_F_ac%40ainf%40anif_an%40bn%40rn_25_a&p=4

Food Standards Code. Available from: <http://www.foodstandards.gov.au/code/Pages/default.aspx>

Pattis, I., Lopez, L., Cressey, P., Horn B., Roos R. (2016). Annual Report Concerning Foodborne Disease in New Zealand 2016. ESR Client Report FW17008, Christchurch, New Zealand. Available from: <https://www.mpi.govt.nz/food-safety/food-safety-and-suitability-research/human-health-surveillance/foodborne-disease-annual-reports/>

Seafood legislation road map (links to all seafood related legislation). Available from:

<http://www.foodsafety.govt.nz/elibrary/industry/seafood-legislation-roadmap.pdf>

Report Details

Section	Food Safety
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Relevant legislation, regulation and statutes	Animal Products Act 1999 Animal Products Regulations Animal Products (Regulated Control Scheme – Limited Processing Fishing Vessels) Regulations Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations Food Act 2014 Food Standards Code
Relevant regulatory agencies	Ministry for Primary Industries www.mpi.govt.nz Food Standards Australia New Zealand www.foodstandards.govt.nz

⁹ The Seafood Standards Council is an official committee of Seafood New Zealand Limited in cooperation with the Ministry for Primary Industries. It is primarily concerned with the assurance of food safety and market access for seafood produced in New Zealand. More information can be found at www.nzssc.co.nz.