

Analysis of Submissions:

Proposed Changes to Ruminant Protein Regulations

(MAF Biosecurity New Zealand Discussion Paper: 2008/03)

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1. Executive Summary

In September 2008, The Ministry of Agriculture and Forestry (MAF) Biosecurity New Zealand published a discussion paper entitled *Proposed Changes to Ruminant Protein Regulations* (No: 2008/03) and invited submissions on the proposed amendments to the Biosecurity (Ruminant Protein) Regulations (1999) (the regulations).

The primary purpose of the proposals in the discussion paper was to clarify areas of the regulations so that New Zealand's need for a robust feed ban of ruminant protein to ruminant animals continues to be met and be enforced more effectively.

Six weeks were allowed for feedback on the discussion paper. This document provides a summary of the issues raised in submissions and presents MAF's response.

The majority of submitters were generally supportive of the intent of the proposals to strengthen the regulations around the use of ruminant protein, or supported the proposals "in principle" and provided recommendations on operational detail.

As a result of consultation MAF has changed its proposed option for the wording of product labels to *"Do not feed to sheep, cattle, goats, deer, buffaloes or other ruminant animals, as this product contains/may contain ruminant protein"*.

MAF has also altered its proposal to include an amendment to the definition of "ruminant protein" in light of concerns raised in submissions.

MAF recommends proceeding with the remaining proposals outlined in the discussion paper.

MAF is now seeking Cabinet approval to amend the regulations.

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2. Introduction

MAF Biosecurity New Zealand administers the Biosecurity (Ruminant Protein) Regulations 1999, which aim to protect New Zealand's bovine spongiform encephalopathy (BSE)-free status, preserve market access and provide risk mitigation measures as required by those markets. The regulations prohibit the feeding of ruminant protein (such as meat and bone meal) in any form to ruminant animals such as cattle, sheep, deer, buffaloes and goats.

MAF conducted two reviews into operational aspects of the regulations in 2005 and 2006. These reviews highlighted areas where the regulations could be made more effective.

In September 2008, MAF published a discussion paper entitled *Proposed changes to Ruminant Protein Regulations* (discussion paper no: 2008/03) and invited submissions on the proposal.

Changes were proposed to:

- make mandatory, by way of regulation, the existing discretionary requirement that feed for ruminants is produced using dedicated equipment;
- require that Ruminant Protein Control Programmes are audited by people authorised by a MAF Chief Technical Officer under section 103 of the Biosecurity Act 1993 (Inspectors and Authorised or Accredited persons) rather than by auditors approved as third-party service providers;
- enable the recovery of costs for audits by government employees, agents and contractors from operators of Ruminant Protein Control Programmes through the Biosecurity (Costs) Regulations 2006;
- amend the definitions for “ruminant” and “operator”; and
- amend the requirements for feed labelling so that they are clearer and more easily implemented.

MAF met with industry representatives in February 2006, at which meeting there was unanimous support for requiring feed manufacturers to use separate equipment for handling ruminant feed.

MAF had further consultations with the New Zealand Feed Manufacturers Association in July 2006, May 2007 and May 2008 to inform them of progress and the changes under consideration. The recommended amendments to the regulations presented in the discussion paper were informed by and developed as a result of these meetings.

MAF placed the discussion paper on its website and directly invited submissions from potentially affected parties.

Six weeks were allowed for feedback on the discussion paper, although submissions were received up to one month after this time by arrangement. This document summarises the issues raised in submissions and presents MAF's response and modified proposal for the wording of product labels, and further proposal to amend the definition of “ruminant protein”.

3. Submitters

MAF received 12 individual and joint submissions on the proposal.

Professional association	4
Private company	4
Private individual	1
Government department	1
Statutory body	1
Industry good body	1

4. Issues raised in submissions

The analysis section is organised according to the issues listed below.

General issues raised in submissions

1. General support for proposals
2. Transport of raw materials
3. Monitoring compliance
4. Exemption sought

Responses to specific questions in the discussion paper

5. Dedicated ruminant feed processing line requirements
6. Auditing ruminant protein control programmes (RPCPs)
7. Recovering audit costs from operators
8. Proposed changes to definitions
9. Wording of product labels
10. Labelling requirements

5. Analysis

GENERAL ISSUES RAISED IN SUBMISSIONS

5.1 GENERAL SUPPORT FOR INTENT OF PROPOSALS

Nine submitters commented that they generally supported the approach to strengthen the regulations around the use of ruminant protein, or supported the proposals “in principle” and provided recommendations on operational detail. Four submitters commented on the need to provide risk mitigation measures against transmissible spongiform encephalopathies (TSEs) of livestock to protect New Zealand’s BSE-free status and preserve market access.

5.2 TRANSPORT OF RAW MATERIALS

Two submitters noted that transport of raw materials or complete feeds to or from a facility is not addressed in this review. They also noted that there is a draft Transport Code of Practice currently under development.

MAF Response

Transport of materials is covered under the current regulations and industry will be involved in any further work.

5.3 MONITORING COMPLIANCE

Two submitters considered it fundamental that compliance with the regulations be regularly monitored and enforced. They also stated the importance of educating feed manufacturers and users outside of the mainstream animal feed manufacturers as well as regularly reviewing their compliance.

MAF Response

MAF Biosecurity New Zealand conducts random audits of premises that do not have a registered Ruminant Protein Control Programme. The proposed change to the regulations requiring that all auditors are appointed under the Biosecurity Act will provide a mechanism to ensure that the competence of non-MAF auditors is regularly reviewed.

5.4 EXEMPTION SOUGHT

One submitter requested an exemption be made from any reference to the ruminant protein regulations appearing on labels of products manufactured by their company. The submitter stated that the regulations do not adequately address issues related to the product, due to its unique nature and manufacturing process.

MAF Response

This issue involves the definitions of “feed” and “ruminant protein” as defined by the regulations. A possible solution could be to amend the definition of feed, but this would likely require a major change, which is out of scope of the current proposals and would require further analysis and consultation. MAF proposes to amend the definition of “ruminant protein” to exclude protein-free tallow and any derivative, rennet, dicalcium phosphate, peptides and amino acids. These things are already excluded from the definition of “feed”.

This would make it clear that all products produced with these components, including fertilisers, are exempt from having to be labelled as possibly containing ruminant protein.

RESPONSES TO SPECIFIC QUESTIONS IN DISCUSSION PAPER

5.5 DEDICATED RUMINANT FEED PROCESSING LINES

Nine of the twelve submitters commented on the proposal that ruminant protein control programmes must specifically state that:

- feed for ruminant animals will be manufactured using equipment dedicated for processing ruminant protein-free feed. Equipment includes any equipment or item that has direct contact with the feed, or poses a significant risk of contamination of the feed or its components; and
- the requirements for dedicated equipment will be applied from the arrival of ingredients on the premises to the bulk load-out or bagged packing of the finished feed.

Of those who commented:

- five supported the proposal;
- three supported the proposal with suggested modifications; and
- one considered that the proposal was not appropriate.

One submitter considered the proposal inappropriate for their business as ruminant protein has never been present and will never be used in their production line.

One submitter suggested that the regulations require separation based on the risk (whether something contains ruminant protein or not), rather than the proposed end-use category (ruminant or non-ruminant feed).

MAF Response

MAF agrees that the regulations should separate production based on ruminant protein content, but in order to be meaningful the regulations must also specify end use, as the risk the regulations aim to mitigate is to ruminants. The requirements for Ruminant Protein Control Programmes do not apply to premises that do not use or store ruminant protein (regardless of whether feeds for ruminants, non-ruminants or both are produced), or to premises that use ruminant protein but do not produce feed for ruminants, and MAF is not proposing to change this.

Submitters who supported the proposal with suggested modifications made the following comments:

1. As feed manufacturing is a dusty process, separation of dedicated equipment should be extended to all services (e.g. air conditioning/ducting, wash-out water) to ensure that cross-contamination is avoided.

MAF Response

MAF considers that the risk management procedures developed for individual premises adequately cover any risks associated with dust, and considers it unnecessary to specify in the regulations that air conditioning, ducting and wash-out water be managed separately. If this is necessary for risk management, it can be considered as part of the Ruminant Protein Control Programme.

2. It would be impractical and of little potential benefit to require separate storage and transport for raw materials such as grains, non-ruminant protein sources, vitamins and mineral premixes and feed additives that could be used for both ruminant and non-ruminant feed.

MAF Response

MAF agrees with this statement. It is the intention of the changes that raw materials that are free of ruminant protein could be used for both feed containing ruminant protein and feed for ruminants, provided that materials that contain ruminant protein and those that are free of ruminant protein do not share equipment at any point. For example, if grains are stored in silos and there are separate elevators to crushing or mixing machinery for the line producing ruminant protein feed and the line producing ruminant protein-free feed, this could be considered complete separation, provided adequate physical barriers were in place to prevent any backflow of material containing ruminant protein into the silo where the grain is stored. Such barriers would be assessed by MAF as part of registering a Ruminant Protein Control Programme. If it is not possible to ensure that the raw materials are protected from cross-contamination, MAF's position is that separate stores must be maintained for the ruminant protein-free line and the line where ruminant protein is used.

Three submitters identified further problems that need to be considered:

1. It is not clear how the regulations will be amended to address the proposal that “...separation will occur from arrival of ingredients on the premises to bulk load-out or bagged packing of the finished feed”.

MAF Response

MAF anticipates that the regulations would be amended under Section 7 (Requirements for Programmes) to indicate that the separation of anything that contains ruminant protein (i.e. raw ingredients, products in production or finished products) from anything that does not contain ruminant protein must occur from arrival of raw ingredients on the premises until bulk load-out or bagged packing of the finished feed. This will allow individual Ruminant Protein Control Programmes to specify exactly how this will be done in particular premises.

2. Further clarification is needed on what “complete physical separation” means as it applies to manufacturers who store bagged ingredients, some which contain ruminant protein and some which do not, in a common store, where they are separated by distance.

MAF Response

It is MAF's intention that physical separation by distance would be considered to be complete physical separation, provided robust risk management procedures, signage, and staff training are in place. However, equipment that comes in direct contact with unpackaged raw materials and partially processed or finished feeds must not be shared between ruminant-protein free feeds/components and those containing ruminant protein.

3. In allowing non-ruminant and ruminant protein products to be manufactured on the same factory and/or site,
 - How would you guarantee separation of ruminant and non-ruminant protein?
 - What are the benefits to industry in allowing this versus the risk to industry should cross-contamination occur?

MAF Response

The Ruminant Protein Regulations allow for products containing ruminant protein and those to be fed to ruminants to be produced on the same factory or site, provided a Ruminant Protein Control Programme is registered with MAF. The Ruminant Protein Control Programme specifies the risk management procedures that must be undertaken in the premises to ensure that feed for ruminants can be produced on the same site where ruminant protein is used, while minimising the risk of cross-contamination. MAF assesses all Ruminant Protein Control Programmes before allowing their registration, and they must be audited annually.

4. The regulations need to address places or farms that store (and use) feed for ruminants but do not perform any production function. Education at least is required.

MAF Response

The current regulations specify that it is an offence for anyone to knowingly feed ruminant protein to a ruminant. This applies to those who store and provide feed to ruminants, regardless of whether they produced the feed. The regulations also require anyone affected by the regulations to store feed in ways that avoid contamination with ruminant protein, and to remove visible contaminants from vehicles, containers and other devices before using them for containment or transport of bulk feed intended for ruminants. MAF encourages feed suppliers to display information about the Ruminant Protein Regulations, to help end users understand their responsibilities. Changes to the regulations arising from this review process will require further communication with all stakeholders, including end users.

5.6 AUDITING RUMINANT PROTEIN CONTROL PROGRAMMES

Seven of the twelve submitters commented on the proposal that annual verification audits and compliance audits of Ruminant Protein Control Programmes be carried out by persons authorised by a MAF Chief Technical Officer under section 103 of the Biosecurity Act 1993 (Inspectors, Authorised or Accredited Persons), rather than by auditors approved as third-party service providers.

Of those who commented:

- four supported the proposal;
- one supported the proposal, provided that approved auditors are formally qualified and experienced in the field; and
- two highlighted further problems that need to be considered.

The submitters who highlighted further problems to be considered had the following comments:

1. Any changes to the appointment of auditors must allow for Ruminant Protein Control Programme operators to select auditors on a contestable basis.
2. The proposal appears to be moving further away from the regulatory model MAF and NZFSA subscribe to. The proposals seem to indicate that government and independent verifiers can “compete” for the verification function and can perform the compliance (systems audit?) function. NZFSA does accredit verifiers under the Animal Products Act, but these people can be non-government.

MAF Response

It is MAF's intention that annual audits could still be carried out by non-government people, provided they have been appointed under the Biosecurity Act, which MAF considers would make it easier for annual assessment and review of the competence of independent auditors. The change in the process for appointing auditors may make it simpler for Ruminant Protein Control Programme operators to select auditors for their annual audit on a contestable basis. It is not MAF's intention that independent auditors would conduct compliance audits. MAF's intention is for pre-registration audits of Ruminant Protein Control Programmes and compliance audits of premises not registered for a Ruminant Protein Control Programme to be undertaken by a MAF-designated auditor, as they are presently.

5.7 RECOVERING AUDIT COSTS FROM OPERATORS

Eight of the twelve submitters commented on the proposal to enable the recovery of costs for audits by government employees, agents and contractors from operators of Ruminant Protein Control Programmes through the Biosecurity (Costs) Regulations 2006;

Of those who commented:

- four supported the proposal;
- one suggested modifications to the proposal;
- one did not support the proposal; and
- four highlighted further problems to be considered.

One submitter suggested modifying the proposal so if NZFSA VA staff (from a premises with full time veterinary presence) are the accredited person used in auditing the Ruminant Protein Control Programme, the premises from which the accredited persons are based should not receive any charges for the time taken to carry out the audit. This includes overhead costs as well as on-site and off-site time.

One submitter did not support the proposal, stating that audits should be funded by the taxpayer as it is a "national good" activity that provides protection to the economy.

The submitters who highlighted further problems to be considered had the following comments:

1. Should any non-routine sampling be required, industry should be consulted to ensure costs remain reasonable.
2. If costs are recovered from individual business, how can we be sure it will be "cost recovery" only and not "revenue gathering"? How will MAF manage the 'cost setting' process and how transparent will this process be?
3. This may increase costs to the operator. Cost should be minimised as much as possible to ensure a smooth transition from independent auditor to government-authorized auditor.

One submitter described a potential impact on business as being potentially higher or lower costs to the operator as the charge-out rate of the nominated independent auditor (current system) may have been different from that charged in accordance with Biosecurity (Costs) Regulations. An advantage of the proposed system is that it will lead to uniformity in market.

MAF Response

Currently, and for what is proposed, costs are only recovered when the audits are requested by the operator. For example, if the operator requests to register a Ruminant Protein Control Programme, MAF recovers the costs of conducting pre-registration audits. The proposal allows the cost of such an audit to be specified in regulation. If an operator wishes to maintain a Ruminant Protein Control Programme, MAF requires an annual audit to be conducted, but it is an operator's decision whether or not they wish to conduct activities that will require them to register a Ruminant Protein Control Programme. It is proposed that the operator would be able to select any MAF-approved auditor to conduct their annual audit; MAF would not be setting prices for such audits conducted by non-MAF employees or contractors.

MAF does not recover costs for random audits conducted to ensure compliance with the regulations at present. The current proposals do not include any changes to this area. MAF agrees that non-routine sampling should be discussed with the operator to ensure costs remain reasonable, and this is a routine part of the process of registering a Ruminant Protein Control Programme.

MAF notes that the proposed changes do not remove market competition. They apply only to cost-recovered audits that are conducted by MAF, in the specific circumstance where MAF is conducting a pre-registration audit of a Ruminant Protein Control Programme, or when an operator has requested that MAF conduct an annual audit of the programme because no other suitable auditor is available.

5.8 PROPOSED CHANGES TO DEFINITIONS

Eight of the twelve submitters commented on the proposal to:

- amend the definition of “ruminants” to specifically include all animals that belong to the suborder Ruminantia (which would exclude alpacas and other camelids); and
- amend the definition of “operator” to remove ambiguity and to ensure that mobile feeders are covered.

Of those who commented:

- five supported the proposal;
- one did not support the proposal to remove camelids from the definition of “ruminant”;
- three identified further problems to be considered.

One submitter described a potential impact on business being that farmers of alpacas and other non-Ruminantia species would be able to source feed from non-Ruminant Protein Control Programme manufacturers, which could be cheaper.

The submitter who did not support the proposal to remove camelids from the definition of “ruminant” considered that, unless MAF has independent and credible evidence to exclude alpacas, the definition should remain unchanged, in the interest of ensuring the regulations are as tight as possible.

MAF Response

MAF's experts have indicated that there is adequate evidence to support the removal of camelids from the definition of ruminant.

The submitters who highlighted further problems to be considered had the following comments:

1. DEFRA includes alpacas in its definition of ruminants. Absence of evidence is not evidence of absence. There is no reason why a spontaneous occurrence or mutation may not result in BSE being transmitted by camelids in the way it is thought to have originally happened in cattle.
2. The definition of “feed” should also be addressed as part of the review – the current definition is confusing as it is solely dependant on the potential ruminant protein of the product and does not reflect the commonly understood and used definition.

MAF Response

MAF accepts that the current definition of feed does not reflect the commonly understood definition. However, these regulations apply to feed in a specific context, and broadening the definition of feed could have unintended consequences for the scope of the legislation. MAF believes that the proposed changes to the requirements for labelling remove some of the complexities arising from the definition of feed under these regulations.

5.9 WORDING OF PRODUCT LABELS

Seven of the twelve submitters commented on the proposal that:

- only products which may contain ruminant protein (i.e. ruminant protein is an ingredient, or the product or its components are produced on or using equipment where ruminant protein is used) must be labelled to declare their ruminant protein status; and
- products that may not be fed lawfully to ruminants are labelled with the following notice:

“Notice: Do not feed to sheep, cattle, deer, goats, buffaloes and other ruminant animals. This product contains ruminant protein.”

Of those who commented:

- three supported the proposal;
- one supported the need to change the regulated labelling, but did not support the proposed wording;
- one suggested a modification to the proposal; and
- four suggested other feasible options.

Two submitters stated that a potential impact on business would be the cost in developing new plates for printing.

One submitter highlighted that a further problem to be considered is that other labelling (including warning) requirements exist in addition to those regarding ruminant protein content.

MAF Response

MAF acknowledges that other feed labelling requirements exist, but does not control labelling requirements for feed other than those associated with ruminant protein. MAF notes concern that ruminant protein labelling could distract consumers from other warning labels. However, similar ruminant protein labels have been in use for several years now. It is good practice for consumers to consider all warning labels on a product.

The submitter who supported the need to change the regulated labelling, but did not support the proposed wording, considered that the wording implies that the product does contain

ruminant protein, which it may not. They suggested using, “This product may contain ruminant protein”, rather than, “This product contains ruminant protein”.

The submitter who suggested a modification to the proposal recommended that the focus be on the risk requiring action, i.e. the presence (or non-absence) of ruminant protein. They suggested changing the wording to, “Contains / may contain ruminant protein. For this reason must not be fed to...”

MAF Response

MAF notes the concern that the proposed labelling specifies "contains ruminant protein" when this may not actually be a listed ingredient in the product. MAF considers that the proposed alternative, “Contains/may contain ruminant protein” would be acceptable. MAF prefers that the statement “Do not feed to...” be the first component of the label, as this is the crucial element for end users.

MAF will change the proposed wording to:

“Notice: Do not feed to sheep, cattle, deer, goats, buffaloes and other ruminant animals. This product contains/may contain ruminant protein.”

Other feasible options suggested were:

1. Use both words and pictures to indicate the type of animal the feed is suitable for and/or not suitable for (good for people whose first language is not English and people who do not read labels carefully).

MAF Response

MAF notes that using pictures would assist those who have difficulty reading or understanding labelling, but is concerned that the pictures may not stand out clearly from the manufacturer's labelling, and that using pictures in addition to written labelling would result in the text being too small or the warning label being unacceptably large, and so does not support this option.

2. A generic warning label which addresses both concerns around ruminant protein, as well as other risks associated with the use of animal feed, should be applied to all categories of livestock feeds and should be applied regardless of the ruminant protein content of the feed. Label should read, “WARNING: Feed to specified animals only”.

MAF Response

MAF needs to ensure that not only end users can identify which products are suitable to feed to their animals, but that those transporting and storing feeds, and those conducting audits, can identify which specific products contain ruminant protein. For example, not all pig feeds may contain ruminant protein. Those containing it will need to be handled and stored differently from those that do not, if feeds for non-ruminants are also present. Therefore, MAF does not support suggestions to remove references to ruminant protein from labelling.

5.10 LABELLING REQUIREMENTS

Seven of the twelve submitters commented on the proposal that:

- the size of the regulatory notice should be the smaller of the following two options. Either:

- the notice must occupy an area as specified in the regulations, based on the total area of the flattened packaging, as circumscribed by the end stitch lines/folds; or
- the letters in the notice must be at least 20 mm high.
- the regulatory notice must be permanently stamped, affixed, or marked on “to the front of the package or container for the feed or fertiliser, immediately below the top stitch line or fold”; and
- the regulatory notice should be of durable material for the lifetime of the stored and used packaged product; and
- the regulatory notice must be the first thing that people see, and that the notice is clear and easily understood.

Of those who commented:

- three supported the proposal;
- two were supportive of the proposal to amend current labelling requirements and generally supportive of the proposed size and placement recommendations;
- one suggested a modification to the proposal; and
- three identified further problems to be considered.

The submitter who suggested a modification to the proposal agreed with the intent of the proposal, but objected to the label size requirement. This submitter considered it better to give prominence to the label by locating it at the top of the bag and making it a suitable colour that stands out, instead of making the label larger than it needs to be.

MAF Response

MAF notes the concern about a minimum label size for different sizes of product. MAF's position is that a minimum size must be specified for regulatory labels, as this removes the subjectivity (and thus uncertainty for manufacturers) about whether a label would be considered by MAF to be prominent enough.

One submitter described this proposal's potential impact on business:

New Zealand fish meal is significantly discounted in the international marketplace against competitor countries. A reason given for this is that the regulatory labelling, "Not to be fed to cattle, sheep, deer, alpacas and goats or other ruminant animals" gives the perception that the product is of inferior quality.

MAF Response

MAF notes concerns regarding labelling and overseas markets. MAF requires that products containing ruminant protein be durably labelled as to their ruminant protein status during their time in New Zealand whether or not they are ultimately destined for export, to ensure that they are appropriately managed while in the country and to ensure our livestock are protected.

The submitters who highlighted further problems to be considered made the following comments:

1. Any labelling must last the expected lifetime of the product. Where the container is liable to fold over during use of product (where the full quantity of product in a bag is not consumed at once), the quality of the label must be such that it is not easily torn, removed or become illegible. An extra label should be put on the lids of drums or containers to easily identify from above.

MAF Response

MAF agrees that the labelling must be durable enough to withstand the intended lifespan of the product, and that this would include the need to be able to withstand normal wear and tear that packaging would face.

2. Further clarification is sought on what is meant by “the total area of the flattened package” – only one side of the package or the entire area when the package is opened out?

MAF Response

MAF’s intention is that the total outside surface area of the flattened packaging (front, sides, back) be considered (i.e., the entire area when the package is opened out) because this removes ambiguity about what is considered to be the 'front' of a package. MAF considers that for cylindrical containers, the area to be considered would be the round side only (not the base or lid).

3. The placement and size of the proposed warning labels for ruminant protein content will draw attention away from warnings contained in other labels.
4. Consumers may assume that a labelled feed is more risky than an unlabelled one, or that there is little or no risk associated with an unlabelled feed.
5. The proposed requirement that, “the notice advising the product contains ruminant protein must be the first thing people see”, needs further consideration in relation to products destined for non-ruminant feed in overseas markets.

MAF Response

MAF considers that it is appropriate to label feeds containing ruminant protein, as they require special handling to ensure no accidental cross contamination of products for ruminants occurs.

6. Appendix 1: Proposed changes to Ruminant Protein Regulations: 2008 Submissions

Dedicated Ruminant Feed Processing Line Requirements

#	Support	Modify	Do not support	Impacts on business	Further problems to be considered	Other feasible options to be considered	Notes
1	Seeks an exemption from any reference to the RP Regs appearing on their product label. Raw material is treated by alkaline hydrolysis, the same as that used and approved for satisfactory destruction of animal material suspected of containing the BSE prion. The regulations do not adequately address issues related to this product. No comment on proposals.						
2	Yes						
3			Not appropriate as ruminant protein has never been present on premises and will never be used in production line	Produce base animal feeds with only molasses added. Ruminant protein will never be used in production.			
4	Submitter has closed business. Unable to keep up with new compliances. No comment on proposals.						
5	Yes	Recommends that separation of dedicated equipment be extended to all services, e.g. air conditioning/ducting, wash-out water, to ensure cross contamination is avoided, as feed manufacture is a dusty process.					
6	Supportive of a		Impractical and of		1) Not clear how		Generally

	requirement for the use of separate equipment for storage, handling and transport of ruminant protein or feeds containing it.		little potential benefit to require separate storage and transport for raw materials such as grains, protein sources (e.g. soya meal), vitamins and mineral premixes and feed additives that could be used in for both ruminant and non-ruminant feed.		RP Regs will be amended to address the proposal that "...separation will occur from arrival of ingredients on the premises to bulk load-out or bagged packing of the finished feed". 2) Seeks further clarification on "complete physical separation" - applies to manufacturers who store bagged ingredients which contain ruminant protein and which do not in a common store, separated by means of distance.		supportive of approach taken to strengthen the regulations. Whatever action is taken, it is fundamental that compliance with the regulations be regularly monitored and enforced. Important that feed manufacturers and users outside of the mainstream animal feed manufacturers are educated about the regs their compliance regularly reviewed. Notes that transport of raw material or complete feed to or from a facility is not addressed - looks forward to participating in review of draft Transport COP currently under development.
7	Yes				In allowing non-		

					<p>ruminant and ruminant protein products to be manufactured on the same factory and/or site, 1) how would you guarantee separation of ruminant and non-ruminant protein? 2) What are the benefits to the industry in allowing this versus the risk to industry should cross-contamination occur?</p>		
8	Yes						
9	Endorses Submitter 6.	Raw ingredients not made of ruminant protein (including grains, non-ruminant proteins, vitamins and premixes) should be able to be received and stored in bulk prior to use in ruminant or non-ruminant feed.	Endorses Submitter 6.		Endorses Submitter 6. Need to clarify specific separation requirements for storage of both input ingredients and finished product. Storage requirements on farms need to be clearly defined based on risk of cross-contamination.	Require separation based on the risk (ruminant protein or not) rather than the proposed end-use category (ruminant or non-ruminant feed).	Endorses Submitter 6.

					Broader issue of regulations needing to capture places or farms that store (and use) feed for ruminants and non ruminants but do not perform any production function - education at least is required.		
10							
11	Yes						
12	Yes						Very supportive of intentions to improve the effectiveness of the regulations.
Auditing Ruminant Protein Control Programmes							
#	Support	Modify	Do not support	Impacts on business	Further problems to be considered	Other feasible options to be considered	Notes
1							
2	Yes						
3							
4							
5	Yes						
6							
7	Yes, provided approved auditors are formally qualified (ISO						

	trained) and experienced in this field.						
8					Any changes to the appointment of auditors must allow for RPCP operators to select auditors on a contestable basis		
9							
10					Proposal appears to be moving further away from the regulatory model MAF and NZFSA subscribe to. Proposals seem to indicate that government and independent verifiers can "compete" for the verification function and can perform the compliance (systems audit?) function. "Bad" experiences with importing country expectations/audits not a good reason to make the change. NZFSA accredits verifiers		

					under the Animal Products Act, but these people can be non-government.		
11	Yes						
12	Yes						
Recovering Audit Costs from Operators							
#	Support	Modify	Do not support	Impacts on business	Further problems to be considered	Other feasible options to be considered	Notes
1							
2	Yes						
3							
4							
5	Yes			May lead to higher or lower costs to the operator as the charge-out rate of the nominated independent auditor (current system) may have been different from that charged in accordance with Biosecurity (Costs) Regs. Advantage of proposed system is that it will lead to uniformity in market.			
6	Acknowledges need for cost				Should any non-routine sampling		

	recovery and supportive of concept of not making testing requirements in legislation overly prescriptive.				be required, industry should be consulted to ensure costs remain reasonable.		
7			Should be funded by the taxpayer as it is a "national good" activity (provides protection to the economy)		If costs are recovered from individual business, how can we be sure it will be 'cost recovery' only and not 'revenue gathering'? How will MAFBNZ manage the 'cost setting' process and how transparent will this process be?		
8		If NZFSA VA staff (from a premises with full time veterinary presence) are the accredited person used in auditing the RPCP, the premises from which the accredited persons are based should not					

		receive any charges for the time taken to carry out the audit. This includes overhead costs as well as on-site and off-site time.					
9	Endorses Submitter 6.				Endorses Submitter 6.		
10							
11	Yes				May increase costs to the operator. Cost should be minimised as much as possible to ensure a smooth transition from independent auditor to government- authorised auditor.		
12	Yes						
Proposed Changes to Definitions							
#	Support	Modify	Do not support	Impacts on business	Further problems to be considered	Other feasible options to be considered	Notes
1							
2	Yes						
3							
4							
5	Yes			Farmers of alpacas and other non-			

				Ruminantia species can source feed from non-RPCP manufacturers, which could be cheaper.			
6					Definition of "feed" should also be addresses as part of the review - current definition is confusing as it is solely dependant on the potential ruminant protein of the product and does not reflect the commonly understood and used definition.		
7	Yes						
8	Yes						
9					Endorses Submitter 6.		
10							
11			Unless MAF has independent and credible evidence to exclude alpacas, the definition should remain unchanged, in the interest of ensuring the regs are as		DEFRA includes alpacas in its definition of ruminants. Absence of evidence is not evidence of absence. No reason why a		

			tight as possible.		spontaneous occurrence or mutation may not result in BSE being transmitted by camelids in the way it is thought to have originally happened in cattle.		
12	Yes						
Wording of Product Labels							
#	Support	Modify	Do not support	Impacts on business	Further problems to be considered	Other feasible options to be considered	Notes
1							
2	Yes						
3							
4							
5						Use both words and pictures to indicate the type of animal the feed is suitable for and/or not suitable for (good for people whose first language is not English and people who do not read labels carefully)	Recommends that all labels should indicate clearly what the product is and any precautions that must be taken. Label must be clearly visible.
6				Cost to industry, as will require development of		A generic warning label which addresses both	Warning labels must be simple and consistent.

				new plates for printing.		concerns around ruminant protein, as well as other risks associated with the use of animal feed, should be applied to all categories of livestock feeds and should be applied regardless of the ruminant protein content of the feed. Label should read, "WARNING: Feed to specified animals only"	
7	Yes						
8	Supports need to change the regulated labelling.		Does not support proposed wording, as it infers that the product does contain ruminant protein, which it may not.			Use "This product may contain ruminant protein", rather than, "This product contains ruminant protein"	
9		Focus on the risk requiring action - the presence (or non-absence) of ruminant protein. Suggest change wording to, "Contains / may		Endorses Submitter 6.	Other labelling (including warning) requirements exist in addition to those regarding content of ruminant protein.	Endorses Submitter 6.	Endorses Submitter 6.

		contain ruminant protein. For this reason must not be fed to..."					
10							
11							
12	Yes						
Labelling Requirements							
#	Support	Modify	Do not support	Impacts on business	Further problems to be considered	Other feasible options to be considered	Notes
1							
2	Yes						
3							
4							
5	Yes				Any labelling must last the expected lifetime of the product. Where the container is liable to fold over during use of product (where the full quantity of product in a bag is not consumed at once), the quality of the label must be such that it is not easily torn, removed or become illegible. An extra label should be put on		

					the lids of drums or containers to easily identify from above.		
6	Supportive of proposal to amend current labelling requirements and generally supportive of proposed size and placement recommendations.				1) Further clarification sought on what is meant by "the total area of the flattened package" - only one side of the package or the entire area when the package is opened out? 2) Placement and size of proposed warning labels for ruminant protein content will draw attention away from warnings contained in other labels. 3) May lead to an assumption by consumers that a labelled feed is more risky than an unlabelled one, or that there is little or no risk associated with an unlabelled feed.		
7	Agree with intent	Object to label size requirement.					

		Better to give prominence to the label by locating it at the top of the bag and making it a suitable colour that stands out, instead of making the label larger than it needs to be.					
8				NZ fish meal significantly discounted in the international marketplace against competitor countries. Regulatory labelling, "Not to be fed to cattle, sheep, deer, alpacas and goats or other ruminant animals" gives perception that product is of inferior quality.	Proposed requirement that, "the notice advising the product contains ruminant protein must be the first thing people see", needs further consideration in relation to products destined for non-ruminant feed in overseas markets.		Propose a meeting with MAFBNZ and NZFSA to discuss NZ's regulatory obligations in export labelling requirements in the context of ruminant protein and explore options to minimise commercial impacts.
9	Endorses Submitter 6.				Endorses Submitter 6.		
10							
11							
12	Yes						