



Summary of Submissions on Proposed General Export Requirements for Bee Products

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1 Introduction

On April 11 2017 the Ministry for Primary Industries (MPI) released for consultation a draft Animal Products Notice titled General Export Requirements for Bee Products (draft GREX) and a supporting discussion paper.

MPI proposed some consolidation and clarification of existing requirements, and introduced new general export requirements for all bee products. In particular, MPI proposed defining mānuka honey and introducing additional traceability measures.

During May 2017, seven workshops were held across New Zealand to provide opportunities for the public to hear more about the proposals and provide feedback. Feedback from the meetings was recorded and analysed along with formal submissions. After making available the data related to honey samples, nectar samples and marker stability MPI extended the consultation for an additional three weeks. Two further specific science seminars were also held in May 2017 to provide further information on the scientific-based definition of mānuka honey.

After nine weeks, submissions closed on 13 June 2017. Late submissions were accepted for an additional two weeks.

1.1 OBJECTIVES

The objectives of MPI's proposals were to:

- support the sustainable economic growth of the apiculture industry;
- set more rigorous and consistent requirements for honey and other bee products to be eligible for export;
- facilitate market access and ensure the robustness of the assurances provided by New Zealand;
- safeguard the safety and integrity of all New Zealand bee products for export; and
- provide confidence for markets and overseas regulators that honey labelled as mānuka is authentic.

2 Submissions

During consultation MPI received 120 submissions. Of these submitters:

- 81 identified as New Zealand individuals and businesses involved in the honey industry (beekeepers, honey processors, packers and exporters or a combination of these);
- five identified as regional or national representative groups, including Apiculture New Zealand, New Zealand Beekeeping Incorporated and the Unique Manuka Honey Factor Association (UMFHA);
- eight identified as scientists; and
- three identified as interested overseas parties.

Of the 81 submitters who identified as New Zealand individuals and businesses involved in the honey industry, 63 percent have been involved in the New Zealand apiculture sector for over ten years and 49 percent operate more than 500 hives.

3 Themes from submissions

This document summarises the themes raised in submissions received as a part of the consultation process. This document also provides MPI's response to these themes.

Note, this document does not contain the submissions relating to the definition for mānuka honey or MPI's responses to these submissions. For a summary of these submissions and responses please see the *Response to submissions on MPI's proposed definition for mānuka honey* [ISBN No: 978-1-77665-748-3] on the MPI website.

To read the export requirements please see the *Animal Products Notice: General Export Requirements for Bee Products* on the MPI website.

3.1 NO ADDITIONAL SUBSTANCES TO BE PRESENT IN NEW ZEALAND HONEY

3.1.1 Feeding of bees

To ensure additional substances are not present in New Zealand honey, MPI proposed to prohibit the feeding of bees when honey supers are present on hives for the purpose of collecting honey, with an exception if it is necessary for the survival of the bees.

3.1.1.1 Feedback on proposal and MPI response

Seventy nine submitters provided comment on this proposal. Of these 35 agreed that the proposal would ensure additional sugars and synthetic chemicals are not present in honey, 26 disagreed and 18 provided a mixed response (i.e. agreed with parts of the proposal but not others).

In response to submissions MPI has not changed the intention of the requirement but has clarified the definition for 'harvest season' and provided supplementary guidance.

The key themes from submissions on this proposal and MPI's response are outlined in the table below:

| Submission Theme | MPI response |
|---|--|
| Agreement with proposal as it is already best practice, it ensures the quality of the honey, and prevents adulteration | MPI notes the support for this proposal and agrees that the reasons identified by submitters are good reasons for introducing this requirement. |
| Honey sent to some markets is already tested for C4 sugars ¹ , so the proposal is redundant | <p>The Australia New Zealand Food Standards Code (the Food Standards Code) defines honey as: <i>the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.</i></p> <p>Additional substances present in honey would indicate non-compliance with the Food Standards Code and the Animal Products Act 1999.</p> <p>This requirement is intended to manage the risk of any substance being present in honey, not just C4 sugars, it also relates to the feeding of synthetic chemicals (e.g. DHA, MGO) rather than only C4 sugars.</p> |

¹ C4 sugars are sourced from plants which produce the sugars through a specific photosynthetic pathway known as the C4 pathway. Examples include corn and sugarcane.

| Submission Theme | MPI response |
|---|---|
| | <p>If added substances were found in New Zealand honey, it may be considered to be adulterated, and there is a reputational risk to the honey industry and wider New Zealand regulatory food system.</p> <p>The food system should not rely solely on testing at the end of the export supply chain. It is about managing risks throughout the process. MPI considers it appropriate to have preventative measures throughout the export supply chain, rather than only end point testing such as the C4 sugar test.</p> |
| <p>Concern with the test for C4 sugars and suggestions that MPI should review the test and, if necessary, develop a new test</p> | <p>The suitability of the C4 sugar test is outside the scope of this consultation: at present, the C4 test is used by a few trading partners and changing the test would be a complex process.</p> <p>MPI considers that when there are options to manage risk earlier in the export supply chain, this is preferable to using end point testing regimes.</p> |
| <p>Insufficient evidence of a problem</p> | <p>MPI considers that there is sufficient evidence of a problem. Since 2012, there have been nine Export Non-Conformances notified under section 51 of the Animal Products Act 1999 due to C4 sugar test failures.</p> <p>The requirement is intended to protect New Zealand's international reputation as markets are concerned with adulterated honey. When substances (such as C4 sugars or residues) are found in honey in overseas markets, this is considered to be adulterated honey. This represents a reputational risk to the honey industry and wider New Zealand food regulatory system.</p> <p>When markets ask about how we manage these risks, MPI needs to be able to point to defensible requirements.</p> |
| <p>The proposal will be difficult to enforce</p> | <p>MPI notes submitters' concerns about the difficulty of enforcement, but considers it is possible to enforce.</p> <p>Honey processors are responsible for ensuring that bee products are safe and fit for purpose at point of sale. This includes not having any substances which would be unexpected or unusual in the product. So while MPI would not check every hive or beekeeper for compliance during the honey season, if a problem was identified further investigation could take place. This could be targeted either at the honey processor or the beekeeper.</p> <p>Making rules around feeding bees a legal requirement in the GREX gives MPI both the authority and ability to enforce this.</p> |
| <p>Some submitters were concerned their beekeeping practices would not comply with the proposal. There was also some confusion over the definition of 'harvest season' and what 'fed with anything other than honey' means</p> | <p>MPI considers that many of the beekeeping practices identified in submissions would comply with the requirement in the GREX. However, some submitters were uncertain whether their practices would comply.</p> <p>Harvest seasons: MPI clarifies that the <i>harvest season</i> means any period when honey supers are present on beehives for the <i>purposes of collecting honey</i>. This means that the requirement is only in place during the honey flow. For example, it would be acceptable to put supers on hives for other reasons, such as to expand the colony before the honey flow starts.</p> <p>Weather conditions: Several submitters were concerned about the impact of weather conditions on bee health, and the need to feed when conditions change quickly. There is an exception in the requirement 'unless any other feeding method is necessary for the survival of the bees'.</p> <p>Types of feed: The requirement that 'bees are not fed with anything other than honey' does not just relate to sugar feeding – it includes the feeding of synthetic chemicals, protein patties and any other supplements. Feeding methods should conform to industry best practice.</p> <p>Changes to the GREX: In response to submissions, MPI has made the following changes to the GREX:</p> <ul style="list-style-type: none"> • Amended the definition of 'harvest season' to clarify the intent of the requirement is to cover the specific period when honey supers are present |

| Submission Theme | MPI response |
|--|---|
| | <p>on beehives primarily for the purpose of honey collection and the bees are producing, or reasonably expected to produce, honey during that period; and</p> <ul style="list-style-type: none"> Included a supplementary guidance box to ensure this is clear. |
| <p>Objection to the extra documentation required, especially where it is difficult to predict when the honey flow will start</p> | <p>MPI considers record keeping under this requirement not to be onerous. MPI is not prescribing the form that must be used. For example, the appropriate record could be kept in a beekeeper's notebook.</p> <p>Such records do not need to be provided to extractors, or accompany the harvest declaration. They only need to be provided to MPI (or other persons specified in the GREX) upon request.</p> |
| <p>Beekeepers providing pollination services need to feed sugar syrup to bees</p> | <p>MPI notes that feeding sugar syrup to bees that provide pollination services is a routine practice to ensure that the bees breed, stay on hives and pollinate nearby crops.</p> <p>However, MPI considers that if sugar is fed to bees during the harvest season (as defined in the GREX), honey intended for export should not be extracted from that hive. The addition of any substance, including sugar, would make honey non-compliant with the Food Standards Code, and not fit for purpose under the Animal Products Act 1999.</p> |
| <p>Ensuring additional substances are not found in honey is not a food safety risk and is outside the scope of the Animal Products Act 1999; the proposal is only appropriate for organic honey</p> | <p>The Animal Products Act 1999 defines the risk factors it is created to manage. The Animal Products Act 1999 defines "risk factors" as including risks from hazards to human health; risks from false and misleading labelling; and risks to the wholesomeness of animal material or product. The definition of "wholesomeness" under the Animal Products Act 1999 is not restricted to food safety.</p> <p>This requirement ensures the safety and purity of the honey, and this is within MPI's jurisdiction under the Animal Products Act 1999.</p> <p>This clause relates to facilitating market access and to safeguarding the New Zealand food regulatory system and assurances.</p> <p>Additional substances should not be present in any honey – this rule is not limited to organic honey.</p> |
| <p>A range of views were presented linking the proposal to American Foulbrood (AFB) management guidelines</p> | <p>This provision is not about managing AFB, rather it is about ensuring the fitness for purpose of the product.</p> <p>All AFB management requirements should still be followed to manage the disease.</p> |
| <p>Overstocking is the real problem and sugar feeding is just a symptom</p> | <p>Hive stocking rates are outside the scope of this consultation. However, MPI understands that overstocking of hives is a concern for industry. MPI is open to working with Apiculture New Zealand and the industry on this issue.</p> |
| <p>Not possible to ensure that no C4 sugars are present in honey as contamination can occur from feeding prior to the honey flow</p> | <p>MPI has identified that the greatest risk of contamination of honey with additional substances is feeding during the honey flow while supers are present. The requirement manages the risk at this point.</p> <p>The GREX requires beekeepers to restrict their feeding practices so the risk of contamination is minimised.</p> |
| <p>A number of suggestions were also provided:</p> <ul style="list-style-type: none"> The proposal would sit better in guidance or should be more outcome focused Increased beekeeper training could address the issue MPI should monitor the import of chemicals used to adulterate honey | <p>Guidance: Beekeeping practices reported at the consultation workshops and through submissions varied greatly, and so it would be difficult to define best practice guidelines. MPI needs to be able to demonstrate it is effectively managing this risk and considers that beekeepers making a declaration would not give assurances to export markets. Further, if the requirement was in guidance MPI would have no ability to enforce it.</p> <p>In the longer term MPI would be open to working with industry to develop a code of practice, but that is a long term project and will not address risks in the short term.</p> <p>Training: Beekeeper training is outside the scope of this consultation.</p> <p>Chemical monitoring: MPI considers the risk of honey adulteration should be managed throughout the export supply chain. Monitoring imports alone would not provide the necessary assurances to markets regarding honey adulteration.</p> |

3.1.2 Contamination of honey with varroacide residues

In order to prevent the contamination of honey with varroacide residues, MPI proposed that honey is only harvested from honey supers that do not contain honeycomb that was previously part of a brood nest.

3.1.2.1 Feedback on proposal and MPI response

Seventy seven submitters provided comment on this proposal. Of these 21 agreed that the proposal would prevent the contamination of honey with varroacide residues, 41 disagreed and 15 provided a mixed response (i.e. agreed with parts of the proposal but not others).

In response to submissions MPI has amended the requirement to be more outcome focused and provided guidance on how the outcome can be achieved. The outcome sought is ensuring wholesomeness and fitness for purpose through the proper management of residues and contaminants. The key themes from submissions on this proposal and MPI's response are outlined in the table below:

| Submission Theme | MPI response |
|--|--|
| Agreement with the proposal to reduce the risk of varroacide contamination of honey | MPI notes the support for this proposal and agrees that the requirement is important as brood combs have the ability to absorb pesticide residues and other contaminants such as fungal and bacterial spores and heavy metals. |
| Proposal does not take normal beekeeping practices into account | <p>The purpose of this proposal was to ensure that residues and chemicals do not contaminate honey. Brood combs are known to harbour residues, contaminants and spores.</p> <p>Some submitters interpreted this proposal to mean that brood frames could not be recycled. This was not MPI's intention, rather that honey could not be harvested from honeycomb that was previously part of a brood nest. The frames could be recycled, provided these were cleaned.</p> <p>MPI noted that submitters identified varied and complex beekeeping practices.</p> <p>Changes to the GREX: Accordingly, MPI considered a range of options to achieve the desired outcome and has amended the requirement to be outcome focused. The GREX requires that bee products do not contain extraneous objects, material and substances of a kind not expected to be in bee products. MPI has included guidance in the GREX, which recommends that honey is not harvested from brood combs in order to minimise the likelihood of residues and contaminants being present in honey.</p> |
| Varroacide contamination could occur by a number of other avenues , e.g. bees, incorrect application of varroacides, pricking frames or not removing wax annually | MPI considers that using brood comb for honey collection is the most significant risk of contamination, but acknowledges that there are a number of ways residues can contaminate honey. As such, MPI's requirement has been amended to be more outcome focused. |
| The proposal is costly and would be difficult to implement | <p>As per the responses above, MPI has amended this requirement to be more outcome focused. MPI considers that this change will address some of the concerns around costs and feasibility identified by submitters.</p> <p>MPI acknowledges that there may still be a financial impact for some beekeepers and operators. However, this measure is required to maintain access to markets.</p> |
| The proposal would be difficult to enforce | <p>MPI notes submitters' concerns about the difficulty of enforcement. However, making this a legal requirement in the GREX gives MPI the authority to enforce the standard.</p> <p>Changes to the GREX: The amended proposal is an outcome based approach. The requirement in the GREX is not prescribing specific beekeeping practices. The revised requirement is that beekeepers ensure bee products do not contain substances of a kind that are not expected to be in bee products.</p> |

| Submission Theme | MPI response |
|---|---|
| <p>There are already measures to ensure residues are not present in honey</p> | <p>MPI notes that there are existing requirements to ensure varroacides are used appropriately to ensure they do not contaminate honey. These and other current requirements are explained in the guidance in the GREX.</p> |
| <p>A number of suggestions were also provided:</p> <ul style="list-style-type: none"> • Implement a regime to test honey for varroacide residues to ensure the public health risk is effectively managed • Educate beekeepers of good practice or provide guidance • Use or research alternative varroacide treatments | <p>Testing regime: MPI considers that it is better to manage the risk of varroacides and other contaminants entering the honey throughout the export supply chain, rather than by a test at the end. MPI considers that there would be a significant cost to beekeepers and operators to implement such a testing regime, and that the revised requirement is a more cost effective option to achieve the desired outcome.</p> <p>MPI notes that honey is monitored for varroacides by MPI through the National Chemical Residue Programme. The purpose of that monitoring programme is to provide evidence that system controls are effective.</p> <p>Education and guidance: Along with changing the requirement to be more outcome focused, MPI has provided guidance on one method which could be used to ensure residues do not contaminate honey. MPI is open to working with Apiculture New Zealand to develop best practice guidelines for beekeepers.</p> <p>Alternative varroacides: MPI supports further research into varroacide treatments, but this is outside the scope of this consultation.</p> |

3.1.3 American foulbrood (AFB) hive inspections

MPI proposed that beekeepers must ensure that at the time of harvest, the hives are free from the clinical signs of AFB. MPI also proposed that the harvest declaration must include a declaration that hives were free from clinical signs of AFB as per the latest inspection carried out by an authorised person pursuant to the AFB Pest Management Programme (AFB PMP).

3.1.3.1 Feedback on proposal and MPI response

The discussion document did not pose a question on these provisions of the draft GREX, however, six submitters expressed disagreement with the proposal.

In response to submissions MPI has not changed the intention of the requirement, but clarified the AFB hive inspection requirements in the GREX. That is, that it was not intended that an authorised person under the Animal Products Act 1999 be required for regular inspection of hives. MPI has amended the GREX to allow the beekeeper to carry out the inspection. The comments made and MPI's response are outlined in the table below:

| Submission Theme | MPI response |
|--|---|
| AFB is not a food safety issue, rather a biosecurity issue as such should not be included in the GREX | <p>Biosecurity risks associated with AFB are managed under the AFB PMP. MPI is not aiming to enforce biosecurity requirements through the GREX. This requirement is intended to minimise risks to exports and protect access to overseas markets.</p> <p>The Animal Products Act 1999 is about more than food safety. It is about the product being fit for purpose, 'wholesomeness', and facilitating access to overseas markets. The management of risks associated with the wholesomeness of bee products is within the scope of the Animal Products Act 1999.</p> <p>High levels of AFB spores should not be present in honey, as this affects purity and wholesomeness. Overseas markets are concerned with any AFB spores being present in honey.</p> |
| This is already required under the AFB PMP so the proposal is not necessary | <p>Export assurances are provided under the Animal Products Act 1999 and can only relate to those matters controlled under that Act. Including this requirement in the GREX provides MPI with the means to give export markets an assurance of freedom from clinical signs of AFB and to act swiftly and directly as required.</p> |
| There are not enough authorised persons to carry out the amount of inspections | <p>It was not intended that an authorised person under the Animal Products Act 1999 be required for regular inspection of hives. MPI has amended the GREX to allow the beekeeper to carry out the inspection.</p> <p>Under the GREX it is the beekeeper who must check prior to harvest that hives are free from clinical signs of AFB.</p> |

3.1.4 Nothing to be added to honey

MPI proposed that operators must ensure that where a bee product is intended to be sold as honey, nothing, other than honey, is added to the product after extraction.

3.1.4.1 Feedback on proposal and MPI response

The discussion document did not pose a question on these provisions of the draft GREX, however, six submitters expressed disagreement with the proposal. MPI has not changed this requirement due to the reasons outlined in the table below:

| Submission Theme | MPI response |
|--|--|
| Operators acting unlawfully are unlikely to declare it | <p>The requirement to not add substances to honey is implicit in the Food Standards Code, but including the requirement in the GREX this makes the requirement explicit within the context of this export requirement and is related to fitness for purpose and wholesomeness.</p> <p>Making this an explicit requirement in the GREX gives MPI authority to enforce it as an Animal Products Act 1999 export requirement.</p> |
| Flavours should be allowed to be added to honey | <p>Adding flavours to honey is outside the scope of this consultation. If anything has been added to honey, then under the Food Standards Code the product is no longer honey.</p> <p>However, you can add things to honey under the Food Standards Code (e.g. lavender), as long as you don't call it 'honey' i.e. you call it 'honey with lavender'.</p> |

3.2 PROCESSORS OF BEE PRODUCTS TO OPERATE UNDER A RISK-BASED MEASURE

Currently most processors of bee products operate under a risk-based measure; either a Risk Management Programme (RMP) under the Animal Products Act 1999, or a Food Control Plan or National Programme under the Food Act 2014. However, some operators may be operating under the Food Hygiene Regulations 1974. While MPI does not expect that there are many operators under the Food Hygiene Regulations 1974 who process bee products for export, MPI does not have oversight of these operators. This represents a gap in the export traceability chain.

MPI proposed that processors of bee products for export under the Food Hygiene Regulations must move to a risk-based measure.

3.2.1.1 Feedback on proposal and MPI response

Sixty five submitters provided comment on this proposal. Of these 58 agreed with the proposal, six disagreed and one provided a mixed response (i.e. agreed with parts of the proposal but not others).

MPI has not changed this requirement due to the reasons outlined in the table below:

| Submission Theme | MPI response |
|--|---|
| Support for proposal to ensure that everyone is under the same rules and that it reduces risks to consumers and markets | MPI notes the support for this proposal and agrees that the reasons identified by submitters are good reasons for introducing this requirement. |
| This requirement should also apply to the domestic system | The GREX imposes requirements for the export of bee products. Requiring operators who produce bee products to the domestic market to operate under a risk-based measure is outside the scope of a GREX. Processors currently under the Food Hygiene Regulations producing bee products for the domestic market will need to transition to a risk-based measure under the Food Act 2014 by 28 February 2019. |
| Some submitters thought this proposal was already a requirement | Currently most processors of bee products operate under a risk-based measure (under the Animal Products Act 1999 or the Food Act 2014). However until 28 February 2017, some operators may currently be operating under the Food Hygiene Regulations 1974. While MPI does not expect that there are many operators under the Food Hygiene Regulations that process bee products for export, MPI does not have oversight of these operators, which represents a gap in the traceability chain. |
| All operators and beekeepers producing honey for export should operate under an RMP | Beekeepers: Beekeepers are exempt by an Order in Council from being required to operate under an RMP. A change to this is outside the scope of this GREX. Operators: Currently operators may operate under an RMP under the Animal Products Act 1999, or under the Food Act 2014 regime. Because the GREX is an export notice it cannot be used to require operators under the Food Act 2014 to instead operate under an RMP. |
| The proposal is not necessary for non-official assurance markets | MPI disagrees as oversight and risk management is required for exports to non-official assurance countries. MPI considers there is a gap in oversight of the export supply chain, and it is necessary for all exported bee product to be known to MPI. |
| For some beekeepers and businesses the cost of operating under a risk-based measure is too high | This requirement does not relate to beekeepers, it is for processors of bee products. Beekeepers are exempt by an Order in Council from being required to operate under an RMP. |

| Submission Theme | MPI response |
|--|--|
| | <p>The GREX does not require processors to operate under an RMP, they may continue to elect to operate under the Food Act 2014, unless they are exporting to an official assurance market.</p> <p>MPI considers this level of risk management is appropriate for exported bee products.</p> |
| <p>There is a lack of clarity on which powers MPI is using to impose this requirement</p> | <p>It is the secondary processor who will be required by the GREX to operate under a risk-based measure. Secondary processing starts when extracting the honey. A risk-based measure can be an RMP under the Animal Products Act 1999 or a Food Control Plan/National Programme under the Food Act 2014.</p> <p>Currently, secondary processors may elect to operate under an RMP under the Animal Products Act 1999, or under the Food Act 2014 regime. The Food Act 2014 regime currently includes processors who have not yet transitioned to a Food Act 2014 risk management measure. These processors are still under the Food Hygiene Regulations 1974, and MPI does not have oversight of these operators. These processors will need to transition to a risk-based measure under the Food Act 2014 by the end of February 2019.</p> <p>Accordingly, the GREX is not imposing a risk-based measure on any category of persons that is not currently, or will not in the near future, be required to operate under one.</p> <p>The Director-General of MPI is empowered under section 60 of the Animal Products Act 1999 to issue export requirements that are necessary for the purposes specified in that section (e.g. market access). A GREX is issued under that section. An exemption from the requirement to operate under a risk-based measure does not equate to an exemption from compliance with export requirements. Beekeepers and honey operators who are exempt from having to operate under a risk-based measure will still have to comply with export requirements if they want their products to be eligible for export. MPI clarifies that any secondary processor who seeks an official assurance for their exported product needs to have an RMP.</p> |

3.3 BEE PRODUCTS TO BE SOURCED FROM LISTED BEEKEEPERS

MPI proposed to extend listing requirements to all beekeepers providing bee products for export. This includes hobbyist and small scale beekeepers who are supplying honey for export. The application for listing will involve an annual fee of \$178.25.

Note: this requirement would not apply to beekeepers who do not supply bee products for export, who operate under a risk-based measure, or those who have an exclusive supply contract with an RMP operator and whose activities are covered by the operator’s RMP.

A processor of bee products can still accept honey from unlisted beekeepers if it is intended to be sold in the domestic market. However, the operator must ensure they have an appropriate system in place to differentiate between honey from listed beekeepers intended for export, and honey from unlisted beekeepers intended for the domestic market.

3.3.1.1 Feedback on proposal and MPI response

Seventy one submitters provided comment on this proposal. Of these 46 agreed with the proposal, 19 disagreed and six provided a mixed response (i.e. agreed with parts of the proposal but not others).

Since consultation concluded, MPI has reviewed the application fee charged for renewing listing from \$178.25 to \$89.13. This provides consistency with other industries as less time is needed to process renewal applications. MPI has not changed the intention of this requirement of the initial listing fee due to the reasons outlined in the table below:

| Submission Theme | MPI response |
|---|--|
| Strong support for the proposal as it will assist traceability and accountability (note: that while some submitters agreed with the proposal in principle, they did not support the fee) | MPI notes this support to extend listing requirements to all beekeepers providing bee products for export. MPI also notes that many submitters consider this cost unreasonable (see response below). |
| A number of submitters considered the proposal too expensive and that it will have a disproportionate impact on small businesses, or that a one-off fee would be acceptable | <p>MPI notes the disagreement with the cost of listing and notes that many submitters consider this cost unreasonable. Further, MPI notes that small businesses have less of an ability to absorb costs than larger businesses.</p> <p>Since consultation concluded, MPI has reviewed the application fee charged for renewing listing from \$178.25 to \$89.13. This provides consistency with other industries as less time is needed to process renewal applications.</p> <p>However, the cost of the listing fee is outside the scope of this consultation because the export notice cannot address the level of the fee charged for listing. Fees are prescribed by the Animal Products (Fees, Charges, and Levies) Regulations 2007. The appropriate time to amend any prescribed fees is when these regulations are reviewed.</p> |
| Beekeepers are already listed with the AFB PMP and MPI ought to use the information contained in the AFB PMP list | <p>MPI understands that this requirement means that some beekeepers will need to be listed twice.</p> <p>MPI has considered whether it is possible to use the AFB PMP list in order to reduce administration costs for beekeepers.</p> <p>However, there are legal restrictions on the use of information collected under the AFB PMP. MPI does not have access to the beekeeper list held by the AFB PMP management agency for purposes under the Animal Products Act 1999.</p> <p>As the information collected for the AFB list is collected under the Biosecurity Act 1993 for biosecurity purposes, it could not be used for export certification (under the Animal</p> |

| Submission Theme | MPI response |
|--|--|
| This proposal should be extended to apply to the domestic market too. | <p>Products Act 1999) without express permission from all beekeepers. This permission could be withdrawn at any time.</p> <p>MPI cannot rely on information that it does not have reliable access to in order to support traceability for export products. Accordingly, a separate list for export purposes is required to provide MPI with the necessary oversight of the export supply chain.</p> <p>In the future, there may be an opportunity to have a consolidated beekeeper list for both biosecurity and traceability purposes. This would mean beekeepers would only have to be listed once. However, any consolidated list would be a longer term proposal that is outside the scope of this GREX.</p> |
| | The GREX imposes requirements for the export of bee products. Requiring listing of beekeepers who produce bee products for the domestic market is outside the scope of a GREX. |

3.4 PRE-PROCESSING TRACEABILITY REQUIREMENTS

MPI proposed additional pre-processing traceability requirements for beekeepers in the draft GREX. The traceability proposal was that each honey super should be indelibly marked with a unique form of identification, to enable the tracing of supers between apiary sites and to operators. The proposal also required beekeepers to keep additional records, and provide these records to the Director-General (or other officials identified in the GREX) within 24 hours of the request being made.

3.4.1.1 Feedback on proposal and MPI response

Eighty one submitters provided comment on this proposal. Of these nine agreed with the proposal, 63 disagreed and nine provided a mixed response (i.e. agreed with parts of the proposal but not others).

In response to submissions MPI has revised the provision. The unit of measurement for traceability is now the apiary level. While all boxes of honey must be marked, a ‘unique identifier’ is not required and the transition period for this requirement has been extended to one year. Overall, we consider the revised traceability proposal addresses the majority of submitters’ concerns about cost and feasibility, while meeting the objectives of the original proposal.

The key themes from submissions on this proposal and MPI’s responses outlined in the table below:

| Submission Theme | MPI response |
|---|--|
| Support to improve record keeping requirements (note: not necessarily expressing support for tracing supers) | MPI notes this support to improve record keeping requirements. |
| A large number of submitters expressed that tracing of supers adds no value and will be too onerous and costly for the majority of beekeepers. Costs identified include: <ol style="list-style-type: none"> staff investment in technology ongoing maintenance costs transition period pressures | <p>MPI notes that submitters explained that supers are the vessels for carrying frames of honey, frames will move from super to super and that honey is homogenised in a drum. MPI also notes that many submissions considered that the cost and time taken to achieve the proposal would be large.</p> <p>There was some confusion about the prescriptiveness of this proposal. MPI did not intend to require electronic super identification systems.</p> <p>However, in response to these submissions, MPI has developed an alternative traceability provision. In the GREX, record keeping to trace supers is not required. Instead, traceability must be recorded at the apiary level (for detail see the GREX). The GREX will require supers to be permanently marked with AFBPMP code (or other equivalent code) and this code must be advised in harvest declaration.</p> <p>Costs: MPI has considered the costs identified in submissions and amended the GREX to address these concerns. MPI considers that the majority of the cost concerns described in submissions will be addressed by the requirement in the GREX, namely tracing will not be to the super level, it will be to the apiary level, and the marking of supers with unique identifiers will not be required.</p> <p>While the GREX still requires supers to be marked with the beekeepers AFB PMP number or a different code which achieves equivalent traceability, this doesn’t need to be a unique number, which will reduce costs.</p> <p>MPI did not intend to introduce a system that required investment in technology to implement. However, some submitters noted that the only way to make the system work would be to introduce such a system. Many submitters have said that they already have systems in place to trace to the apiary level. MPI considers that the final GREX will not require an electronic system, as traceability to the apiary level only is</p> |

| Submission Theme | MPI response |
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| | <p>required. Accordingly, MPI considers these concerns have been addressed by the requirements in the final GREX.</p> <p>Further, MPI has extended the period for compliance with this requirement from six weeks to one year, so that beekeepers can carry out the marking over the next year.</p> <p>The costs for businesses associated with implementing the proposed traceability requirements are likely to vary depending on their existing systems and processes.</p> |
| <p>Tracing honey to the apiary level would be more appropriate</p> | <p>Changes to the GREX: MPI has taken this feedback into account and developed alternative record keeping requirements where the unit of measurement for traceability is the apiary level.</p> <p>However, additional records will need to be kept by the beekeeper to support this level of traceability.</p> <p>In summary, for each apiary site from which honey is harvested the beekeeper must keep records of the following information:</p> <ul style="list-style-type: none"> • the global positioning system (GPS) location of the apiary site or map with sites clearly identified (apiary sites are required to be notified under the AFB PMP); and • the number of honey supers at the site; and • the volumes or units of each bee product type harvested from that site (i.e. number of boxes) and the date of harvest; and • a copy of every harvest declaration pertaining to honey harvested from supers in that site, the number of supers contributing to each harvest declaration and the code used to mark supers. <p>The beekeeper must provide this information to the Director-General (or other officials identified in the GREX) within 24 hours of the request being made.</p> <p>MPI considers that a period of one year for industry to mark their supers is an appropriate transition period and has amended the GREX accordingly.</p> |
| <p>Beekeepers will not be able to ‘indelibly’ mark supers, note: some submitters were happy to mark supers with AFB PMP number or a unique brand, but not unique numbers for each super</p> | <p>Changes to the GREX: MPI has taken this feedback into account and developed an alternative proposal for marking supers. The GREX now contains a less onerous requirement than the original proposal because:</p> <ul style="list-style-type: none"> • Beekeepers do not need to mark each super with a ‘unique’ identifier. The revised provision is to mark supers with beekeepers’ AFB PMP number, or a different code which achieves equivalent traceability (e.g. a company name). This will ensure that in the extraction premises, it is clear which supers come from which beekeeper. • There is a longer lead in time for this requirement – beekeepers will have one year to mark their supers. <p>MPI considers there are several options for compliance with the requirement to mark supers. Numbers can be burnt on, painted on, engraved etc. If the mark comes off during the season, it must be re-applied. MPI is not requiring a tag or barcode system, but those who wish to use such a system can do so.</p> |
| <p>Marking supers has value for theft purposes, but not for market access</p> | <p>MPI notes the value of marking supers if hives are stolen. However, MPI considers that this is also important for market access. MPI does not want stolen honey entering the export supply chain. Stolen honey is not subject to full oversight, and MPI cannot be confident that it complies with regulatory requirements. The chain of traceability is broken and this presents risks. See response below for further information on the need for traceability.</p> |
| <p>Current traceability requirements are sufficient</p> | <p>Traceability is about having the ability to assess, through records, all relevant information relating to a food product through the export supply chain. The purpose of traceability is to demonstrate that product intended for export is only processed and handled by premises that are recognised for that purpose as it journeys through the export chain. This ensures the location of the product, and any modification made to it at any location, is visible to MPI. It adds to the credibility and integrity of any claim</p> |

| Submission Theme | MPI response |
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| | <p>attached to the product and any official assurance that MPI issues for export certification. It also facilitates effective recall of that product.</p> <p>Traceability is required to show that product is eligible to be exported to certain markets with specific requirements above the New Zealand standard and the product is tracked so that only fully compliant honey is sent to that market.</p> <p>MPI does not agree that the current system provides sufficient traceability. Additional records will need to be kept by beekeepers.</p> <p>This requirement is intended to address market access concerns to ensure that there is traceability throughout the export supply chain.</p> <p>Problems identified during audits of the bee product system included supers being stacked in extractor sheds, with no way of identifying which apiary they came from, and harvest statements that did not match the supers they were attached to. In these circumstances it is not possible to trace back to the apiary sites, and MPI considers that the record keeping requirements need to be tightened to ensure sufficient traceability.</p> <p>MPI accepts that this traceability can be achieved by tracing to the apiary level. Supers must be permanently marked to enable identification of supers at the operator.</p> |
| <p>Some submitters were concerned with the commercial sensitivity of the information required in records</p> | <p>The commercially sensitive information (e.g. GPS location of apiaries and the number of supers at the site) must only be provided to the Director-General (or other officials identified in the GREX) within 24 hour of being requested and is not required to be passed to extractors.</p> <p>The government has obligations to deal with such information appropriately, and it can only be used for the purpose that it was collected for.</p> |
| <p>Records should require the number of supers not the volume of honey</p> | <p>MPI notes the practical difficulties for beekeepers of accurately recording the volume of honey taken from each super.</p> <p>MPI has replaced the word 'volume' with 'volume or unit', and supplemented this with guidance.</p> |
| <p>These traceability requirements are more onerous than those in other industries</p> | <p>MPI notes that other industries are subject to differing levels of oversight. Many industries have greater oversight than the apiculture industry.</p> <p>MPI has amended the proposal to trace back to apiary level, and considers this addresses the concerns raised by submitters under this theme.</p> |
| <p>This proposal will be difficult to enforce</p> | <p>MPI notes submitters concerns about the difficulty of enforcement, but if a problem was identified further investigation could take place.</p> <p>Currently, MPI does not have a tool to deal with gaps in traceability and record keeping practices in the apiculture industry. Making this a legal requirement in the GREX gives MPI this tool and the ability to enforce the standard.</p> |
| <p>The location of apiary sites is already required under the AFB PMP and should not be duplicated</p> | <p>MPI is not requiring a duplication of records under this requirement, if a beekeeper already holds records of the GPS location of an apiary site, then this is sufficient.</p> <p>If the beekeeper would prefer to keep a record of the map reference rather than the GPS location, this is acceptable and a guidance box in the GREX has been included to make this clear.</p> |
| <p>Recording each apiary site will be difficult for hives used for pollination services, because they are moved frequently</p> | <p>While the hives are moved frequently, the beekeeper should know where they are.</p> <p>The record keeping requirements in the GREX are less onerous than initially proposed. Beekeepers must hold the records, but MPI is not prescribing the form in which the records are kept.</p> |
| <p>Suggestions:</p> <ol style="list-style-type: none"> 1. This requirement is more appropriate in guidance 2. The information held in Apiweb could be used to avoid duplication | <p>Guidance: If it is merely in guidance MPI has no ability to enforce it, and is open to interpretation. MPI has taken industry feedback into account and developed an alternative traceability provision, where the unit of measurement for traceability is the apiary level.</p> |

| Submission Theme | MPI response |
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| <p>3. Some submitters said the requirement needs to allow for electronic systems</p> <p>4. MPI should develop a Code of Practice for beekeepers to follow</p> <p>5. More engagement is required on this proposal</p> <p>6. End product testing would ensure risks are managed</p> | <p>Apiweb: The Apiweb system is administered under the Biosecurity Act 1993, and MPI is unable to access this system for Animal Products Act 1999 market access and traceability purposes.</p> <p>Electronic systems: MPI does not propose prescribing how records should be kept. Beekeepers may hold this on paper or electronically.</p> <p>MPI notes comments about linking records to E-Cert. While this may be a future piece of work, it is out of scope of the current proposal. The GREX applies to all exported bee products, and not all exporters have access to E-Cert.</p> <p>Code of practice: MPI is open to working with industry on best practice guidelines and templates. MPI considers this work is best to be led by industry associations.</p> <p>Engagement: MPI has followed a robust process for engagement on this proposal, including a series of stakeholder workshops around New Zealand and careful consideration of the submissions received. Before finalising the GREX, MPI discussed its contents with the Apiculture New Zealand Standards Focus Group and New Zealand Beekeeping Incorporated.</p> <p>End product testing: The food system is not just about testing at the end of the export supply chain, it is about managing risks throughout the process. MPI considers it better to have preventative measures rather than a testing regime.</p> |

3.5 TRACEABILITY FROM BEEKEEPERS TO OPERATORS

3.5.1 Harvest declarations

MPI proposed to introduce harvest statement requirements for all beekeepers providing bee products for export to enhance traceability between hives and processing premises.

3.5.1.1 Feedback on proposal and MPI response

Seventy five submitters provided comment on this proposal. Of these 52 agreed with the proposal, 17 disagreed and six provided a mixed response (i.e. agreed with parts of the proposal but not others).

In response to submissions MPI has amended the GREX to allow for operators who have a robust electronic system for keeping the required information.

The key themes from submissions on this proposal and MPI's response are outlined in the table below:

| Submission Theme | MPI response |
|---|---|
| Strong agreement that the proposal will provide visibility across the export supply chain and make the same rules apply to everyone | MPI notes the support for this proposal and the reasons identified by submitters for introducing this requirement. |
| The status quo is sufficient or there is no gap in oversight the export supply chain | MPI does not agree as not all beekeepers are currently required to produce a harvest statement (e.g. those operating under the Food Act 2014). Our proposal standardises this process/requirement across the export industry. |
| The proposal will be difficult to manage and is too prescriptive | <p>A harvest declaration must be in the form notified by the Director-General on the relevant MPI website. Where the beekeeper is also an operator operating under a risk-based measure, the harvest declaration may be in a form or system that is different from that notified by the Director-General as long as it clearly sets out the information required in relation to every delivery of bee products.</p> <p>Some operators have a robust electronic system for keeping the required information and it would be a backward step to require them to fill in the MPI form. This requirement has been amended and now ensures that everybody fills in the MPI harvest declaration form, except operators who have an equivalent system that achieves the same outcome or better.</p> <p>Verification: MPI notes that verifiers will have to spend more time assessing unique harvest declarations and therefore may impose more cost on beekeepers/operators. It should be noted that verification time should be proportional to size of business so they are likely to spend more time at larger ones than smaller ones to review a reasonable proportion of harvest declarations. So for very small operators this should be minimal additional time.</p> |
| Some of the information required is about biosecurity not export certification (such as the ACVM and AFB declarations) | The presence of AFB spores or residues from agricultural compounds in bee products would affect "wholesomeness and fitness for intended purpose". Therefore, a declaration on the harvest declaration that existing AFB or Agricultural Compounds and Veterinary Medicines (ACVM) requirements are being complied with is entirely justified to protect honey exports and facilitate market access. |
| Suggestions: <ol style="list-style-type: none"> The proposal should apply to domestic product too The harvest declaration needs to be reconciled with what is extracted | <p>Domestic: MPI notes this suggestion, however, domestic product is outside the scope of a Section 60 Notice under the Animal Products Act 1999.</p> <p>Reconciliation: MPI agrees that linking the harvest declaration to the amount of honey extracted is an important link in the honey export supply chain. As such, MPI included in the draft GREX a section in the harvest declaration for operators to fill out</p> |

| Submission Theme | MPI response |
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| 3. Several submitters suggested specific drafting changes | to ensure there is reconciliation between the harvest declaration and the amount of honey extracted. |
| 4. The proposal should not apply to beekeepers with fewer than 10 hives | <p data-bbox="557 277 874 306">Specific drafting suggestions:</p> <ul data-bbox="608 327 1350 416" style="list-style-type: none"> <li data-bbox="608 327 1350 416">• MPI considered the use of the word ‘any’ in 4.2.2(c). This word is used because the AFB PMP does not actually impose an obligation on the management agency to advise beekeepers of the registration number. |
| 5. There were mixed suggestions on whether to prescribe the harvest declaration as electronic or paper based | <ul data-bbox="608 434 1321 524" style="list-style-type: none"> <li data-bbox="608 434 1321 524">• MPI does not consider that the GREX needs to clarify that a harvest declaration needs to be provided to the operator providing extraction services, as this is described in the definition for operator. |
| 6. Harvest declarations should be used for more than one apiary site | <p data-bbox="557 546 1382 636">Application to small beekeepers: MPI does not agree that this proposal should not apply to beekeepers with fewer than 10 hives as the proposal is intended to ensure oversight of all product in the export supply chain.</p> <p data-bbox="557 651 1401 707">Electronic harvest declarations: Our proposal does not limit the use of either system provided they include the information required in the prescribed form.</p> <p data-bbox="557 725 1378 792">Multiple harvest declarations: MPI noted that beekeepers can include up to five apiary sites on one harvest declaration at the moment and considered this sufficient.</p> |

3.6 TRACEABILITY BETWEEN OPERATORS

3.6.1 Transfer documentation in AP E-Cert and reconciliation

MPI proposed to introduce transfer documentation requirements to all bee products intended for export.

3.6.1.1 Feedback on proposal and MPI response

Sixty three submitters provided comment on this proposal. Of these 51 agreed with the proposal, seven disagreed and five provided a mixed response (i.e. agreed with parts of the proposal but not others).

MPI has made minor amendments to this requirement but has not substantially changed it due to the reasons outlined in the table below:

| Submission Theme | MPI response |
|--|--|
| Strong agreement with the proposal | MPI notes the support for this proposal. |
| Disagreement with the proposal | <p>MPI considers that further oversight of the export supply chain system is required. Supply chain traceability is important for all export honey and it is a key part of the assurances which we give to other countries.</p> <p>Some of the points raised by submitters were provided for in the proposed requirement or existing requirements. For example, MPI clarifies that multiple harvest declarations can be included in one single transfer document,</p> <p>The requirement is not new for businesses operating under an RMP.</p> |
| The proposal will be costly | <p>MPI does not agree that the cost imposed will be large as the proposal is already in place for operators under an RMP. Further, MPI does not consider the administrative burden to be too great. The proposal allows for both paper and electronic transfer documentation to minimise costs.</p> <p>The cost of verification is out of scope of this consultation. Note that MPI does not provide E-Cert training, but there are guides available for E-Cert on the MPI website.</p> |
| Mixed comments on whether documentation needs to be paper based or electronic | <p>The proposal does not specify whether the transfer document should be paper based or electronic.</p> <p>MPI notes there are a number of systems that could be used to simplify the document chain required, but does not intend to prescribe such systems due to different businesses' practices.</p> |
| The requirements should apply to the domestic market | Domestic product is outside the scope of a Section 60 Notice under the Animal Products Act 1999. |
| Products sold via E-Commerce channels should not be required to have their own E-Cert. | As is currently the case, where an export requirement applies to a certain market the requirement applies for all product, regardless of whether it is a large amount of product or a single item. |

3.7 TRANSITIONAL PROVISIONS

3.7.1 Lead in time

MPI proposed a lead in time of six weeks between when the GREX is notified and when it comes into effect.

3.7.1.1 Feedback on proposal and MPI response

Sixty four submitters provided comment on this proposal. Of these 13 agreed with the proposal, 48 disagreed and three provided a mixed response (i.e. agreed with parts of the proposal but not others).

MPI has provided for an eight week lead in time between when the GREX is notified and when it comes into effect. This extra two weeks is to allow time for the New Zealand holiday season.

| Submission Theme | MPI response |
|---|--|
| Agreement that once a decision is made it will be best to put requirements in place quickly. | MPI notes this support and agrees with the reasons given. |
| Suitable timeframes depend on the final details of the GREX | MPI notes these concerns but considers that the consultation process has given submitters sufficient opportunity to understand the likely contents of the final GREX and to then provide comment on suitable timeframes. |
| The traceability proposals require a longer timeframe | In response to these submissions, the transition period for marking boxes has been amended in the draft GREX to 12 months. This is to allow beekeepers to carry out the activity over the winter when they are not harvesting honey and tending to hives. As such MPI considers that many of these concerns have been addressed. |
| A six week transition is a much shorter time than usual for this type of legislation | Timeframes for implementation depend on the instrument, what the drivers for its implementation are and what the instrument requires. MPI has extended the timeframe for some of the original proposals e.g. marking supers. MPI has also extended the lead in time by two weeks to allow time for the New Zealand holiday season (eight week lead in time). For example, one submitter noted that the requirements under the Food Standards Code came into effect 12 months after they were notified. However these requirements are generally about composition and labelling, whereas this notice is being put in place to ensure market access is maintained and therefore a shorter transition period is necessary. |
| There will be significant costs associated with a six week lead in period | MPI acknowledges that for some operators compliance with the GREX may involve significant costs. However, the benefits to the apiculture industry as a whole are likely to significantly outweigh the costs to individual businesses. Some submitters suggested that they will have to place labels over their current labels, whether this is accepted in market will depend on specific markets' requirements. MPI has extended the lead in time by two weeks to allow time for the New Zealand holiday season (eight week lead in time). |
| Some submitters suggested longer timeframes , or that some requirements should come into effect after others | MPI considers that a commencement timeframe of longer than six weeks will not satisfy market access requirements. MPI has extended the lead in time by two weeks to allow time for the New Zealand holiday season (eight week lead in time). |