



Dairy Recognised Agencies and Persons Specifications

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Draft for Consultation

TITLE

Animal Products Notice: Dairy Recognised Agencies and Persons Specifications

COMMENCEMENT

This Animal Products Notice comes into force on [Effective Date].

REVOCATION

This Animal Products Notice revokes and replaces the Animal Products Notice: Dairy Recognised Agencies and Persons Specifications dated 16 February 2017.

ISSUING AUTHORITY

This Animal Products Notice is issued pursuant to sections 167(1)(e), (m), (maa) and (maab) of the Animal Products Act 1999.

Dated at Wellington this day of 2018

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(acting under delegated authority of the Director-General)

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Introduction

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

Purpose

- (1) This Notice is issued for the purpose of specifying requirements that must be met in relation to the New Zealand dairy industry for any person or agency to be recognised as any of the following:
 - a) an evaluator and verifier of risk management programmes (RMPs);
 - b) a verifier of regulated control schemes (RCSs) (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of overseas market access requirements (OMARs);
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015; or
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.

Background

- (1) MPI recognises or approves agencies and people to perform specific functions and activities under Part 8 of the Animal Products Act 1999 (Act).
- (2) The Act provides that recognition may be granted to agencies, persons and classes of persons if the applicant is considered to be a fit and proper person to carry out the functions for which recognition is sought. The term 'fit and proper' may include consideration of the applicant's systems, competencies, qualifications, experience and their character and reputation.
- (3) This Notice sets out the requirements that must be followed in order for agencies and persons to be granted recognition to carry out dairy specific functions and activities on behalf of MPI under the Act.
- (4) Recognition of farm dairy assessors and the organisations that manage farm dairy assessors has been introduced in this Notice. This will provide MPI with greater visibility of the farm dairy assessors and at the same time place more formal obligations on the individuals and organisations involved in farm dairy assessments. Farm dairy assessment will remain an operator verification activity, but primary responsibility for confirmation of assessor competence will rest with the farm dairy assessment organisation. Following the transition period (see Part 5 of this Notice) the farm dairy assessment organisation will require ISO/IEC Standard 17020 accreditation.
- (5) The product groups previously used for categories of recognition have been reviewed and amended to functions and activities for greater clarity. Persons and agencies with existing recognitions will be deemed to be recognised in the relevant functions and activities upon commencement of this Notice.
- (6) For increased clarity between requirements and guidance, elements related to the competencies for recognised persons, reporting obligations and the Key Technical Personnel (KTP) Model have been incorporated into this Notice.
- (7) On 31 August 2017 the transition period ended for the Animal Products Notice: Specifications for Laboratories and this Notice has been updated to reflect this. On 1 March 2016, the Raw Milk for Sale to Consumers Regulations 2015 came into force. Changes to the Animal Products Notice: Dairy Recognised Agency and Recognised Persons Specifications were needed to provide for recognition of RCS raw milk assessment and verification functions from 1 March 2017.

Who should read this Animal Products Notice?

- (1) A person should read this Notice if, for the purposes of the New Zealand dairy industry, they want to apply for or retain recognition as a person or agency as any of the following:
 - a) an evaluator or verifier of RMPs;

- b) a verifier of a RCS (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
- c) a verifier of OMARs;
- d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015; or
- e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.

Why is this important?

- (1) A person or agency that fails to comply with the requirements of this Notice may not be granted, or may not retain, as applicable, recognised person or recognised agency status.
- (2) In addition, a person who fails to comply with the requirements of this notice may be committing an offence under Part 10 of the Animal Products Act 1999.

Document History

- (1) This Notice replaces the Animal Products Notice: Dairy Recognised Agencies and Persons Specifications dated 16 February 2017.

Draft for
Consultation

Part 1: Requirements

1.1 Application of this Part

- (1) This Part applies to any person or agency applying under section 107 of the Animal Products Act 1999 (Act) in relation to the New Zealand dairy industry for the purpose of being recognised as any of the following:
 - a) an evaluator or verifier of RMPs;
 - b) a verifier of RCSs (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of OMARs;
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015; or
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.
- (2) This Part also applies to any person or agency recognised under section 112 of the Act in relation to the New Zealand dairy industry as any of the following:
 - a) an evaluator or verifier of RMPs;
 - b) a verifier of RCSs (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of OMARs;
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015; or
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.

1.2 Incorporation of material by reference

- (1) Under section 168 of the Act, the following document is incorporated into and form part of this Notice:
 - a) the current edition of ISO/IEC Standard 17020 Conformity assessment - Requirements for the operation of various types of bodies performing inspection.

1.3 Definitions

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

accreditation refers to the accreditation provided by IANZ or JAS-ANZ in accordance with the appropriate ISO/IEC Standard

accreditation body refers to IANZ or JAS-ANZ which are independent organisations of international standing that accredit organisations to ISO/IEC Standards

Act means the Animal Products Act 1999

competent person means a person who can be shown to have sufficient experience, training and knowledge to perform the nominated function

critical non-compliance means an action, event or omission which may result in:

- a) failure to follow the lawful direction of an Animal Products Officer;
- b) an alleged offence against the Animal Products Act 1999;
- c) a critical situation;
- d) failure of a critical control point within an RMP;
- e) failure to identify when dairy material or dairy product is non-conforming;
- f) failure to stop a non-compliance;

- g) failure to keep accurate and complete records;
- h) failure to provide accurate, complete, and timely reports;
- i) failure to dispose of non-conforming dairy material or dairy product in compliance with regulatory requirements;
- j) failure to prevent recurrence of a non-compliance; or
- k) failure to rectify a non-compliance within the specified timeframe

critical situation means any situation which, in the professional judgement of an Animal Products Officer, places public health, animal welfare, market access, official assurances, national good, or the credibility of MPI or the Director-General at risk, or where an offence is suspected

evaluation means the process of independent external assessment of the validity of an RMP for the purposes of providing an independent evaluation report as required under section 20(2)(b) of the Act

Grade “A” dairy product means a dairy product or dairy based ingredient that is defined as a Grade “A” milk or milk product under Section 1 of the PMO and is represented as such

HACCP means the Hazard Analysis and Critical Control Point system adopted by the Codex Alimentarius Commission. HACCP is a systematic identification of hazards and the measures for their control to ensure the safety of food. It focuses on prevention rather than end-product testing

IANZ means the International Accreditation New Zealand

independent verification programme means the dairy independent verification programme administered by MPI and which monitors for microbiological, compositional and standard of identity parameters in dairy products to confirm the effectiveness of the New Zealand regulatory framework

JAS-ANZ means the Joint Accreditation System of Australia and New Zealand

KTP model means Key Technical Personnel model, the scheme for the management of recognised persons by a recognised agency, as described under Part 4: Performance Based Assessment

MPI means the Ministry for Primary Industries

NZQA means the New Zealand Qualifications Authority

PMO means the most recent revision of the US Grade “A” Pasteurized Milk Ordinance

recognised evaluator means a person recognised under section 103 of the Act to perform RMP evaluation functions and activities

recognised farm dairy assessment organisation means an organisation recognised under section 101 of the Act as an agency that employs or contracts recognised farm dairy assessors for the purpose of undertaking the RMP or RCS assessment of farm dairies

recognised farm dairy assessor means a person recognised under section 103 of the Act to assess farm dairy operations that are subject to an RMP or RCS

recognised raw milk farm dairy assessor has the meaning defined under the Raw Milk for Sale to Consumers Regulations 2015

recognised verifier means a person recognised under section 103 of the Act to verify activities that are subject to an RMP, RCS, standards and Notices including export requirements and official assurances

- (2) Any term or expression defined in the Act, or in any regulations made under the Act, that is used but not defined in this Notice, has the same meaning as in the Act or regulations (as the case may be).

Part 2: Recognition of Agencies

2.1 Application of this Part

- (1) This Part applies to any person or agency applying under section 107 of the Act in relation to the New Zealand dairy industry for the purpose of being recognised as any of the following:
 - a) an evaluator or verifier of RMPs;
 - b) a verifier of RCSs (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of OMARs;
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015;
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.
- (2) This Part also applies to any person or agency recognised under section 112 of the Act in relation to the New Zealand dairy industry as any of the following:
 - a) an evaluator or verifier of RMPs;
 - b) a verifier of a RCS (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of OMARs;
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015;
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.

2.2 General requirements for recognised agencies

- (1) An agency may only undertake assessment, evaluation or verification services:
 - a) for those functions and associated activities that they are recognised for; and
 - b) may only use persons recognised for those functions and associated activities that they employ or directly manage.
- (2) To be recognised an agency must demonstrate that it:
 - a) has a written quality management system that complies with clause 2.2(5);
 - b) complies with procedures set out in that quality management system; and
 - c) has a designated person responsible for day to day management of the agency.
- (3) An agency must be accredited to ISO/IEC Standard 17020 if it intends to carry out any of the evaluation or verification functions set out in the first column of Schedule 1.
- (4) If an agency intends to carry out the farm dairy assessment function set out in the first column of Schedule 1 then:
 - a) prior to 1 January 2020 the agency must be:
 - i) assessed by a technical expert acceptable to MPI for compliance with the criteria stated in clause 2.2(2); or
 - ii) accredited to ISO/IEC Standard 17020 in conjunction with a technical expert acceptable to MPI.
 - b) as of 1 January 2020 the agency must be accredited to ISO/IEC Standard 17020.
- (5) The agency must have documented procedures and systems in place to manage all of the following areas:
 - a) documenting the applicable contractual conditions with its clients;

- b) recognised persons providing assessment, evaluation and verification functions within the scope of this Notice on its behalf;
 - c) confirming ongoing competency of recognised persons and other key staff and providing training and confirmation of competency as required;
 - d) any potential conflicts of interest, including the clear separation of assessment, evaluation and verification and consulting activities;
 - e) documentation;
 - f) internal non-compliance;
 - g) review of its quality management system at least annually;
 - h) participation in industry standardisation or calibration exercises;
 - i) resolution of client non-compliance and critical non-compliance, including (if relevant) follow-up of corrective actions with persons accountable for RCSs or RMPs;
 - j) notifying MPI of critical non-compliances and potential critical situations;
 - k) reporting information, as required, concerning clients operating under RCSs or RMPs, to MPI;
 - l) reporting information, as required, concerning their own operations, to MPI.
 - m) overseeing the collection of samples from manufacturing clients as advised by MPI under the:
 - i) Dairy Industry (National Residue Monitoring Programme) Regulations 2002; or
 - ii) Independent Verification Programme.
- (6) The Director-General may determine that not all persons within an agency need to have their competency assessed for the purposes of the agency gaining recognition.

2.3 Records management

- (1) Every recognised agency must have documented procedures to ensure that records relating to its assessment, evaluation or verification functions and activities are:
- a) retained for at least 4 years: and
 - b) retrievable within 24 hours of receiving a request from the Director-General.

2.4 Evaluation reports

- (1) An RMP evaluation report is to be provided to the RMP operator following evaluation of an RMP or RMP amendment. The RMP evaluation report must contain:
- a) the name of the recognised person(s) responsible for the evaluation;
 - b) the date that the evaluation was completed;
 - c) the name of the RMP Operator;
 - d) the RMP ID, if assigned, and any unique location identifier(s) that are covered by the RMP or RMP amendment;
 - e) a description of the processing activities covered by the RMP or RMP amendment;
 - f) the date or version identification of the RMP or the RMP amendment at the time it was assessed;
 - g) a list of the documents, manuals and validation reports assessed during the evaluation, including the date or version identification;
 - h) for any onsite assessment that was carried out, the premises name, address and date assessed;
 - i) for any premises where an on-site assessment was not considered necessary, the reasons for that decision;
 - j) the names of any technical experts who provided information used by the evaluator in the evaluation process, and any supporting reports prepared by any technical expert;
 - k) details of any deficiencies together with:
 - i) details of the required corrective actions;
 - ii) the timeframe for these actions to be carried out; and
 - iii) whether processing activities may or may not proceed prior to the satisfactory completion of the identified corrective actions.

- l) details of any conditions that the evaluator recommends should be imposed on the registration of the RMP or RMP amendment; including:
 - i) a clear outline of validation studies that are required but cannot be completed prior to the commencement of processing activities; in accordance with a documented protocol; and
 - ii) recommendation of the removal, if appropriate, of any conditions imposed on the RMP.
 - m) sufficient information to enable the reader to understand any commentary and observations; and
 - n) a statement as to the validity of the RMP or RMP amendment.
- (2) Any corrections or additions made to an evaluation report after issue must be clearly identified.

2.5 Verification reports

- (1) An RMP or RCS verification report is to be provided to the RMP or RCS Operator and MPI as soon as practical following completion of the verification audit and must contain:
- a) the name of the recognised person(s) responsible for the on-site verification;
 - b) the premises name, address, RMP or RCS ID and any unique location identifier(s);
 - c) the type of on-site verification e.g. scheduled or unannounced, the date, verification period, and the report date;
 - d) sufficient information to enable the reader to clearly understand the commentary and findings;
 - e) the verification scope along with details of all RMP or RCS components or elements covered;
 - f) details of any deficiencies together with details of the agreed corrective actions and the timeframe for these actions to be carried out; and
 - g) the outcome reported as either acceptable or unacceptable along with the next verification step.
- (2) Corrections or additions to a verification report after issue, excluding close out of findings, must be clearly identified and notified to MPI.

2.6 Exception and critical non-compliance reporting

- (1) The recognised agency is required to notify MPI within 24 hours of:
- a) receipt of an exception report from a client where product is affected and as such will require written disposal instruction prior to release; or
 - b) receiving notification of a critical non-compliance.
- (2) The recognised agency is required to immediately advise MPI on becoming aware of a potential critical situation, whether as a result of an RMP or RCS assessment, evaluation or verification or through any other means.
- (3) Initial verbal reporting is acceptable, but must be confirmed in writing within 72 hours. Where the initial notification is in writing, the agency must confirm receipt with the relevant person.

2.7 Monthly reporting requirements

- (1) Every recognised agency must provide a report of activities and issues within each calendar month to MPI in an agreed format and timeframe.
- (2) The report must be concise, unambiguous, and include confirmation of the agency's on-going performance, including:
- a) number of performance assessments of recognised persons;
 - b) occurrence of internal or external reviews of the quality system;
 - c) any proposed changes to the agency's staff or operations relevant to dairy industry assessment services;
 - d) number of relevant complaints received and resolution status; and

- e) any other information that would give MPI a more complete picture of the agency's performance.
- (3) In addition to clause 2.7(2), the report prepared by recognised agencies providing RMP or RCS evaluation or verification must include the following:
 - a) the total number of non-compliances reported for all contracted parties, and the status of resolution of these non-compliances;
 - b) a schedule of assessments planned for the coming period; and
 - c) any other information that would give MPI a more complete picture of operator conformance.

2.8 Accreditation body reports and notifications

- (1) The recognised agency must provide MPI, without delay any report received from the accreditation body that relates to the agency's accreditation to ISO/IEC Standard 17020 for services covered by MPI recognition.
- (2) The recognised agency must immediately advise MPI of any notification from the accreditation body affecting the accreditation status of the agency.

2.9 Agency exception reporting

- (1) The recognised agency must report to MPI, within 24 hours, any:
 - a) critical non-compliances in relation to the agency's activities which have a potential impact on the integrity or effectiveness of the services provided e.g. failure of its own quality system;
 - b) non-compliant recognised persons, or use of persons that are not recognised for the function and associated activity, except when acting in the technical expert capacity;
 - c) valid disputes with clients concerning non-compliance or product non-conformance; and
 - d) in relation to clause 2.9(1)a) and 2.9(1)b), the corrective actions to be taken.

2.10 Reporting on demand

- (1) Recognised agencies must supply any additional information on request from the Director-General within the timeframe specified.

2.11 Termination of contract (RMP verification)

- (1) All recognised RMP verifying agencies must notify the Director-General in writing of the termination of any contractual arrangement with a client (including an operator) for the provision of verification functions and activities.
- (2) The notification must:
 - a) include a summary of all open corrective actions at the time of contract termination, and
 - b) be made as soon as practical, and in no case later than 5 working days from termination.

Part 3: Recognition of Persons

3.1 Application of this Part

- (1) This Part applies to natural persons applying under section 107 of the Act in relation to the New Zealand dairy industry for the purpose of being recognised as any of the following:
 - a) an evaluator or verifier of RMPs;
 - b) a verifier of RCSs (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of OMARs;
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015; or
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.
- (2) This Part also applies to any natural person recognised under section 112 of the Act in relation to the New Zealand dairy industry as any of the following:
 - a) an evaluator or verifier of RMPs;
 - b) a verifier of RCSs (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of OMARs;
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015; or
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.

3.2 General requirements for recognised persons

- (1) All recognised persons must be employed or managed by a recognised agency.

3.3 General competencies for farm dairy assessors

- (1) A person applying for recognition as a farm dairy assessor must:
 - a) have successfully obtained an NZQA unit standard in auditing at level 4 or above;
 - b) have successfully completed an NZQA registered course in food or dairy hygiene, or milk harvesting practice;
 - c) have relevant industry experience;
 - d) demonstrate an understanding of milking machine function and cleaning;
 - e) be conversant with the relevant dairy legislation, regulations, notices, codes of practice and operational codes made under the Act;
 - f) have knowledge of the applicable RMPs and farm dairy assessment systems; and
 - g) have completed a minimum of 2 farm dairy assessments under the supervision of a recognised farm dairy assessor or a recognised farm dairy verifier and be assessed as competent.
- (2) The Director-General may recognise alternative qualifications that he or she considers equivalent to any of the qualifications listed in clauses 3.3(1)a) and 3.3(1)b).

3.4 Additional competencies for raw milk farm dairy assessors

- (1) A person applying for recognition as a raw milk farm dairy assessor must:
 - a) be recognised as a farm dairy assessor; and

- b) be able to demonstrate an understanding of the relevant regulations and notices made under the Act.

3.5 General competencies for all verifiers and evaluators

- (1) Any person applying for recognition as a verifier or evaluator must:
 - a) have successfully completed an NZQA registered course in HACCP and been assessed as competent;
 - b) have successfully obtained an NZQA unit standard in quality management system auditing at level 6 or above;
 - c) if the quality management system audit qualification was completed more than 3 years previously, be able to demonstrate a meaningful involvement in performing verification or evaluation over the intervening years;
 - d) have completed a minimum, as appropriate, of:
 - i) 2 evaluations for the appropriate function under the supervision of a recognised evaluator for that function or a person acceptable to MPI, and be assessed as competent;
 - ii) 2 RMP verifications under the supervision of a recognised RMP verifier or a person acceptable to MPI and be assessed as competent; or
 - iii) 2 official assurance verifications under the supervision of a recognised official assurance verifier or a person acceptable to MPI, and be assessed as competent.
 - e) have been assessed as technically competent by:
 - i) a technical expert acceptable to MPI as part of an accreditation body assessment; or
 - ii) a key technical person, where an agency has been approved to operate under the KTP model as set out in clause 4.3 Key Technical Personnel (KTP) Model.
 - f) to the extent relevant to the person's evaluation or verification activities and the industry sector in which those functions are to be performed, demonstrate an understanding of the Act, including:
 - i) the object of the Act and the relationship between RMPs and other provisions for managing risks under the Act, including RCSs, standards and specifications, and export requirements;
 - ii) the relationship between RMPs and risk-based measures under the Food Act 2014; and
 - iii) contents of, and requirements for, RMPs including the risk factors to be considered and the matters specified in section 17 of the Act;
 - iv) the confirmation process and assessment of the quality of evidence for an RMP; and
 - v) the role, responsibilities and duties of operators, exporters, recognised agencies, and recognised persons;
 - vi) the role and powers of the Director-General, animal product officers, and authorised persons;
 - vii) the relevant regulations and notices, including export requirements, made under the Act; and
 - viii) the relationship between the Act and other associated legislation.
 - g) hold at least an NZQA level 4 qualification in animal health, public health, food engineering, food technology, dairy technology or other qualification or equivalent experience and knowledge that will enable the Director-General to determine that the person is able to adequately and competently perform the evaluation or verification activities to be recognised; and
 - h) have relevant process knowledge or experience of the aspects of the dairy industry for which the evaluation or verification is going to be performed that will enable the Director-General to determine that the person is able to adequately and competently perform verification or evaluation in that area.
- (2) Any person intending to perform verification of dairy heat treatments, with the exception of stovetop heat treatment, must:

- a) have successfully completed 1 of the following courses and be assessed as competent:
 - i) Dairy Heat Treatment Verification, AsureQuality Ltd., New Zealand; or
 - ii) any other course that the Director-General accepts as equivalent to the course specified in clause 3.5(2)a)i).
- (3) The Director-General may recognise alternative qualifications that he or she considers equivalent to any of the qualifications listed in clauses 3.5(1)a), 3.5(1)b) and 3.5(1)g).

3.6 Additional competencies for premises and equipment evaluators

- (1) In addition to clause 3.5(1) a person applying to be recognised to perform evaluation of premises and equipment must:
 - a) have a relevant tertiary qualification or demonstrated competence as a technical professional in food processing engineering; and
 - b) be familiar with the dairy premises and equipment requirements specified under the Act.

3.7 Additional competencies for heat treatment evaluators

- (1) In addition to clause 3.5(1) a person applying to be recognised to perform evaluation of heat treatment must:
 - a) have a relevant tertiary qualification or demonstrated competence as a technical professional in food processing engineering;
 - b) have practical experience validating heat treatment equipment and systems; and
 - c) be familiar with the dairy heat treatment requirements specified under the Act.

3.8 Additional competencies for verifiers of farms operating under the Raw Milk for Sale to Consumers Regulations 2015

- (1) A person applying for recognition as an RCS verifier for the raw milk farms activity must:
 - a) be recognised as an RMP farm dairies verifier; and
 - b) be able to demonstrate an understanding of the relevant regulations and notices made under the Act.

3.9 Additional competencies for verifiers of official assurances

- (1) In addition to 3.5 (1) any person recognised to verify that the requirements for official assurances are met, must:
 - a) be familiar with the relevant requirements for exports and associated notices;
 - b) demonstrate an understanding of the relationship between New Zealand requirements under the Act, general export requirements and market specific requirements;
 - c) have current first-hand knowledge of the operators business operation so that any eligibility details provided can be confirmed as accurate;
 - d) be fully conversant with the current Animal Products Notice: Official Assurances Specifications for Dairy Material and Dairy Products (OAS); and
 - e) demonstrate an understanding of the responsibilities of official assurances verifiers under the OAS.

3.10 Restrictions on performing evaluation and verification functions

- (1) A person recognised as an RMP evaluator must not have been involved in the development, implementation or validation of any RMP that they evaluate.
- (2) In addition to clause 2.2(5)d), a person performing evaluation of an RMP or a significant RMP amendment may not perform verification of that RMP or that significant RMP amendment within a 12 month period and at least one on-site verification undertaken by another suitably recognised verifier.
- (3) A recognised person must ensure the evaluation or verification to be undertaken is within their expertise where the activity they are recognised for incorporates more than 1 type of processing or product.
- (4) A recognised person may be assisted by persons who have specialist knowledge or technical skills but who are not recognised persons. In such cases the recognised person shall remain accountable for the overall integrity of the evaluation or verification process.
- (5) Upon request the Director-General may allow an alternative to clause 3.10(1) or 3.10(2).

3.11 Making an application for recognition

- (1) A person applying to the Director-General for recognition must have been assessed as a competent person and recommended for recognition by the recognised agency that employs or manages the person.
- (2) The Director-General may determine that a person applying for recognition does not need to be individually assessed by the accreditation body. This is the case if the person applying for recognition is employed or managed by a recognised agency operating under the KTP model.
- (3) A person applying to the Director-General for recognition must:
 - a) meet the applicable competencies for the function being sought;
 - b) be competent in the skills of assessment;
 - c) have relevant knowledge of, and experience in, the specific aspect of the dairy industry in which they provide assessment services;
 - d) be able to demonstrate an understanding of dairy industry legislation and specifications made under the Act relevant to their activity; and
 - e) be able to demonstrate an understanding of, and the ability to effectively apply, the quality system and procedures of the recognised agency.

3.12 Maintaining Recognition

- (1) To maintain recognition, recognised persons must:
 - a) be able to demonstrate continued competency in all relevant areas specified in clause 3.11(3);
 - b) have annual peer reviews for a minimum of 2 years following their recognition;
 - c) then have on-going peer reviews at a performance based frequency that has been documented by the agency and agreed with MPI, with the maximum frequency between peer reviews being 3 yearly; and
 - d) participate in industry standardisation or calibration exercises.
- (2) Persons, other than responsible verifiers operating under the Raw Milk for Sale to Consumers Regulations 2015 that are recognised for evaluation and verification functions must be assessed for compliance to the criteria stated in clause 3.11(3):
 - a) by an accreditation body and a technical expert acceptable to MPI; and
 - b) at the frequency set out in Part 4: Performance Based Assessment.

- (3) The assessment in clause 3.12(2) must include an assessment of the ongoing consistency of the work of recognised persons.

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Part 4: Performance Based Assessment

4.1 Application of this Part

- (1) This Part applies to any person or agency recognised under section 112 of the Act in relation to the New Zealand dairy industry as any of the following:
 - a) an evaluator or verifier of RMPs;
 - b) a verifier of RCSs (including a responsible verifier for farm dairy operators and depot operators under the Raw Milk for Sale to Consumers Regulations 2015);
 - c) a verifier of OMARs;
 - d) a raw milk farm dairy assessor operating under the Raw Milk for Sale to Consumers Regulations 2015; or
 - e) a farm dairy assessor undertaking assessments of farm dairies operating under an RMP.
- (2) For the purposes of this Part, assessed means assessed by the agency's accreditation body.

4.2 Performance based assessment of recognised agencies

- (1) The performance of a recognised agency and recognised person providing farm dairy assessment, evaluation and verification services covered by this Notice, must be assessed:
 - a) by their accreditation body and a technical expert acceptable to MPI; and
 - b) at the frequency specified by the accreditation body, in consultation with MPI.
- (2) The following areas must be considered when assigning the assessment frequency:
 - a) compliance with ISO/IEC Standard 17020 and MPI requirements or conditions imposed on recognition;
 - b) management of client non-compliance;
 - c) management of own non-compliance;
 - d) management of recognised persons; and
 - e) complete, accurate and timely reporting.

4.3 Key Technical Personnel (KTP) Model

- (1) The Director-General may determine that an agency can be assessed under the KTP model for the purposes of gaining accreditation.
- (2) Any proposal for an agency to operate under the KTP model must be agreed with the relevant accreditation body prior to making application to the Director-General.
- (3) The quality management system for an agency applying to be recognised under the KTP model must have documented procedures and systems in place to manage all of the following areas:
 - a) lines of accountability and reporting between the key technical person(s) and other recognised persons;
 - b) maintenance of competency and consistency of performance across key technical person(s) and other recognised persons;
 - c) team supervision or oversight by the key technical person including:
 - i) amount of time that the supervisor is present or able to be contacted;
 - ii) extent of direction and overseeing of work carried out;
 - iii) capability of the supervisor to intervene as required;
 - iv) review and discussion/checking of reports; and
 - v) approval and release of reports.

- d) distribution of information to staff by key technical person(s); and
 - e) peer review of staff.
- (4) In order for an agency to operate under the KTP model:
- a) all functions must be assessed during an initial accreditation assessment;
 - b) all functions must be re-assessed by the accreditation body every 3 years;
 - c) specific functions and activities may be assessed more frequently, if required;
 - d) the accreditation body in conjunction with the technical expert acceptable to MPI may, as part of an accreditation body assessment,:
 - i) increase the number of individual persons to be assessed;
 - ii) undertake targeted selection of individuals.
 - e) a recognised person must have been individually assessed by the accreditation body prior to becoming a key technical person; and
 - f) all key technical personnel must be interviewed as part of each accreditation body surveillance visit.
- (5) As a minimum, when determining how many and which individual persons are to be assessed, the IAF/ILAC Multi-Lateral Mutual Recognition Arrangements (Arrangements): Application of ISO/IEC Standard 17011 (IAF/ILAC-A5) must be considered.

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Part 5: Transitional Provisions

5.1 Transitional provisions

- (1) On commencement of this Notice, a person who is a recognised person in respect of evaluation or verification is to be treated as a recognised person for the equivalent functions and activities set out in Schedule 1 of this Notice.
- (2) During the period beginning on 1 June 2018 and ending on 31 December 2019, a recognised agency who is a recognised agency in respect of evaluation and verification is to be treated as a recognised agency for the equivalent functions and activities set out in Schedule 1 of this Notice.
- (3) During the period beginning on 1 June 2018 and ending on 31 December 2018, a person actively engaged in the provision of farm dairy assessments under the Animal Products Act 1999 as at 30 April 2018 is to be treated as a recognised farm dairy assessor for the purposes of this Notice.
- (4) During the period beginning on 1 June 2018 and ending on 31 December 2019, an organisation that manages persons eligible to undertake farm dairy assessments is to be treated as a recognised farm dairy assessment organisation for the purposes of this Notice.
- (5) On commencement of this Notice, a person who is a recognised person in respect of US Farm Dairy Sanitation Specialist is to be treated as a recognised person for the equivalent functions and activities set out in Schedule 1 of this Notice.
- (6) If recognition is not granted before the end of the applicable transition period specified for clauses 5.1(2), 5.1(3) and 5.1(4), the agency, farm dairy assessor or farm dairy assessment organisation must cease providing those functions and activities after that date.

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Schedule 1 - Categories for Recognition

Function	Activity	Accreditation Required	Examples
Farm Dairy Assessment	Farm Dairy	✓	
	Raw Milk RCS	×	
	US Farm Dairy Sanitation Specialist	×	
RMP Evaluation	Farm Dairies	✓	
	General Manufacture	✓	
	Infant Formula Manufacture	✓	
	Raw Milk Products	✓	
	Stores and Transport	✓	
Heat Treatment Specialist	Grade "A"	×	
Heat Treatment Evaluation	Dairy Heat Treatments	✓	
Premises and Equipment Evaluation	Manufacturing	✓	
	Stores and Transport	✓	
RCS Verification	Raw Milk Farms	×	
	Raw Milk Depots	×	
	Transport and Export Loading Facilities	✓	
RMP Verification	Farm Dairies	✓	Farm Dairy Systems Raw Milk Products
	General Manufacture	✓	Blenders and Co-packers Cheese Colostrum Cream Products Cultured Foods Ice Cream Lactose Liquid Milk Processing (including UHT) Milk Powders Nutritional and Specialty Powders (excludes Infant Formula Manufacture Function) Other products primarily dairy Protein products Raw Milk Products Specialty Powders Supplements
	Grade "A" Product	×	
	Infant Formula Manufacture	✓	Formulated Supplementary Foods for Young Children Growing Up Milk Products Infant Formula Products
	Stores and Transport	✓	
Official Assurance Verification	Dairy Official Assurances	✓	OMARs and AP E-cert