Dec 2019

News & Views

ISSN 2538-1059

In this issue...

Christmas Closure

The office will be closed from 24 December 2019 to 3 January 2020. When the office reopens, we will not be operating at full strength because many team members take their annual leave following the traditional holiday closure. The Approvals inbox will be monitored from 6 January.

For EMERGENCIES during the holiday season, contact:
Agricultural Compounds and Veterinary Medicines
Karen Booth (Manager) Mobile: 029 894 0544

Approvals
Shaleen Narayan (Operations Team Manager) Mobile: 022 014 6278

Chemical and Microbiological Assurance
Natalie Collins (Manager) Mobile: 029 894 2537

Food and Live Animal Assurance
Sharon Wagener (Manager, all except e-cert) Mobile: 029 894 2634
Drasko Pavlovic (e-cert) Mobile: 029 909 6201

Interested in another ACVM 101 workshop?

Feedback from 2018 workshops for those with minimal experience in submitting ACVM applications was very positive , and there have been queries about another ACVM 101 workshop.

To register your interest and/or provide ideas for workshop topics, please email with the subject heading 'ACVM 101 Workshop' to approvals@mpi.govt.nz .

We will run a workshop if there is enough interest.

New Zealand Food Safety
Haumaru Kai Aotearoa

Ministry for Primary Industries
Manatū Ahu Matua

MRL promulgation process

New MRL round close dates
To improve the predictability and regularity of the maximum residue level (MRL) promulgation process, the ACVM team will trial a new system in the new year. (This process will apply to promulgation of both MRLs and exemptions in the MRL Notice.) The new process will have firm close dates for four rounds a year: 1 January, 1 March, 1 June, and 1 September.

Criteria
To meet these close off dates, all the following criteria must be met (there will be no exceptions):

1. A suitable health based guidance value (HBGV) has been established.
2. The ACVM application assessment has progressed to the point where good agricultural practice (GAP) has been confirmed for the compound, the dietary intake assessment has been completed and confirms there are no dietary intake concerns, and the proposed MRLs have been determined.
3. Any outstanding ACVM or HSNO issues related to the application that may impact GAP and/or the residue assessment have been sufficiently resolved.

A suitable HBGV is usually a PDE_{food} (potential daily exposure--food) determined by the Environmental Protection Authority (EPA) or another suitable HGBV if EPA does not require a PDE_{food}. If a HSNO approval application is still being considered by EPA, a provisional or final PDE_{food} could be used if confirmed by EPA.

If these criteria have been met, drafting of the MRL proposals will commence after each close off date. If these criteria are not met, then the MRL proposal will be postponed until the next period.

"The new process will improve visibility of the MRL promulgation process to show applicants where their products and compounds fit in that process."

Timeline
It is our intention to complete drafting, internal consultation, and the public release process within four weeks of the close off date, with release of the consultation document on the first of the following month.

While we will aim to meet this timeline in every round, the number of submissions and the work needed to address and resolve outstanding concerns may mean the timeline will not always be met. This potential delay will not impact on the commencement of the next round even if this means at times there is some overlap between the closure of the previous round and the start of the next.

Application timing
Applicants should plan to allow sufficient time when submitting their application to ACVM and/or EPA to give the best chance to meet the appropriate close off date. Factors applicants should consider include:

- allowing sufficient time for the ACVM team to work through an application to the point where GAP and dietary intake assessments are completed and MRLs can be determined
- possible delays due to finding issues with the application that require resolution before assessment can continue, and
- allowing sufficient time for the EPA to work through the HSNO application to determine a PDE_{food} (if applicable).

Transparency
The applicants who have products under assessment at the close of a drafting round will be advised whether their compound has met the criteria for inclusion in the round, or will be postponed to the next round. Applicants with MRLs in the round will then be informed once the round has been promulgated and finalised.

We hope that this greater level of predictability and transparency will improve visibility of the MRL promulgation process to show applicants where their products and compounds fit in that process.

This trial will run for the 2020 calendar year and feedback over this time is welcomed.

If you have any questions about the MRL process or this plan, contact Awilda.Baoumgren@mpi.govt.nz.

Biosecurity Requirements for Agricultural Chemicals

Products with ingredients of biological origin
Recently there have been some changes in the way Biosecurity assessments are handled for imported agricultural chemical products that contain ingredients of biological origin. The MPI Plant Product Imports team is now primarily responsible for performing the Biosecurity assessments, instead of the Animal Imports team.

You may see some changes in the coming months in the Biosecurity application forms as we make sure we are requesting all relevant information. As part of the application process, you will be contacted if further information is required.

Products with ingredients of plant or animal origin
For agricultural chemical products containing ingredients of plant or animal origin, a separate Biosecurity approval letter will not be provided. The Biosecurity determination (e.g. the product meets an Import Health Standard) will be captured in the ACVM application documentation.

Microbial agricultural chemicals
For microbial agricultural chemicals, a separate import permit is currently required, and this will not change. However, please be advised that the Import Health Standard for Microorganisms from All Countries is expected to be updated to ensure that it is applicable to agricultural chemicals.

While current import permits are still valid, processing of renewals and new import permits may be delayed for up to a month for affected products.

NEW OPERATIONS TEAM MANAGER
Shaleen Narayan

"Hello, Everyone
I am not a new face to the ACVM registrants. I have been part of the Approvals Operations team for the past 4 years as an Adviser and then as a Senior Adviser and now as Team Manager for Operations after the recent realignment of Maree Zinzley's team.

When it comes to people, I am a strong believer in leadership and empowering people to take ownership of their positions and processes. I believe effective communication is key to leadership, and I strive to create a positive and motivating environment that nurtures future leaders and high performers. Lastly, I am committed to the highest standards of professionalism in the industry and I aim to ensure that those standards and values are passed through every aspect of the Operations team.

For any queries/concerns in relation to ACVM product application processing and approvals, please feel free to contact me." (Shaleen.narayan@mpi.govt.nz)

Data Assessor Workshop

The Data Assessor workshop was held on 18 October in Wellington. The workshop covered a range of topics including ACVM processes and how data assessments fit into the regulatory framework, feedback on data assessments, and presentations on animal transfer and bioequivalence. Interactive sessions on Data Assessment Report (DAR) templates and draft chemistry and manufacturing guidelines resulted in action points for ACVM – particularly revision of several DAR templates.

Ongoing issues for data assessors are:

- **how to ensure that they have enough time to do in-depth assessments (although this costs applicants more up-front, in-depth assessments result in faster progress through ACVM appraisal), and**
- **how to ensure that the registrant has made all arguments rather than relying on the data assessor to fill in gaps.**

A PDF version of presentations for this workshop is available on our website.

FYI

Products containing hemp

An increasing number of hemp-containing products are being advertised and sold for animal use. Tetrahydrocannabinols, the compounds in hemp that include THC and cannabidiol (CBD), are subject to regulatory controls under the Medicines Act 1981 and the Misuse of Drugs Act 1975, administered by the Ministry of Health. CBD is classed as a prescription-only medicine under the Medicines Act, and all other tetrahydrocannabinols including THC are classed as controlled drugs under the Misuse of Drugs Act. Human prescription medicines and controlled drugs cannot be administered to animals in any form unless registered under the ACVM Act as a veterinary medicine, or authorised by a veterinarian to treat an animal under their direct care. Because of these classifications, anything containing THC, CBD, or any other tetrahydrocannabinols at any level cannot be exempt from registration as an animal feed, oral nutritional compound, or veterinary product.

For additional information, please see https://www.mpi.govt.nz/dmsdocument/31875-hemp-and-hemp-based-products-used-as-agricultural-compounds-animal-feeds-and-animal-treatment-products

Antibiotic review update

The review of the first tranche of antibiotics, which includes currently registered macrolides, later-generation cephalosporins, and penicillins, is now complete.

A summary report of the review was sent to registrants with reviewed products, and it is now available on the MPI website. It includes:

- the information considered as part of the review (currently approved use patterns, mechanisms of action, antimicrobial resistance profile, and classification determination for each antibiotic compound),
- an assessment of the impacts of the classification and associated changes on the trade name products in which those antibiotic compounds are found, including use pattern considerations, label changes, and maximum residue level (MRL) changes intended for consideration during the reassessment to follow.

The next step for the first tranche of antibiotics -- product-specific reassessments -- will commence in the new year.

The review of the second tranche of antibiotics, which includes currently registered veterinary aminoglycosides, fluoroquinolones, lincosamides, and first and second generation cephalosporins, is underway.

Mycotoxin binder products

This year we have noted a number of unregistered products in the market with claims for controlling mycotoxins. All products that contain active ingredients known to have the action of controlling mycotoxins (i.e. products that act as mycotoxin binders) are veterinary medicines requiring registration under the ACVM Act. The intention of this type of product is to reduce the toxicity of contaminated animal feed and/or exposure of the animal to mycotoxins to prevent mycotoxicosis, a disease of animals characterised by pain and distress. This mode of action constitutes a therapeutic effect and disease prevention, regardless of whether the product claims to bind toxins within the animal or reduce toxin levels in the feed. As such, a product intended to bind mycotoxins and/or prevent mycotoxicosis requires registration as a veterinary medicine. MPI has notified those parties with unregistered products and advised actions required to bring their products into compliance.

Note: To report non-compliant product being advertised and sold, please email us at ACVM-recallsandcompliance@mpi.govt.nz

Veterinary medicine AER causality algorithm update

In the June 2019 issue of *News and Views* we signalled our intention to adopt the Committee for Veterinary Medicinal Products (CVMP) ABON causality assessment algorithm as a replacement for the Kramer algorithm for veterinary medicine adverse event reporting (AER). We received a few submissions and all were supportive of the change.

The ACVM team is progressing the formal adoption of the assessment model and amending relevant adverse event documents. Until our documents are updated, you can view the guidance on the CVMP website (https://www.ema.europa.eu/en/documents/scientific-guideline/guideline-harmonising-approach-causality-assessment-adverse-reactions-veterinary-medicinal-products_en.pdf)

We intend to implement the ABON model as the basis of MPI causality rulings for all reports assessed from the 1 March 2020 irrespective of date of receipt. Registrants are, however, invited to adopt the ABON model immediately if so desired.

Advertising antibiotic RVMs

Registrants will be aware of the change to the rules for the advertising of antibiotic restricted veterinary medicines that occurred in July this year. Condition 58 was applied to all veterinary antibiotic product registrations. It states: “Advertising and promotion must only be directed to registered veterinarians or persons with an ACVM approval to trade in this product.”

Advertising of antibiotic products is not permitted to end users. MPI wishes to remind registrants, distributors, wholesalers, approved RVM sellers and veterinarians of this change. We expect that all parties will now be acting in compliance, and appropriate action will be taken for those who are not.

ACVM Regulations Policy Interpretations

'Preservative' policy

The ACVM (Exemptions and Prohibited Substances) Regulations 2011 includes the following definition in Regulation 3: "Feed additive means a non-nutrient substance added to the feed of animals to improve the preservation, digestion, colour, palatability, texture, or nutritive value of the feed" (oral nutritional compounds).

Feed additives are not agricultural compounds in their own right and, consequently, products composed entirely of feed additives are not regulated under the ACVM Act.

There is no definition of what the term 'preservation' means in the ACVM Regulations, and no formal boundaries have been previously defined around how the claimed outcome of 'preservation' can be achieved for feed additives included in oral nutritional compounds as feed additives. The common definition of a preservative is "a substance that is intended to prevent microbial or chemical composition change related decomposition of the feed to which it is added". With respect to microbial preservation, the intention is to prevent or retard microbial proliferation and some of the substances in common use achieve preservation via lethal or antimicrobial mechanisms.

With a shift away from the use of antibiotics as growth promoters or prophylactics for the maintenance of general animal health, products that contain substances with antimicrobial actions are coming onto the market in association with claims for addition to feedstuffs for the purpose of 'preservation' when the actual intent is to act as antimicrobials within the animal following consumption of the treated feed. In consequence, a clear policy with respect to what sorts of products are likely to have legitimate preservative (and therefore non-agricultural compound) applications is required.

To that end, MPI will now apply the following policy with respect to products claiming to be acting as preservatives: **"A preservative is a substance that is intended solely to prevent microbial or chemical composition change related to decomposition of the feed to which it is added".**

Consideration must be given to the characteristics of the active ingredients when deciding whether they can legitimately act as feed preservatives along with the proposed manner of use. As a general rule, substances intended for addition to oral nutritional compounds immediately prior to feeding to animals or have use directions relevant to the animal rather than the feed to be modified cannot be considered to be legitimately acting as a preservative.

Assessment of the absorption of topical products through the skin

A non-herbal topical preparation can only be considered for exemption from the requirement for registration if it does not contain ingredients able to be absorbed through the skin.

The relevant interpretation of this requirement is that following use as directed, none of the product's ingredients are able to be absorbed by the animal to the extent that any of the risks managed by the ACVM Act may be breached, especially those relating to animal welfare and agricultural compound residues in animal produce.

Issues that need to be considered when making sure that no ingredients are able to be absorbed through the skin include the following:

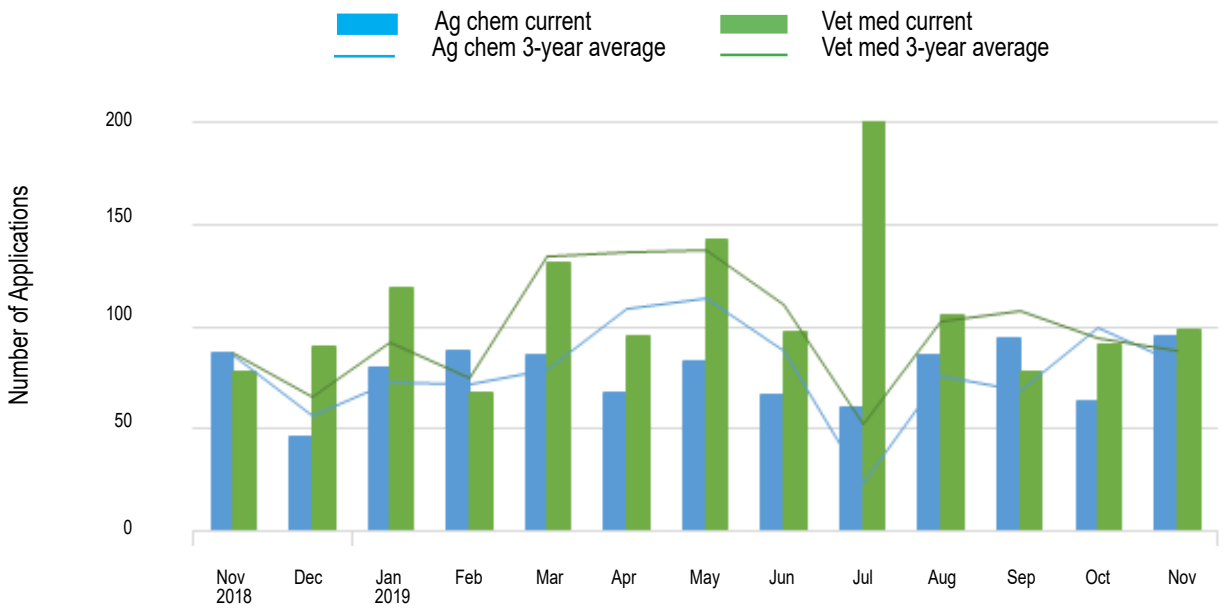
1. **Characteristics of the individual ingredients:** If it is known or suspected that any individual ingredient is able to be absorbed through the skin, then those ingredients must not be included in unregistered topical preparations.
2. **Impact of other ingredients:** Substances that are not able to be absorbed through the skin themselves may act as penetrants that increase the ability of other ingredients to be absorbed. Their acceptability for inclusion in unregistered veterinary medicines must be carefully considered.
3. **Impact of proposed use**: If intended to be applied to broken skin or to large areas of skin, substances that are minimally absorbed through small areas of intact skin may consequently be absorbed at levels that pose negative animal welfare or residue risks.

We remind manufacturers and importers who request class determinations from MPI that the determination is based solely on the information provided and available at the time of consideration. If MPI is aware of any issues with any particular ingredient disclosed as part of the determination request, these will form part of the consideration. However, ultimately it remains the responsibility of the manufacturer or importer to ensure no ingredients are able to be absorbed through the skin.

Performance Metrics

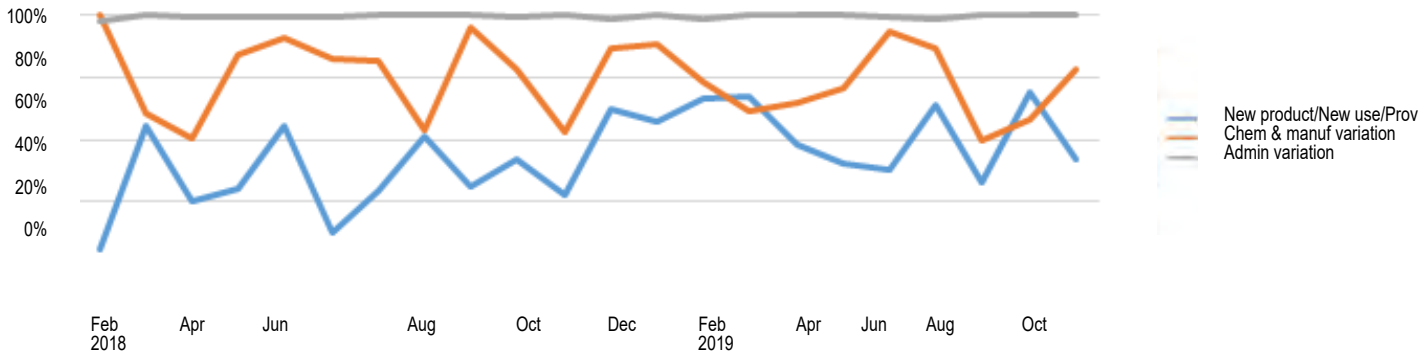
Application volumes are settling to 3-year average levels for veterinary medicines, after higher than average numbers through most of 2018. The spike in July 2019 resulted from the reassessment of advertising of antibiotic restricted veterinary medicines (RVMs). Agricultural chemical applications remain at or below 3-year average.

Volumes of Applications Received vs 3-Year Trendline



In November 54% of new product / new use applications were processed within 40 working days.
82% of chemistry and manufacturing applications met the statutory time frame.

% ACVM Applications Processed in Statutory Timeframe (40 working days) Jan 2018 - Nov 2019



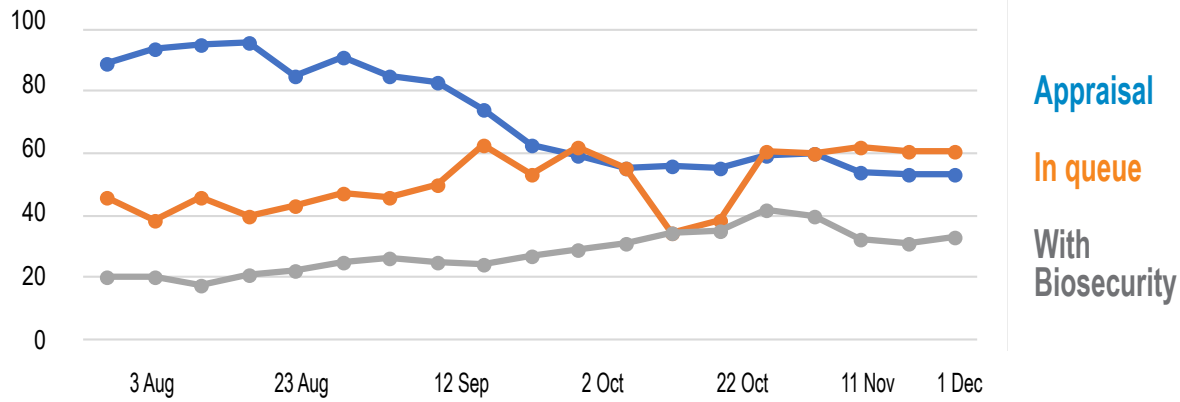
Vacancy for Veterinary Assessor

We are looking for a veterinarian to join the ACVM team as a veterinary assessor. For job description and more information contact ACVM manager Karen Booth (karen.booth@mpi.govt.nz)

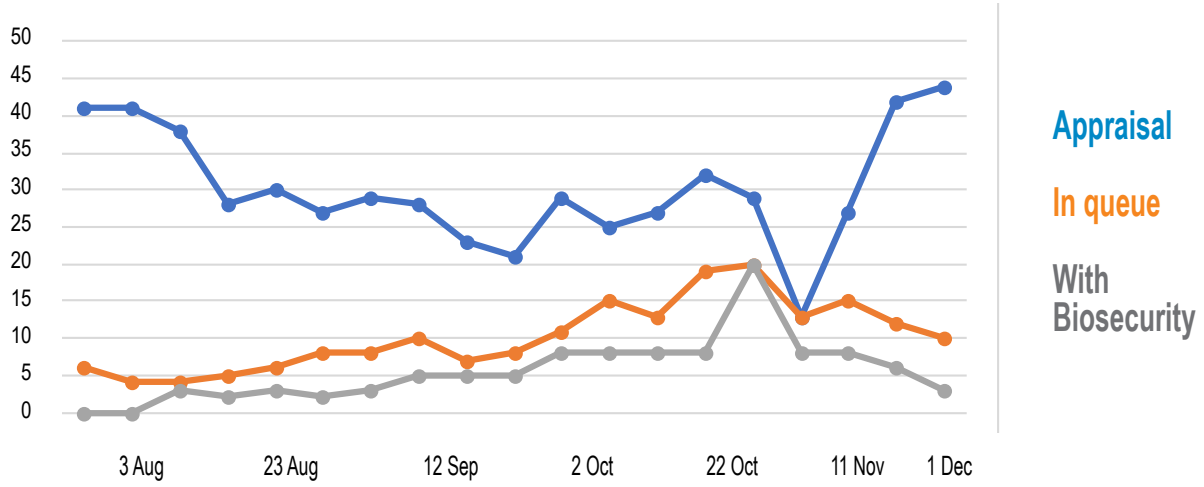
Performance Metrics continued

The veterinary medicine application queue is still large, though it has reduced from a high of 96 applications in August to 59 at the end of November. This backlog is likely to remain for at least the next quarter as we recruit to fill the Adviser Veterinary Medicines vacancy. There is less of a queue for agricultural chemical applications.

Veterinary Medicine Application Status by Date



Agricultural Chemical Application Status by Date



adverse events with ionophore coccidiostats

The ACVM team has received a number of adverse events relating to the exposure of dogs to ionophore coccidiostats, and a smaller number in horses. The exposure has occurred as a result of accidental and deliberate access to treated milk or feeds as well as access to product that has been stored, transported on the back of the farm vehicle with the dogs, or discarded. The outcomes for affected horses and dogs have been variable and deaths have been recorded.

Coccidiostats are currently registered as unrestricted veterinary medicines and suitable warning statements are included on product labels (and required to be included on the label of any oral nutritional compound that contains the registered product). We are considering whether any additional risk management steps are required to further reduce the potential for unintended species to access these products, and we invite you to consider this issue and provide input by 20 February 2020 (approvals@mpi.govt.nz)

Food and Live Animal Assurance team update:

Export Requirements for Official Devices

The Food and Live Animal Assurance Team has completed a review of the current requirements under the Animal Products Act 1999 for official devices, which include brands, carton and container seals, and reduced size legends on packaging material.

Currently a number of different documents regulate the use of official devices and many of these are now outdated. Work has been done to consolidate all requirements into a single notice and to ensure that the requirements are current. In addition, there are some proposed changes to the requirements including:

- incorporating official devices for live animal and germplasm
- improving control around manufacturers of devices, and
- ensuring sufficient controls around the use of container seals.

For further information see the MPI consultation page:
Proposed Animal Products Notice: Export Requirements for Official Devices

We wish you all a fun, relaxing, and safe holiday season.

See you in 2020!