Reprint
as at 19 November 2004

Animal Products (Regulated Control Scheme—Contaminant Monitoring and Surveillance) Regulations 2004

(SR 2004/396)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 15th day of November 2004

Present:
The Right Hon Helen Clark presiding in Council

Pursuant to section 166 of the Animal Products Act 1999 and section 25 of the Animal Products (Ancillary and Transitional Provisions)

Note
Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Agriculture and Forestry.

Act 1999, Her Excellency the Governor-General, on the recommendation of the Minister given in accordance with section 39 of the Animal Products Act 1999, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

Regulations

1 Title

These regulations are the Animal Products (Regulated Control Scheme—Contaminant Monitoring and Surveillance) Regulations 2004.

2 Commencement

These regulations come into force on 1 January 2005.

Part 1
Preliminary provisions

3 Regulated control scheme imposed

(1) These regulations impose a regulated control scheme for contaminant monitoring and surveillance of animal material and animal products of a kind specified in a monitoring programme set out in Schedule 1.

(2) The scheme comprises these regulations together with any associated specifications, specific requirements, and determinations given or made by the Director-General.

4 Prime purpose of scheme

The prime purpose of this scheme is—

(a) to identify the absence or presence, extent, and distribution of chemical and biological contaminants in animal material and animal products; and

(b) to address the risks from hazards to human or animal health associated, directly or indirectly, with animal material and animal products from a risk source (whether identified under this scheme or by other means).

5 Application

(1) These regulations apply to—

(a) the persons or classes of persons specified in Schedule 1 in relation to any particular monitoring programme; and

(b) persons with responsibilities under Part 3.

(2) Nothing in this scheme applies to any dairy material or dairy product.

6 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Animal Products Act 1999

competent person means a person or a member of a class of persons recognised or accredited under section 103 of the Act, or otherwise authorised by the Director-General or by specifications made under this scheme, to carry out a particular function under this scheme

contaminating agent in relation to a contaminant, means a thing (including an animal or a place) or person that or who may, directly or indirectly,—

(a) cause the contaminant to be, or to develop, in animal material or animal product; or

(b) transfer the contaminant to animal material or animal product

laboratory means a laboratory approved by the Director General, or a laboratory approved under a scheme approved or recognised by the Director-General

Meat Act regime has the same meaning as in the Animal Products (Ancillary and Transitional Provisions) Act 1999

monitored animal material means—

(a) in general, animal material that is subject to monitoring under a monitoring programme; and

(b) in relation to a particular monitoring programme, the animal material defined as monitored animal material in the programme or in specifications made under subclause (2) for the purposes of the programme

monitored animal product means—

(a) in general, animal product that is subject to monitoring under a monitoring programme; and

(b) in relation to a particular monitoring programme, the animal product defined as monitored animal product in the programme or in specifications made under subclause (2) for the purposes of the programme

monitored contaminant, in relation to a particular monitoring programme, means a contaminant defined as a monitored contaminant in the programme or in specifications made under subclause (2) for the purposes of the programme

monitoring has the meaning given it by regulation 7(1)

monitoring programme means a monitoring programme set out in Schedule 1

on-site testing means the testing of samples at or near the point of sampling, but does not include testing of samples by a laboratory

operator, in relation to an animal product business, means the owner or other person in control of the business

person in charge includes a person who has custody, care, control, or supervision of the matter or thing referred to

risk contaminant means a contaminant or group of like contaminants specified in a surveillance list as constituting a hazard

risk source means a source of a contaminating agent and includes, as appropriate to the characteristics of the animal material or animal product and contaminant involved,—

(a) a place where contamination of animal material or animal product may occur; and

(b) a grouping of animals that may harbour or may be exposed to a contaminating agent; and

(c) a person in charge of animal material or animal product, or a place, that may contain, or may be exposed to, a contaminating agent

risk source operator means—

(a) the person in charge of a risk source; or

(b) a person who is listed in a surveillance list as a risk source of the kind referred to in paragraph (c) of the definition of **risk source**

safeguard means identify, pack, preserve, store, handle, and otherwise treat any thing in accordance with this scheme

sampling includes—

(a) sample selection:

(b) taking a sample:

(c) safeguarding a sample:

(d) despatching a sample to a laboratory:

(e) transporting a sample:

(f) gathering information about a sample:

(g) any associated activities set out in specifications

scheme means these regulations and associated specifications, specific requirements, and determinations given or made by the Director-General

specification means a specification set by notice under section 167 of the Act

surveillance has the meaning given it by regulation 12(1)

surveillance animal material, or **surveillance animal product**, means, as the case may require, a class of animal material or animal product—

(a) originating from a risk source; and

(b) that is specified as surveillance animal material or surveillance animal product in a surveillance list

surveillance list means the list of risk sources under surveillance that is kept by the Director-General under regulation 15

surveillance notice means a notification to a risk source operator under regulation 15(5)

testing includes analysis, examination, or assessment as appropriate to the animal material or animal product and contaminant tested.

(2) The Director-General may, where the Director-General considers it necessary or desirable to better achieve the purpose of any monitoring programme, by specification extend the programme to require the monitoring of any further animal material, animal product, or contaminant specified by the Director-General.

(3) A specification under subclause (2) expires 6 months after the date it is first notified under section 164 of the Act.

Part 2
Monitoring

7 Outline of this Part

(1) This Part contains regulations imposing powers and duties in respect of monitoring. **Monitoring** means sampling and testing to identify the absence or presence, extent, and distribution of chemical and biological contaminants in animal material or animal product or whether there is a risk of those contaminants being present in animal material or animal product.

(2) Monitoring may only be carried out in accordance with this scheme, which may include—

(a) a monitoring programme:

(b) a sampling regime imposing requirements for the sampling of animal material or animal product for monitoring purposes:

(c) a sampling plan setting out either a pattern to be followed when carrying out sampling or a process to be used to determine a pattern.

(3) The general requirements of Part 4, including testing of samples, also apply to monitoring.

8 Application of this Part

For the purposes of any particular monitoring programme, this Part applies to the classes of persons and animal material or animal product to which the monitoring programme specifies that it is to apply.

9 Issuing of sampling regime

(1) The Director-General may issue a specification setting out 1 or more sampling regimes imposing requirements for the sampling of animal material or animal product for monitoring purposes.

(2) A sampling regime must include—

(a) the commencement date and the expiry date (where appropriate) of the regime; and

(b) the class or description of animal material or animal product from which samples are to be taken; and

(c) the types and total number of samples to be taken; and

(d) the contaminants or group of like contaminants being monitored.

10 Issuing of sampling plan

(1) The Director-General may issue, in writing, 1 or more sampling plans for a sampling regime.

(2) A sampling plan may either set out—

(a) a sampling pattern to be used by a competent person to determine which particular animal material or animal product will be sampled; or

(b) a sampling selection process to be used by a competent person in order to determine a sampling pattern.

(3) A sampling plan may also include other matters of detail for the purposes of a sampling regime including:

(a) the period or periods during which the samples or a certain number of samples must be taken:

(b) provision for selection of other details to help determine when or where sampling will be carried out (for example, the selection of farms on which sampling will take place or the selection of the particular slaughtering run or animals from which a sample must be collected):

(c) the laboratory to which samples must be sent for testing.

11 Confidentiality of sampling plan

(1) The Director-General may require competent persons to keep confidential the details of a sampling plan.

(2) However, a competent person may disclose the details of a sampling plan to another competent person if necessary or appropriate in order to enable the competent persons to carry out their functions under this scheme.

(3) This regulation is subject to the Official Information Act 1982.

Part 3
Surveillance

12 Outline of this Part

(1) This Part contains regulations imposing powers and duties in respect of surveillance. **Surveillance** means—

(a) sampling and testing to identify the absence or presence, extent, or distribution of chemical and biological contaminants in animal material or animal product, through monitoring or other means, after—

(i) a contaminant is found to be present; or

(ii) a risk of contaminants being present is identified; and

(b) applying measures to a risk source or animal material or animal product to manage the contaminant or risk of contaminants.

(2) Surveillance may only be carried out in accordance with this scheme, which may include—

(a) a sampling regime imposing requirements for the sampling of animal material or animal product for surveillance purposes:

(b) a sampling plan which may modify the requirements of the sampling regime:

(c) certain risk management measures that may be imposed by the Director-General if he or she suspects that there is a risk of contamination of animal material or animal product.

(3) The Director-General must keep a surveillance list that identifies risk sources and risk source operators, amongst other things, and risk source operators are to be appropriately notified.

(4) This Part also contains provisions for the amendment or revocation of entries on the list.

(5) The general requirements of Part 4, including testing of samples, also apply to surveillance.

13 Application of this Part

This Part applies to—

(a) processors of surveillance animal material or animal product; and

(b) risk source operators; and

(c) competent persons; and

(d) laboratories; and

(e) persons who have an interest or involvement in the supply of surveillance animal material or animal product for processing or the distribution of potential risk contaminants in the primary production environment.

14 Application of risk management measures

(1) The Director-General may apply a risk management measure set out in subclause (2) to a risk source if he or she has reasonable grounds to suspect that there is a risk of contamination of animal material or animal product from the risk source after having regard to the following matters:

(a) available evidence of the possible presence and distribution of the contaminant in the primary production environment:

(b) the availability and known pattern of use of the contaminant and the potential for its abuse or misuse:
(c) the nature, likely persistence, and potential for transfer (ie, cross-contamination) of the contaminant:
(d) the potential harm to human or animal health from the contaminant:
(e) any applicable safety limits set under the Act for the contaminant:
(f) the availability of effective and reliable sampling and testing methods for the contaminant:
(g) any other matter the Director-General considers relevant.

(2) The risk management measures are:
(a) making an entry on the surveillance list in accordance with regulation 15:
(b) requiring the identification of the animal material or animal product and associated things in the manner specified by the Director-General:
(c) applying conditions in relation to the supply of animal material or animal product from the risk source:
(d) requiring a competent person or an animal product officer to take responsibility for investigating and reporting on the risk source and potential for wider contamination:
(e) requiring a competent person or an animal product officer to verify whether the person in charge of the risk source is complying with the risk management measures that apply to the risk source:
(f) any other measure for managing risk imposed under the Act.

15 Surveillance list

(1) The Director-General must keep and maintain a surveillance list. The purpose of the list is—
(a) to enable surveillance animal material and animal product to be identified, isolated, dealt with, and disposed of in accordance with specifications; and
(b) to enable measures to be applied to risk sources.

(2) The list may be kept in the manner and form determined by the Director-General, including on the Ministry's website.

(3) The Director-General may enter any risk sources onto the surveillance list if the Director-General considers it appropriate to enable measures to be applied to the risk sources, and may also revoke or amend the entries on the list.

(4) Each entry must, to the extent practicable,—

(a) identify the risk source, for example by name, type, or location; and

(b) identify the risk source operator; and

(c) specify the class of material or product that is surveillance animal material or animal product; and

(d) specify the class or description of identified contaminants that are risk contaminants, in connection with the surveillance animal material or animal product.

(5) The Director-General must notify relevant processors and competent persons, as appropriate, of the details entered on the surveillance list, and any amendments to those details, in accordance with section 165 of the Act.

16 Amendment of incorrect or unreasonable entry on surveillance list

(1) A risk source operator may apply in writing to the Director-General to request that an entry relating to the risk source operator on the surveillance list be amended because it is incorrect or unreasonable.

(2) The Director-General must amend the entry unless the Director-General is satisfied that the entry is correct and reasonable.

(3) The Director-General must provide written reasons to the risk source operator if he or she decides not to amend the entry.

17 Amendment or revocation of entry on surveillance list if risk under control or eliminated

(1) A risk source operator may apply in writing to the Director-General to request that a relevant entry relating to the risk source operator on the surveillance list be amended or revoked because the risk of contamination of animal material or ani-

mal product has been brought under control or eliminated at source.

(2) The Director-General must amend or revoke the surveillance notice and the relevant entry on the surveillance list if the risk source operator satisfies the Director-General that the risk of contamination of animal material or animal product has been brought under control or eliminated at source.

(3) The Director-General must provide written reasons to the risk source operator if he or she decides not to amend or revoke the entry.

18 Surveillance notices

(1) The Director-General must provide a surveillance notice in writing to the affected risk source operator as soon as practicable after making a new entry or revoking or amending an existing entry in the surveillance list.

(2) A surveillance notice must include matters as required by specifications and must be notified in accordance with section 164(2) to (4) of the Act, and must specify—

- (a) the date on and from which the notice takes effect:
- (b) details of the contaminant under surveillance:
- (c) any requirements on or conditions applying to the risk source operator (which may include controls imposed under section 81B of the Act):
- (d) any relevant risk management measures applied under regulation 14(2):
- (e) such other matters as the Director-General considers appropriate.

19 Amendment or revocation of surveillance notice condition

(1) A risk source operator may apply in writing to the Director-General to request that a condition of a surveillance notice be amended or revoked because the risk contaminant can be contained either by applying the condition as amended or without applying the condition.

(2) The Director-General must amend or revoke the condition if the risk source operator satisfies the Director-General that the

risk contaminant can be contained either by applying the condition as amended or without applying the condition.

(3) The Director-General must provide written reasons to the risk source operator if he or she decides not to amend or revoke the condition.

20 Application for re-test

(1) A risk source operator may apply in writing to the Director-General for a sample to be retested.

(2) The Director-General must agree to retest a sample if—

(a) in the Director-General's opinion it is practicable; and

(b) the risk source operator meets the cost of the retesting in advance of it being carried out.

21 Obligations of risk source operators

(1) A risk source operator (including any person to whom a copy of a surveillance notice is supplied under subclause (2)) must—

(a) comply with the requirements or conditions of the relevant surveillance notice; and

(b) notify the Director-General in writing within 5 working days after disposal of all or part of the risk source and any associated surveillance animal material or animal product to another person other than a primary processor and provide the name and address of that other person.

(2) If a risk source operator ceases to own or control the surveillance animal material or animal product or risk source or any part of it, the risk source operator must, before the transfer (other than transfer to a processor or a processor's agent),—

(a) inform the person who takes over ownership or control of the surveillance animal material, animal product, or risk source that it is surveillance animal material or animal product or a risk source, and of any conditions imposed in relation to the material, product, or risk source; and

(b) supply the person with a copy of the surveillance notice.

(3) If a risk source operator ceases to own or control the surveillance animal material or animal product or risk source or any part of it, the person (other than a processor or the processor's agent) who takes over ownership or control of all or part of the animal material, animal product, or risk source must notify the Director-General in writing of the transfer of ownership or control as soon as practicable after the transfer, if that person has been informed of the status of the animal material, animal product, or risk source under subclause (2).

(4) A risk source operator must comply with the requirements of this regulation whether or not the risk source operator has applied for amendment or revocation of an entry on the surveillance list under regulation 16 or regulation 17.

22 Obligations of processors

(1) A processor must notify the Director-General of any information required by specifications in relation to surveillance animal material or animal product.

(2) When processing surveillance animal material or animal product received from a risk source (whether directly or indirectly), a processor must ensure that the material or product is identified, processed, held, and disposed of in accordance with specifications (if any).

(3) A processor who receives surveillance animal material or animal product must ensure that a competent person is notified of the receipt as soon as practicable after receipt.

23 Issuing of sampling regime

The Director-General may issue a specification setting out 1 or more sampling regimes imposing requirements for the sampling of animal material or animal product for surveillance purposes.

24 Issuing of sampling plan

(1) The Director-General may issue, in writing, 1 or more sampling plans to competent persons for the purpose of sampling surveillance animal material or animal product.

(2) A sampling plan may modify the requirements of a sampling regime.

25 Existing suspect and semi-suspect lists to be treated as surveillance lists

(1) Suspect and semi-suspect lists that are included in Technical Directives issued under the Meat Act regime (including those listed in Schedule 2) as at the commencement of these regulations are to be treated as surveillance lists for the purposes of this scheme.

(2) All persons on those lists are to be treated as risk source operators for the purposes of surveillance.

(3) The Director-General may amend a list in respect of persons described in subclause (2).

(4) The animal material or animal product on those lists is to be treated as if it were surveillance animal material or animal product for the purposes of surveillance.

(5) The contaminants on those lists are to be treated as if they were risk contaminants for the purposes of surveillance.

(6) Conditions applying to producers of animal material that were notified to them in writing before the commencement of these regulations are to be treated as notified under a surveillance notice.

Part 4
General provisions

26 Specifications setting out requirements and competencies of competent persons

The Director-General may issue a specification setting out the competencies and other requirements to be met by—

(a) persons who take on the functions and powers of competent persons; and

(b) recognised agencies that take on the responsibility for management of competent persons for the purposes of this scheme.

27 Director-General may carry out surveys, etc

(1) The Director-General may carry out or may cause to be carried out surveys, research, development, investigation, or other work if the Director-General considers that it is desirable in order to—

(a) determine whether or not, or how to, exercise a power or function, or carry out an activity provided for or contemplated in these regulations or the Act in connection with or for the purposes of a monitoring programme or a surveillance measure; or

(b) determine how best to achieve the prime purpose of this scheme in relation to any monitoring programme or surveillance measure, including developing or testing legislative, administrative, technical, or other measures (whether current or contemplated) that may be used or applied in connection with or for the purposes of a monitoring programme or surveillance measure; or

(c) investigate or confirm the absence, presence, extent, or distribution of a substance or thing in New Zealand; or

(d) investigate or confirm the risk posed by a substance or thing in relation to animal material or animal product.

(2) Prior consultation in accordance with section 163(3) of the Act is required unless the work relates to an emergency control scheme under section 41 of the Act.

28 Samples and sampling must be in accordance with specification

A competent person must undertake sampling, whether for the purpose of monitoring, surveillance, or survey, in accordance with any relevant sampling plan and specifications.

29 Laboratory requirements

A laboratory that receives a sample collected under this scheme must test and deal with the sample in accordance with specifications or, if directed by the Director-General under the Act, in accordance with those directions.

30 Test results

(1) A competent person at a laboratory where a sample is tested must check and certify reports of test results in accordance with specifications.

(2) The competent person must keep and report test results from samples in accordance with specifications.

31 Confidentiality

(1) All persons involved at a laboratory where a sample is tested must keep confidential information arising from the testing and other work done in relation to the sample except to the extent that the information is required to be disclosed under specifications.

(2) Subclause (1) is subject to the Official Information Act 1982.

32 On-site testing

(1) The Director-General may issue specifications providing for on-site testing of samples.

(2) On-site testing and handling of samples must be carried out in accordance with specifications and by competent persons.

(3) The purpose of on-site testing may include—

(a) screening samples of animal material or animal product for the absence or presence of a contaminant or class of contaminants; or

(b) producing final test results.

(4) The Director-General may require testing of another sample of the animal material or animal product from which the first sample was taken if the Director-General considers it appropriate.

33 Obligations of operators of animal product businesses

The operator of an animal product business, on request from a competent person carrying out a function or activity set out in these regulations, must—

(a) take all reasonable steps to cooperate with and assist the competent person, including providing access to the animal material or animal product to be sampled; and

(b) provide facilities and assistance for the competent person as required by the specifications; and

(c) provide information required by the competent person in order for that person to carry out his or her functions under this scheme.

34 Procedures required by specifications

Recognised agencies, competent persons, and operators of animal product businesses must—

(a) put in place procedures for performing functions or carrying out activities under these regulations, if required to do so by specifications; and

(b) keep a record of those procedures.

35 General requirements for records, notifications, and returns

(1) All records, notifications, and returns required under this scheme must be complete and accurate.

(2) All records required under this scheme must be appropriately stored and be readily accessible to the Director-General, animal product officers, and appropriate competent persons.

(3) All returns required under this scheme or requested by persons referred to in subclause (2) must be promptly supplied.

36 Obligation to supply information

(1) This regulation applies to the following persons:

(a) an owner or person in control or reasonably appearing to be in control of an animal, animal material, animal product, an associated thing, or an animal product business:

(b) a risk source operator:

(c) a person engaged in the transport and delivery of monitored or surveillance animal material or animal product:

(d) a competent person:

(e) a laboratory that receives a sample collected under this scheme:

(f) all persons who have or have had ownership, management, or control over any thing or person that may, directly or indirectly,—

(i) result in animal material or animal product becoming contaminated; or

(ii) transfer a contaminant to animal material or animal product:

(g) any other category of person that is specified in specifications:

(h) a person who, at any earlier relevant time, was a person to whom any of paragraphs (a) to (g) applied.

(2) An animal product officer may require a person to whom this regulation applies to provide information held by that person that the animal product officer believes on reasonable grounds is necessary for the purposes of this scheme.

37 Records kept by Director-General

(1) The information contained in records kept by the Director-General for the purposes of the scheme must not be disclosed to any other person except to appropriate competent persons, unless disclosure is authorised or required by these regulations or the Act.

(2) This regulation is subject to the Official Information Act 1982.

38 Confidential information

(1) All persons required by these regulations to keep information confidential must keep the information confidential and must not disclose the information to another person, except—

(a) as authorised or required by these regulations or the Act; or

(b) as authorised by the Director-General in writing.

(2) This section is subject to the Official Information Act 1982.

39 Variation of obligations

(1) The Director-General may, by notice under section 167, vary the obligations of persons or a class or description of persons imposed by or under these regulations.

(2) The Director-General may only vary obligations if, in the Director-General's opinion, the variation—

(a) in the case of a monitoring programme, would not materially prejudice the purpose of the programme; and

(b) in the case of a risk management measure, would not adversely affect management of risk.

(3) A variation to an obligation has effect for 12 months, or a shorter period specified in the notice, and cannot be renewed or extended.

40 Notice of variation of obligation

(1) A variation of an obligation that relates to one action or event or a series of related actions or events must be notified to the persons affected in accordance with section 165(2) to (4) of the Act.

(2) Other variations of obligations must be notified in accordance with section 164(3) and (4) of the Act.

41 Offences

(1) A person commits an offence for the purposes of section 135(1)(b) who, without reasonable excuse,—

(a) fails to comply with any of the following regulations:

(i) regulation 21(1) to (3) (obligations of risk source operators):

(ii) regulation 22(1) to (3) (obligations of processors):

(iii) regulation 33 (obligations of operators of animal product businesses):

(iv) regulation 35 (general requirements for records, notifications, and returns):

(v) regulation 36 (obligation to supply information):

(vi) regulation 38 (confidential information): or

(b) fails to comply with any variation under regulation 39 of any of the obligations referred to in paragraph (a)(i) to (vi) of this regulation.

(2) A person who commits an offence is liable to the penalty specified in section 135(3) of the Act.

42 Continuation of existing programmes

(1) Despite these regulations, existing monitoring and surveillance activities (whether currently operating or not) continue

until they are replaced by relevant specifications that provide details of monitoring programmes or surveillance measures.

(2) Subclause (1) applies to existing monitoring and surveillance activities whether established under legislation or through agreement between the Director-General and representatives of the animal production sector affected.

(3) In this regulation, **existing monitoring and surveillance activities** include activities carried out as at the commencement of these regulations under Technical Directives issued under the Meat Act regime (including those listed in Schedule 2).

43 Regulations do not limit Act

(1) These regulations do not prevent or limit the exercise of a power or performance of a function provided for in the Act or other regulations or specifications made under the Act.

(2) These regulations do not limit obligations of persons under the Act or other regulations or specifications made under the Act.

Schedule 1

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Particular monitoring programmes

Part 1
Monitoring hormonal growth promotants and certain other substances in live animals

1 Purpose of monitoring programme

To assess the level of compliance of primary producers and other persons in charge of live animals with all specifications pertaining to the use of hormonal growth promotants and other substances referred to in clause 3.

2 Monitored animal material

All live animals throughout New Zealand.

3 Monitored contaminants

The contaminants that may be monitored include—

(a) hormonal growth promotants; and

(b) compounds registered under the Agricultural Compounds and Veterinary Medicines Act 1997 (including pesticides registered under the Pesticides Act 1979) as specified in each sampling regime; and

(c) unregistered or unlicensed agricultural compounds and veterinary medicines as specified in each sampling regime.

4 Application of programme

This programme applies to the following classes of persons:

(a) the owners or persons in charge of animals from which samples are to be taken under this programme:

(b) competent persons:

(c) laboratories:

(d) any other category of person included by specifications for the purposes of this programme.

Part 2
Monitoring chemical and biological contaminants in mammals

1 Purpose of monitoring programme

To identify the presence, absence, extent, and distribution of contaminants in animal material and animal products from mammals presented for processing into animal products for trade.

2 Monitored animal material or animal product

In this programme, monitored animal material or animal product may include—

(a) animal material or animal product from farmed cattle, bobby calves, sheep, goats, pigs, deer, horses, possums, and rabbits; and

(b) animal material or animal product from mammals of any species shot—

(i) in the wild; or

(ii) on game estates; or

(iii) in the manner of the wild after becoming feral.

3 Monitored contaminants

The contaminants that may be monitored include—

(a) compounds registered under the Agricultural Compounds and Veterinary Medicines Act 1997 (including pesticides registered under the Pesticides Act 1979) as specified in each sampling regime; and

(b) unregistered or unlicensed agricultural compounds and veterinary medicines as specified in each sampling regime; and

(c) the following types of environmental contaminants:

(i) organochlorines:

(ii) organophosphates:

(iii) dioxins, dibenzofurans, polybromodiphenyl ethers:

(iv) toxic plant alkaloids:

(v) mycotoxins:

(vi) potentially toxic chemical elements; and

Part 2—*continued*

(d) the parasite *Trichinella spiralis*.

4 Application of programme

This programme applies to the following classes of persons:

(a) processors of monitored animal material or animal product:

(b) competent persons:

(c) laboratories:

(d) any other category of person included by specifications for the purposes of this programme.

Part 3
Monitoring chemical and biological contaminants in birds

1 Purpose of monitoring programme

To identify the presence, absence, extent, and distribution of contaminants in animal material or animal products from birds presented for processing into animal products for trade.

2 Monitored animal material or animal product

Animal material and animal products from poultry, ostriches, and emus.

3 Monitored contaminants

The contaminants that may be monitored include—

(a) compounds registered under the Agricultural Compounds and Veterinary Medicines Act 1997 (including pesticides registered under the Pesticides Act 1979) as specified in each sampling regime; and

(b) unregistered or unlicensed agricultural compounds and veterinary medicines as specified in each sampling regime; and

(c) the following types of environmental contaminants:

(i) organochlorines:

(ii) organophosphates:

Part 3—*continued*

(iii) dioxins, dibenzofurans, polybromodiphenyl ethers
(iv) toxic plant alkaloids:
(v) mycotoxins:
(vi) potentially toxic chemical elements.

4 Application of programme

This programme applies to the following classes of persons:

(a) processors of monitored animal material or animal product:
(b) competent persons:
(c) laboratories:
(d) any other category of person included by specifications for the purposes of this programme.

Part 4
Monitoring chemical and biological contaminants in farmed fish

1 Purpose of monitoring programme

To identify the presence, absence, extent, and distribution of contaminants in farmed fish (other than bivalve molluscan shellfish) presented for processing into animal products for trade.

2 Monitored animal material or animal product

Animal material or animal product from any species of fish (other than bivalve molluscan shellfish) that is farmed in New Zealand or New Zealand fisheries waters and specified in a sampling regime under this programme.

3 Monitored contaminants

The types of contaminant that may be monitored include—

(a) compounds registered under the Agricultural Compounds and Veterinary Medicines Act 1997 (including pesticides registered under the Pesticides Act 1979) as specified in each sampling regime; and

Part 4—*continued*

(b) unregistered or unlicensed agricultural compounds and veterinary medicines as specified in each sampling regime; and

(c) the following types of environmental contaminants:
  (i) organochlorines:
  (ii) organophosphates:
  (iii) dioxins, dibenzofurans, polybromodiphenyl ethers:
  (iv) mycotoxins:
  (v) potentially toxic chemical elements:
  (vi) aquatic biotoxins.

4 Application of programme

This programme applies to the following classes of persons:

(a) primary producers of farmed fish:

(b) processors of monitored animal material or animal product:

(c) competent persons:

(d) laboratories:

(e) any other category of person included by specifications for the purposes of this programme.

Part 5
Monitoring chemical and biological contaminants in fish other than farmed fish

1 Purpose of programme

To determine the extent and distribution of chemical and biological contaminants in fish species caught in New Zealand waters.

2 Monitored animal material or animal product

Animal material or animal product from fish of the species specified in each sampling regime, but excluding—

(a) bivalve molluscan shellfish; and

(b) farmed fish.

Part 5—*continued*

3 Monitored contaminants

The types of contaminants that may be monitored include the following types of environmental contaminants:

(a) organochlorines:
(b) organophosphates:
(c) dioxins, dibenzofurans, polybromodiphenyl ethers:
(d) aquatic biotoxins:
(e) potentially toxic chemical elements.

4 Application of programme

This programme applies to the following classes of persons:

(a) processors of monitored animal material or animal product:
(b) competent persons:
(c) laboratories:
(d) any other category of person included by specifications for the purposes of this programme.

Schedule 2

r 42(3)

Technical directives under Meat Act regime under which existing monitoring and surveillance activities carried out

Directive	Issue No
Bobby Calf Residue Testing - 2004	04/27
Cancellation of Technical Directive 00/17: Neoparasec Vaccination User Register	02/118
Chemical Residue Suspect Sampling Conditions	00/76
Chemical Residue Traceback Reports	99/187
Contaminant Residue Testing: Feral Pigs	02/36
Data Recording, Packaging, Preparation and Despatch of Residue and Species Verification Samples	99/188
Delivery of Components of the National Chemical Residue Programme to Recognised Technical Specialists	01/144
Hormonal Growth Promotants: Database Developments	01/121
Hormonal Growth Promotants: Restricted Markets	02/121
Licensed Animal Remedies Containing Copper and Zinc for which Meat Withholding Periods no Longer Apply	00/47
Meat Inspection Requirements: Animal Treatments	01/43
Monitoring of Slaughtered Domestic Pigs for Trichinella spiralis	04/17
National Chemical Residues and Species Verification Programmes for Red Meat 2003/2004	04/8
National Chemical Residue Programme Database Development	01/114
National Chemical Residue Programme for Ostriches and Emus for 2003/2004	03/122
National Chemical Residue Programme: HGP Survey 2004	04/33
National Chemical Residue Programme: Petfood Survey 2002/2003	02/96
National Chemical Residue Programme: Tallow and Meat and Bone Meat Surveys 2001/2002	01/197
National Residue Monitoring Programme: Sampling Plans and Sample Selection	99/206
National Vendor Declarations for Livestock Implementation Date	00/129
Notification of Bobby Calf Slaughter and SOS Training/Proficiency Testing Requirements	04/28
Poultry (Broiler) Residue Testing Programme 2004	04/53
Poultry Premises Chemical Residue Quality Assurance Programme Requirements	01/159

Directive	Issue No
Procedures for Cattle from Properties on the Taenia saginata Disease Surveillance Suspect List	02/124
Residue Suspect and Semi-Suspect Lists	02/17
Residue Testing Laboratories	03/14
Vendor Declarations: Bobby Calves	00/78

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 2005, impose a regulated control scheme under Part 3 of the Animal Products Act 1999 for contaminant monitoring and surveillance of animal material and animal products of the kinds specified in the monitoring programmes listed in *Schedule 1*.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 18 November 2004.

Contents

Notes

1 General

This is a reprint of the Animal Products (Regulated Control Scheme—Contaminant Monitoring and Surveillance) Regulations 2004. The reprint incorporates all the amendments to the regulations as at 19 November 2004, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* http://www.pco.parliament.govt.nz/legislation/reprints.shtml or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as "of this section" and "of this Act")
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2009