

May 2014 update on recommendations of the Report on New Zealand's Dairy Food Safety Regulatory System

Cabinet has accepted all 29 recommendations of the WPC Inquiry.

	Inquiry recommendations (verbatim)	Lead Minister	Cabinet / Ministerial decisions	MPI / agency implementation
The wider view				
1	The Ministry, in consultation with the industry and other relevant government agencies, should focus on emerging risks and prepare a high-level risk register identifying such risks to dairy food safety and supply.	Food Safety	MPI work programme.	MPI is implementing a system for identifying and managing future strategic risks in partnership with the dairy industry.
2	The Ministry should convene a working group to develop a strategic plan to build up sector-wide dairy processing and regulatory capability.	Primary Industries	Complete.	On track for establishment of the working group, with the potential Chair and nominating organisations for members approached.
3	A centre of food safety science and research, which could be a virtual centre, should be established to ensure New Zealand remains a leader in the food safety field.	Science and Innovation Food Safety	In progress. (Ministers to set criteria for assessment of proposals to host the Centre)	Ministers have announced a call for expressions of interest have been released for a Food Safety Science and Research Centre. The Centre is expected to be up and running by the end of 2014.
4	In collaboration with other government agencies, the Ministry should step up its role and resources, both here and abroad, to allow more effective interaction with New Zealand's most important, and emerging, export markets, particularly China.	Primary Industries	Complete.	The Government has committed an additional \$4.430 million in 2014/15 rising to \$8.295 million in 2017/18 and out-years to increase the Ministry for Primary Industries (MPI) presence overseas. The implementation of this capability is in progress. In particular MPI have posted additional personnel, including a senior official, to China to boost capability in the region.
5	All organisations in the sector should endeavour to increase collaboration, whether among regulators, the Ministry and the industry, or within the wider dairy industry.	Food Safety Primary Industries	MPI work programme.	An MPI-led review of existing forums and work programmes is underway to enable greater ongoing collaboration.
Regulatory design				
6	The Ministry should accelerate the standards integration programme, using specialist drafters, technical industry experts and recognised agencies from the start of the process. In particular: <ul style="list-style-type: none"> ○ Risk management programme requirements should be elevated to regulations, along with the requirements for the notification and reporting of food safety events. ○ There should be a new requirement that risk management programmes be limited to food safety and related regulatory matters. ○ The Ministry, verifiers, laboratories and industry should jointly work on drafting and publishing escalation guidelines for food safety incidents. 	Food Safety	In progress (Ministerial/Cabinet decisions required for legislative proposals.)	This is underway and recommendations requiring legislative change are being progressed through a new omnibus Food Safety Law Reform Bill.
7	Following the rewrite of the requirements for risk management programmes, the Ministry should receive and maintain records of full and up-to-date programmes.	Food Safety	MPI work programme.	Awaiting changes to legislation through a new omnibus Food Safety Law Reform Bill.
8	It is important that risk management programmes be periodically re-evaluated.	Food Safety	In progress. (Ministerial/Cabinet decisions required for legislative proposals.)	Ministers have agreed that this will occur as a part of the process of examining legislative changes required as part of a new omnibus Food Safety Law Reform Bill

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	Role of the regulator			
9	A Food Safety and Assurance Advisory Council should be established to provide the Ministry with high-level independent strategic advice and risk analysis and report annually to the Director-General on the performance of the system.	Food Safety	Complete.	Minister for Food Safety has announced that the Council will be established to provide independent advice to the government on issues relating to food safety. The Council will be set up by, and report to, MPI's Director-General. It will consider operational, policy, and regulatory issues across New Zealand's entire food safety and assurance regime. Cabinet has allocated \$250,000 per year for the Food Safety Assurance Advisory Council.
10	The Ministry should consider the following aspects of its operations: <ul style="list-style-type: none"> o Structure: ensure a more integrated focus on the dairy sector and food safety generally. o Roles: ensure greater clarification of multiple, and sometimes conflicting, roles. o Capacity and capability: ensure additional skilled staff in food safety generally and specifically in the dairy sector. o Visibility: ensure greater prominence of the Ministry's food safety role. o Risk communication: ensure greater resourcing of, and priority for, this role. o Engagement: hold regular workshops and participate fully in overseas forums. 	Primary Industries and Food Safety	MPI work programme.	The Director-General, in consultation with employees of MPI, has put in place a plan to align MPI's structure and governance to provide for greater visibility and focus on food safety. The alignment will become effective from mid-May 2014
11	Additional funding should be allocated as appropriate to Vote Primary Industries and Vote Food Safety, targeted at food safety and dairy-related capability; China and new markets capability; the redrafting of regulations; and the Food Safety and Assurance Advisory Council.	Food Safety Primary Industries	Complete.	The Government allocated an additional \$8-12 million per year when it accepted the WPC Inquiry recommendations.
	Role of verifiers			
12	The independent verification system should be strengthened in the following ways: <ul style="list-style-type: none"> o Provider greater clarity of the verifier's role as agent of the Ministry to make clear the true client is the regulator, not the industry. o Subject dairy processing operators using template risk management programmes to more rigorous scrutiny. o Encourage verifiers and the industry (with Ministry approval) to consider how the regular auditing processes can provide more evaluation without straying into consultancy, o Involve verifiers in product dispositions featuring novel or improvised working. o Provide verifiers' accreditation reports directly to the Ministry to ensure full and transparent reporting. 	Food Safety	In progress. (Ministerial/Cabinet decisions required for legislative proposals.)	In process of examining legislative changes required as part of a new omnibus Food Safety Law Reform Bill. Early policy work has begun for those changes that do not require any legislative changes.
13	The Ministry should carry out more analysis of audit information to identify areas of particular concern, emerging issues or risks and compliance trends.	Food Safety	MPI work programme.	MPI is reviewing system changes to better extract and analyse data holdings to get better information to government and industry.
14	Accreditors and verifiers should endeavour to consult and collaborate as appropriate to ensure continued improvements to the accreditation and verification systems.	Food Safety	MPI work programme.	Project underway, led by accreditation bodies with MPI providing feedback and consultation to ensure that there is continual improvement.
	Testing: quality and integrity			
15	Sulphite Reducing Clostridia (SRC) testing should not be mandatory for all dairy products.	Food Safety	MPI work programme.	No further action required.

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16	The Ministry should compile and maintain a list of accredited laboratories for non-standard or novel tests.	Food Safety	MPI work programme.	A laboratory capability plan will be finalised in the coming months.
17	The Ministry should give priority and resources to better analysis of existing data to identify trends, including extending its surveillance programmes where appropriate.	Food Safety	MPI work programme.	MPI is reviewing system changes to better extract and analyse data holdings to get better information for government and industry.
Implementation of food safety standards				
18	The Ministry, recognised agencies and industry should work to foster a positive food safety culture, and identify mechanisms to evaluate the food safety culture within companies.	Food Safety	MPI work programme.	The MPI alignment changes will enable greater relationships between industry and MPI on issues of food safety culture. MPI has also committed to implementing industry forums as a mechanism to improve food safety culture within companies.
19	The Ministry should promptly inform industry of new overseas market access requirements and where practicable consult industry about such requirements.	Food Safety	MPI work programme.	This is already a core function of MPI, and takes place on a daily basis across the full range of industries producing food and animal material for export.
20	The compliance and enforcement tools in the Animal Products Act 1999 should be aligned with those in the Food Bill, which is currently before Parliament, and should include a full range of tools.	Food Safety	In progress. (Ministerial/Cabinet decisions required for regulatory proposals.)	In process of examining legislative changes required as part of a new omnibus Food Safety Law Reform Bill.
21	The Ministry should prioritise analysis of food safety compliance data.	Food Safety	MPI work programme.	MPI is reviewing system changes to better extract and analyse data holdings to get better information government and industry.
Traceability, recall and contingency planning				
22	The Ministry should convene a working group to consider first, the most appropriate regulatory provisions for traceability of dairy products, and secondly, a code of practice or similar to guide industry in implementing such provisions.	Food Safety	In progress. (Ministerial/Cabinet decisions required for regulatory proposals.)	The Traceability Working Group has been established, comprising members from the dairy and grocery industry. The group has held its first meeting, and reports to the Director-General of MPI.
23	Recall provisions should be revised, in particular: <ul style="list-style-type: none"> ○ Mandatory recall provisions in food legislation should be aligned. ○ Voluntary recall obligations should be set out in regulations rather than in risk management programmes. ○ Regulations should require industry to simulate recalls, audited by verifiers. ○ Circumstances in which privileged statements can be made should be clarified. 	Food Safety	In progress. (Ministerial/Cabinet decisions required for regulatory proposals.)	Changes to mandatory recall powers are included in the Food Bill due to be reported back from the Primary Production Select Committee. In process of examining other legislative changes required as part of a new omnibus Food Safety Law Reform Bill.
24	The Ministry should be given statutory responsibility for food safety contingency planning. Industry and regulators should simulate tracing, recall and general food safety incidents from time to time as part of such contingency planning.	Food Safety	In progress. (Ministerial/Cabinet decisions required for regulatory proposals.)	In process of examining legislative changes required as part of a new omnibus Food Safety Law Reform Bill.

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	Infant formula			
25	The Ministry should prioritise its infant formula work programme, and complete the revision of food safety-related regulatory requirements for the manufacture of infant formula (and, if appropriate, ingredients for infant formula) within six months.	Food Safety	In progress. (Ministerial/Cabinet decisions required for regulatory proposals.)	MPI has a dedicated infant formula team, and regulatory requirements are being examined as a priority.
26	The Ministry, with input from the relevant working groups, should resolve whether infant formula and other high-risk products should routinely undergo Sulphite Reducing Clostridia (SRC) testing, based on scientific, risk-based and cost-benefit analysis.	Food Safety	MPI work programme.	Analysis has shown that no further action is required.
27	The Ministry should strengthen requirements for exporters of infant formula to ensure traceability.	Food Safety	In progress (Ministerial/Cabinet decisions required for regulatory proposals.)	Relevant requirements are currently being prepared by MPI.
28	Regulatory requirements under both the Animal Products Act 1999 and the Food Act 1981 should be aligned.	Food Safety	In progress (Ministerial/Cabinet decisions required for regulatory proposals.)	In process of assessing the need for regulatory or administrative changes.
29	The Ministry, in consultation with the industry, should develop options to provide foreign markets with the assurance of authenticity of New Zealand-manufactured infant formula products.	Food Safety	In progress.	This work will be informed by the Traceability Working Group in consultation with MPI.