

Summary of submissions - Consultation on BIANZ S.40 model food control plan.

27 March 2018

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Summary of submissions

Background

The Food Act 2014, Section 40 enables the Chief Executive of MPI to approve a template or model food control plan (FCP), developed by a person other than the Chief Executive, by notice under Section 405.

The Baking Industry Association of New Zealand (BIANZ) submitted a model FCP to MPI for approval.

MPI evaluated the BIANZ model and recommended it was suitable for the Chief Executive to approve it.

Consultation

A public consultation on the evaluation of the BIANZ model FCP took place between 13th and 27th March 2018.

MPI received 3 submissions.

The following table provides an analysis of submissions made.

Breakdown of submissions on the BIANZ model

Submitter	Submission topic	MPI Comment
1. Andy Goodwin, QA Technical and Regulatory Compliance Manager, Fonterra Co-operative Group, PO Box 459, Hamilton 3240.	1. Temperature control - Concern at a requirement for dairy product to be delivered at 5°C or below.	1. Under the Food Act, food may be kept at a temperature specified by a manufacturer or supplier. Food does not have to be 5°C or below on receipt where a supplier has specified a higher (or lower) temperature. However, a customer may choose to apply – or specify to a supplier – the temperature at which they want to receive food.

Submitter	Submission topic	MPI Comment
2.	2. Inclusion of dairy products as 'potentially hazardous food' – Concern that a pasteurised milk product is classified as a potentially hazardous food and is included in MPI templates as being included in potentially hazardous foods.	2. The Food Act does not specify dairy is a potentially hazardous food, but one of the two MPI templates -The Food Control Plan – food service and food retail - issued under the Act does indicate some dairy products as examples of potentially hazardous foods and other dairy products as examples of foods that are not potentially hazardous.
3.	3. Misalignment between the Food Act 2014 and the Animal Products Act 1999 – concern that a storage temperature of 5°C for potentially hazardous food imposes a requirement on dairy suppliers to deliver at this temperature.	3. No requirements set under the Food Act 2014 contradicts the Animal Products Act temperature requirements for dairy products. If such a contradiction arose, the Food Act states that requirements under the Animal Products Act 1999 would prevail.
4. Helen Evans, Team Leader Environmental Health, Queenstown Lakes D.C. Helenevans@qldc.govt.nz	Not able to identify from the Food Act why the verifier of a food control plan based on the BIANZ model needs to be accredited to ISO 17020.	The BIANZ Section 40 model has been developed for the wholesale bakery sector. This sector is normally required to register a custom food control plan, due to the nature of risk and processes used. Despite a template being developed, this is comparable to a custom FCP and the most appropriate category of verifier for the plan is a custom FCP verifier. The Food Regulations 2015 specify that agencies recognised to verify custom food control plans must hold an accreditation to ISO 17020.
5. David Bayliss, Director, Foodtech Applications Ltd. davidbayliss@yahoo.com	Fully supported the pre-evaluated custom FCP for BIANZ members – it offers a more cost-effective option for compliance with the Food Act. Suggested other situations where the S.40 approach offers industry benefit	S.40 is one of the flexible options under the Food Act for businesses to implement a food control plan. MPI are looking at a range of other ways – and are always pleased to hear ideas - for making things simpler for businesses to comply with the Act.

Next Steps

The Chief Executive of MPI will approve the BIANZ model FCP and issue it by notice under S.405.