



OIA16-0742

30 JAN 2017

Mark Hanna
c/- FYI website

Dear Mark Hanna

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request on 12 December 2016 relating to:

- When the power to shut down a company in relation to the regulatory control on *Campylobacter* contamination was introduced?
- How many times it has been used to shut down companies for this reason since it was introduced?

The following information is released to you under the Official Information Act 1982:

Section 89 of the Animal Products Act 1999 (provided in an appendix to this letter) gives the Ministry for Primary Industries (MPI) the power to interrupt or stop operations to ensure compliance of animal products with the requirements of the Act. This is an original section of the Act as passed in 1999. Therefore, the power to close a premises has been available since 1999.

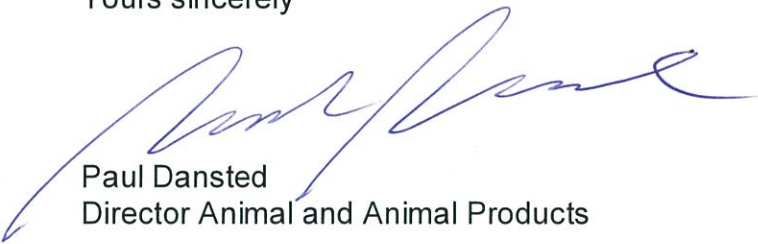
However, requirements specific to *Campylobacter* were introduced in April 2007. In 2008, the Animal Products (National Microbiological Database Specifications) Notice 2008 clarified the levels at which corrective action was expected to be taken by the operator, and what level MPI would step in to manage the situation and/or apply sanctions.

The current Animal Products (National Microbiological Database Specifications) Notice 2016 came into effect on 20 September 2016. This has similar follow-up requirements to those introduced 2008. A copy of the current Notice is available on MPI's website at <http://www.foodsafety.govt.nz/elibrary/industry/animal-products-national-nmd/index.htm>. Starting at 4.14.2, page 59, this notice outlines the actions and responses to *Campylobacter* Performance Target (CPT) limit non-compliance. Per clause 8 of 4.14.3, page 61, MPI has the ability, via an Animal Products Officer, to take reasonable action and/or apply sanctions at a premises. The guidance included in the notice provides examples of available options if the CPT continues to be exceeded.

Since the introduction of the first Notice containing this provision in 2008, MPI has imposed a variety of sanctions against non-complying companies. However, MPI has not needed to close any premises due to *Campylobacter* contamination because the companies have either become compliant before this happened or have shut down voluntarily.

I trust this information satisfies your request.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Dansted', is written over the typed name and title.

Paul Dansted
Director Animal and Animal Products

Animal Products Act 1999
Section 89

89 Power to interrupt operations, etc

For the purposes of determining or ensuring the compliance of animal material or animal products with the requirements of this Act, an animal product officer may—

- (a) interrupt any operations involved in the production or processing or export of any animal material or product:
- (b) restrict or prohibit the use of any process, animal material or product, substance, equipment, or other relevant thing:
- (c) direct the operator or the person in charge of the relevant operations to do any reasonable thing, at the cost of the operator.