



Biosecurity (Ruminant Protein) Amendment Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 31st day of May 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 165 of the Biosecurity Act 1993, His Excellency the Governor-General, acting on the advice and consent of the Executive Council and on the advice of the Minister for Biosecurity given after consultation in accordance with section 165(2) of that Act, makes the following regulations.

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Regulations

1 Title

These regulations are the Biosecurity (Ruminant Protein) Amendment Regulations 2010.

2 Commencement

These regulations come into force on 1 July 2011.

3 Principal regulations amended

These regulations amend the Biosecurity (Ruminant Protein) Regulations 1999.

4 Interpretation

(1) Regulation 2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**dedicated equipment**, in relation to the feed production process, means equipment used to produce feed that is free from contact with ruminant protein

“**feed production process**—

“(a) means all of the stages involved in producing feed; and

“(b) includes—

“(i) the arrival of ingredients at the premises where the feed is produced; and

“(ii) the manufacture of the feed; and

“(iii) the packaging of the feed; and

“(iv) the storage of the feed (whether packaged or not); and

“(v) the transportation of the feed (whether packaged or not) within the premises where the feed is produced

“**mobile feed manufacturer** means a person who uses mobile equipment to—

“(a) produce feed intended for ruminants; and

“(b) produce, mix, or handle feed intended for non-ruminants”.

(2) The definition of **operator** in regulation 2 is revoked and the following definition substituted:

“**operator**—

“(a) means the occupier of premises where ruminant protein is rendered, used, or stored and where—

“(i) non-ruminant mammalian, avian, or fish tissue is rendered for feeding to ruminants; or

“(ii) feed intended for ruminants is produced; and

“(b) includes a mobile feed manufacturer”.

(3) The definitions of **ruminant** and **ruminant protein** in regulation 2 are revoked and the following definitions substituted:

“**ruminant** means an animal of the suborder *Ruminantia* that chews the cud regurgitated from its rumen, for example, cattle, sheep, deer, and goats

“**ruminant protein**—

“(a) means protein derived from the tissue (including blood) of a ruminant; but

“(b) does not include—

“(i) milk, cream, butter, or cheese, or any other product of milk or cream:

“(ii) tallow if the maximum level of insoluble impurities does not exceed 0.15% by weight:

“(iii) any derivative of the tallow described in subparagraph (ii):

“(iv) rennet:

“(v) dicalcium phosphate if it contains no trace of protein or fat:

“(vi) peptides with a molecular weight of less than 10 000 daltons:

“(vii) amino acids”.

5 Requirements for programmes

- (1) Regulation 7(b) is amended by inserting “, including specifying how the operator will ensure that feed intended for ruminants is produced during the feed production process using only dedicated equipment” after “ruminant protein”.
- (2) Regulation 7(e) and (f) are revoked.

6 New regulation 7A inserted

The following regulation is inserted after regulation 7:

“7A Ruminant protein control programme to be audited

- “(1) An operator must submit a ruminant protein control programme prepared under regulation 5 to an inspector or authorised person appointed under section 103 of the Act for an annual verification audit.
- “(2) An operator must pay the costs of the audit carried out under subclause (1) in accordance with item 22 of the Schedule of the Biosecurity (Costs) Regulations 2010.”

7 Registration costs payable in accordance with Biosecurity (Costs) Regulations 2003

- (1) The heading to regulation 12A is amended by omitting “2003” and substituting “2010”.
- (2) Regulation 12A(2) is amended by revoking paragraph (a) and substituting the following paragraph:
 - “(a) in accordance with item 23 of the Schedule of the Biosecurity (Costs) Regulations 2010; and”.
- (3) Regulation 12A(2)(b) is amended by omitting “2003” and substituting “2010”.

8 New heading and regulation 12B inserted

The following heading and regulation are inserted after regulation 12A:

“Dedicated equipment

“12B Obligation to use dedicated equipment

A feed supplier who produces feed that may be fed lawfully to ruminants must, at all stages during the feed production process, produce the feed using only dedicated equipment.”

9 New regulations 13 and 14 substituted

Regulations 13 and 14 are revoked and the following regulations substituted:

“13 Obligation to label

“(1) A feed supplier must ensure that any product that contains or may contain ruminant protein is labelled with the following notice:

“ ‘Notice: Do not feed to sheep, cattle, deer, goats, buffaloes, or other ruminant animals. This product contains or may contain ruminant protein.’

“(2) A person who produces, trades in, or distributes fertiliser containing ruminant protein must label that fertiliser in the way specified in subclause (1).

“(3) A feed supplier and a person referred to in subclause (2) commit an offence if the feed supplier or person fails to label, or mislabels, any feed or fertiliser under this regulation or fails to comply with regulation 14.

“(4) A person commits an offence if the person, without reasonable excuse, defaces, removes, obscures, or alters a label affixed to feed or fertiliser under these regulations.

“(5) A person who commits an offence under subclause (3) or (4) is liable to the penalty specified in regulation 18.

“14 Labelling details

A label required by regulation 13 must—

“(a) be conspicuous and easily legible; and

“(b) comply with either subparagraph (i) or (ii) as the case may be, depending on which results in the smallest label as follows:

“(i) the label must occupy a minimum of 2.5% of the total area of—

“(A) the outside of the flattened package relating to the feed or fertiliser as circumscribed by the stitch lines or folds of the package:

“(B) the printed side of the invoice, waybill, or similar document for feed or fertiliser supplied in bulk quantity:

- “(C) the container (excluding the top and bottom of the container) that contains the feed or fertiliser; or
- “(ii) the text on the label must be printed in letters that are at least 20 mm high; and
- “(c) be permanently stamped on, affixed to, or marked on—
- “(i) the front of the package for the feed or fertiliser immediately below the top stitch line or fold of the package; or
- “(ii) the front of the invoice, waybill, or similar document for feed or fertiliser supplied in bulk quantity; or
- “(iii) the container (excluding the top and bottom of the container) that contains the feed or fertiliser; and
- “(d) be of such a nature and material that it will last for the lifetime of the packaged feed or fertiliser while the feed or fertiliser is being stored or used.”

10 Strict liability offences

Regulation 18AA(1) is amended by omitting “13(5)” and substituting “13(3)”.

Rebecca Kitteridge,
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 July 2011, amend the Biosecurity (Ruminant Protein) Regulations 1999 by—

- inserting new definitions of dedicated equipment and feed production process in regulation 2 for the purposes of *new regulation 12B*, which relates to the production of feed that may be fed lawfully to ruminants. Dedicated equipment is defined as equipment used in the feed production process that is free from

contact with ruminant protein. The feed production process is defined as including all aspects of producing feed intended for ruminants, from the arrival of ingredients at the premises to the transportation of the feed (whether packaged or not) within the premises where the feed is produced:

- extending the definition of operator in regulation 2 to include mobile feed manufacturers. A mobile feed manufacturer is defined as a person who uses mobile equipment to produce feed intended for ruminants and produce, mix, or handle feed intended for non-ruminants:
- substituting new definitions of ruminant and ruminant protein in regulation 2. The definition of ruminant is amended to refer to the suborder *Ruminantia* rather than the order *Artiodactyla*. This means that alpacas are no longer covered by the definition of ruminant. The definition of ruminant protein is amended to clarify that protein-free tallow or any derivative of protein-free tallow, rennet, dicalcium phosphate, peptides, and amino acids are not covered by the definition:
- amending regulation 7(b), which requires an operator's ruminant protein control programme (**RPCP**) to specify how the operator will manage and minimise the risk of contamination of feed intended for ruminants, by ruminant protein, and to expressly refer to the requirement to use dedicated equipment when producing feed intended for ruminants:
- revoking regulation 7(e) and (f), which relate to the appointment by the operator of an independent auditor to undertake an annual verification audit of the operator's ruminant protein control programme:
- inserting *new regulation 7A*, which requires an operator to submit their RPCP to an inspector or authorised person appointed under section 103 of the Biosecurity Act 1993 for an annual verification audit and to pay for the costs of the audit in accordance with the Biosecurity (Costs) Regulations 2010:
- updating regulation 12A, which relates to registration costs for RPCPs, to refer to the Biosecurity (Costs) Regulations 2010:
- inserting *new regulation 12B*, which requires feed suppliers who produce feed that may be fed lawfully to ruminants to produce the feed using only dedicated equipment:

- substituting *new regulations 13 and 14*, which specify new requirements for the labels on fertiliser or on feed that may be fed lawfully to ruminants:
- consequentially amending regulation 18AA(1), which relates to strict liability offences, to reflect *new regulation 13*.

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