

G/SPS/N/USA/906 – Requirements Pertaining to Sampling Services and Private Laboratories Used in Connection with Imported Food; Proposed rule

Comments due 28th July 2004.

New Zealand Comments

Enforcement actions

The context of the application of this proposed rule is unclear. What is an enforcement action and the criteria used to impose an enforcement action? What is the process for imposing, managing and resolving any enforcement actions on importers and/ or imported foods?

If an enforcement action is imposed on a consignment of imported foods, and testing of product is carried out in the US as well as a traceback in the importing country, what criteria will be used to deem the imported foods to be unacceptable if the laboratories are not accredited to a set standard?

Are the test methods used approved by the FDA and is a list of approved methods available on the FDA website? If there is a list of FDA approved test methods, is there an FDA process by which the test methods approved by the New Zealand Food Safety Authority can go through to get validated against these 'reference methods'?

Registration of laboratories in exporting countries.

The scope of the proposed rule affects imported products. Does this then require that laboratories in exporting countries are required to be registered with the FDA? New Zealand dairy laboratories are required by law to be registered to ensure that they perform tests properly and competently. Recognition of the New Zealand dairy product safety regulatory system and the registration of dairy laboratories is requested in the absence of a specific FDA approval.

In New Zealand dairy laboratories can be classified in two ways. Category 1 laboratories, which test for food safety, truth of labelling of dairy products and finished product for export to meeting importing country specified tests, are required to be accredited by an accreditation/ recognition body to ISO Guide 25: General requirements for the technical competence of testing laboratories (replaced by ISO Standard 17025)/ ISO 17025: General requirements for the competence of testing and calibration laboratories (which replaces ISO Guide 25: 1990).

Category 2 laboratories must be recognised by an NZFSA approved recognition body under the dairy testing programme. These laboratories are registered by NZFSA to test only the

company's own produce for food safety and truth of labelling for the purposes of internal quality control and for sale in the New Zealand domestic market.

NZFSA/ MAF Dairy Standard D302– Registration of Dairy Laboratories can be sourced on:

<http://www.nzfsa.govt.nz/dairy/publications/standards/d302-991223.pdf>