



Import Health Standard

Sea Containers - Draft for Consultation

SEACO

3 April 2019

TITLE

Import Health Standard: Sea Containers - Draft for Consultation

COMMENCEMENT

This Import Health Standard comes into force on 1 September 2019

REVOCATION

This import health standard revokes and replaces Import Health Standard for Sea Containers that was issued 17 October 2018.

ISSUING AUTHORITY

This Import Health Standard is issued under Section 24A of the Biosecurity Act 1993.

Dated at Wellington, 3 April 2019

Peter Thomson
Director, Plants and Pathways
Ministry for Primary Industries
(acting under delegated authority of the Director-General)

Contact for further information
Ministry for Primary Industries (MPI)
Regulation & Assurance Branch
PO Box 2526
Wellington 6140

Email: standards@mpi.govt.nz

Final

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Introduction

This introduction is not part of the Import Health Standard (IHS), but is intended to indicate its general effect.

Purpose

The purpose of this IHS is to set out the requirements that must be met when sea containers are imported into New Zealand (NZ) to manage the biosecurity risks associated with them.

Background

Imported risk goods have the potential to introduce pests and unwanted organisms into NZ. Sea containers are risk goods because pests and unwanted organisms may be associated with them when they arrive in NZ. The Biosecurity Act 1993 (the Act) prescribes requirements for the exclusion, eradication and effective management of pests and unwanted organisms in NZ. These organisms have the potential to cause harm to natural and physical resources and human health in NZ. MPI is responsible for enforcing the provisions of the Biosecurity Act 1993.

Under the Act, an IHS may be issued that sets out the requirements that must be met when importing risk goods in order to manage the risks associated with their importation including the risk from incidentally imported organisms. This IHS outlines the minimum requirements that must be met when importing sea containers into NZ to obtain biosecurity clearance.

Who should read this?

All importers of sea containers entering NZ (from any country) should be familiar with this IHS

Why is this important?

- (1) Importers must take all reasonable steps to ensure that imported sea containers comply with this IHS (Section 16B of the Act).
- (2) Sea containers that do not comply with this IHS may be reshipped to origin or treated (if possible).
- (3) The importer will be liable for all relevant associated expenses.

Equivalence

While it is expected that all imported sea containers meet the requirements of this IHS, MPI will consider equivalence requests. A Chief Technical Officer (CTO) may issue guidelines or give directions on measures different to those in the standard to effectively manage biosecurity risks under Section 27(1)(d)(iii) of the Act. Goods that comply with those guidelines or directions may be provided with biosecurity clearance.

Document History

| Version Date | Section Changed | Change(s) Description |
|--------------|---|--|
| 28/08/2018 | Section 2.2 and addition of Section 2.3 | Removal of CTOD from S 2.2 and the addition of the urgent amendment for Italian sea containers in S 2.3. |
| 17/10/2018 | Throughout | Revision of grammatical errors and clarification of ambiguities. |
| 30/06/2019 | Revised Section 2.3 | Modification of S 2.3 to specify that all containers from Italy must be treated before arrival in New Zealand, and |

| | | |
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| | | also specifies that some sensitive commodities may be inspected instead of being treated. S 2.3 also has a modified Guidance Box. |
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Other information

Guidance

Guidance for this IHS is provided in the *Guidance Document in support of the IHS for Sea Containers*, <https://www.mpi.govt.nz/importing/border-clearance/containers-and-cargo/requirements/>. It provides more information about importing sea containers. It is advisable to seek assistance from MPI if you are unclear on any part of the IHS prior to undertaking any activities relating to the importation of sea containers.

The information contained within “guidance boxes” throughout this document is for guidance only and is not part of the statutory requirements. These boxes are labelled as “Guidance”.

Cargo

Cargo within sea containers must be managed as per the relevant IHSs. See MPI’s website for the relevant IHS—<https://www.mpi.govt.nz/importing/>

Wood Packaging

All wood packaging must be managed as per the IHS - *Wood Packaging Material from All Countries*. <http://www.mpi.govt.nz/importing/forest-products/wood-packaging/>. Other contaminated packaging must be secured, segregated and managed as per this IHS. Contact MPI if you are unclear about the management of such material.

Non-Compliance

A sea container that does not meet the requirements of this standard will not be given biosecurity clearance under the Act and will be directed by an MPI Inspector as per Section 122 of the Act for further action as considered appropriate to manage the biosecurity risks. MPI may also deny the unloading of sea containers from arriving vessels where the risk is considered too great to allow discharge. Deliberate non-compliance with the requirements of this standard or negligence leading to non-compliance will lead to increased intervention (e.g. inspection or audit) regimes or prosecution of liable parties under the Act.

Costs

Inspections and other functions undertaken by MPI pertaining to importing sea containers will be charged for as per the current Biosecurity (Costs) Regulations.

Part 1: General Requirements

1.1 Application

- (1) This IHS applies to all sea containers that are imported into NZ from any country.

1.2 Incorporation by reference

- (1) The following documents are incorporated by reference under Section 142M of the Biosecurity Act 1993:
 - a) MPI standard *MPI Approved Biosecurity Treatments* <http://mpi.govt.nz/document-vault/1555>; and
 - b) *International Standard for Phytosanitary Measures 23: Guidelines for Inspection (ISPM 23)*, [International Plant Protection Convention](http://www.ippc.int/).
- (2) Under Section 142O(3) of the Biosecurity Act, it is declared that Section 142O(1) does not apply, that is, a notice under Section 142O(2) of the Biosecurity Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of those documents.

1.3 Definitions

- (1) Definitions of terms used in this IHS are set out in Schedule 1 of this document.
- (2) Terms used in this IHS that are defined in the Act have the meanings set out in the Act, unless a different meaning is given in Schedule 1. The Act is available at: <http://www.legislation.govt.nz/act/public/1993/0095/latest/whole.html>

Part 2: Biosecurity requirements for sea containers

2.1 Information that must be provided for the importation of sea containers

- (1) The following documented information for all sea containers must be sent by importers and received by MPI at least 12 hours prior to the arrival of the sea container in NZ:
 - a) Sea container Number
 - b) Sea container type
 - c) Country of origin
 - d) Port of loading
 - e) Port of discharge
 - f) Importer details
 - g) Exporter details
 - h) NZ specified transitional facility (TF) destination
 - i) Quarantine declaration
 - j) Complete and accurate description of the cargo or tariff code, including all packaging
 - k) Any treatment certification if required

Guidance

This information will be evaluated by MPI to determine the regulatory interest of a sea container and its contents and subsequent actions that may be required. Sea containers with absent or incomplete information are likely to be considered to be of high regulatory interest and are likely to receive more MPI intervention.

2.2 Requirement for freedom from biosecurity contaminants and regulated pests

- (1) All sea containers imported into NZ must be clean and free of pests and biosecurity contamination. Inspections or checks to verify this must be carried out by legally approved persons under the Act (for example, MPI Inspectors or Accredited Persons).

2.3 Sea Containers from Italy

- (1) The requirements of Section 2.3 applies until the 30th of April 2020. After that time, requirements will be re-evaluated.
- (2) For all sea containers that are exported from Italy on or after the 1st of September and arrive on or before the 30th of April of any year:
 - a) Sea container must be treated for BMSB in accordance with *Approved Biosecurity Treatments* by an MPI-Approved Offshore Treatment Provider before arrival in New Zealand.
or
 - b) Sea containers may be inspected by an MPI Inspector instead of treatment where:
 - i) The importer has notified MPI that the sea container contains cargo that the importer considers is sensitive and would be damaged by the treatments for Brown Marmorated Stink Bug (BMSB) specified in the *Approved Biosecurity Treatments*; and
 - ii) A CTO has determined that treatment may damage the cargo.

Guidance

Note 1. Examples of sensitive commodities include:

- Agricultural Compounds/Veterinary Medicines;
- Food for human consumption (including beverages);
- Fresh produce;
- Live animals;
- Leather goods (apparel and furniture)
- Pet food;
- Pharmaceutical products;
- Polyurethane foam products;
- Refrigerated goods;
- Seed for sowing; and
- Textiles (including yarn).

It is recommended to contact MPI in advance of shipping if an importer is unsure if cargo in a sea container is considered to be sensitive to treatment.

Note 2: After authorised MPI inspection for sensitive cargo has been conducted, MPI may require additional risk mitigation actions where non-compliance is found such as the consignment being treated, re-shipped or destroyed. Where treatment is agreed, it is at the importer's risk and expense.

Note 3: MPI is likely to deny all other untreated sea containers and cargo from Italy from being unloaded from arriving vessels (when the cargo is not considered by a CTO to be sensitive to treatment).

Note 4: Clause 2.3.2 as above, does not apply to sea containers and cargo from Italy when:

a). Sea containers hold vehicles, machinery and equipment only (and no other types of cargo). This is because requirements for vehicles, machinery and equipment (as specified in the *Import Health Standard for Vehicles, Machinery and Equipment*) have requirements that are additional or different to those for other sea containers and cargo (that is under this Import Health Standard). These requirements negate the need for additional treatment of the container.

or

b). Sea containers originating from a country other than Italy are trans-shipped through an Italian port before arriving in New Zealand provided that:

(i). the fully sealed sea container remains closed during trans-shipping;

or

(ii). upon arrival at an Italian port, non-fully sealed sea containers such as flat racks, open-side, open-top and soft-top sea containers must be segregated from other untreated cargo; and remain at that port for a maximum duration of 120 hours only.

- (3) After treatment of sea containers, all reasonable and practicable steps must be taken to prevent the contamination of treated sea containers with BMSB.

Guidance

See [Approved biosecurity treatments](#) page 41 for BMSB treatments.

Offshore treatment providers are listed at: <https://www.mpi.govt.nz/importing/border-clearance/transitional-and-containment-facilities/find-treatment-options-and-suppliers/>

Part 3: Inspection and logistical requirements for sea containers

3.1 Port management and trans-shipped containers

- (1) A sea container must not be removed from the place of first arrival (entry port), including movement to transitional facilities, inland depots or for transshipment by road or rail, until all sea container information is received, has been assessed by MPI and directions actioned by MPI or relevant parties. Sea containers for trans-shipment by sea through New Zealand ports must be externally inspected or checked at the place of first arrival if they will remain on that port for longer than 12 hours.

3.2 Transportation

- (1) For all uncleared sea containers being transported from a port to a transitional facility or between transitional facilities for devanning, treatment or other action, the importer or importer's agent must provide all relevant information and MPI directions about the sea container to the transport operator and the transitional facility operator.

3.3 Transitional Facilities

- (1) No person is permitted to open (or unload) a sea container until notification of MPI requirements has been received at the transitional facility. Sea containers must be opened and unloaded at the transitional facility in the presence of an MPI Inspector or an Accredited Person (as directed by MPI).

3.4 Detection and management of biosecurity pests and contamination

- (1) Biosecurity contamination, (for example, plant products, restricted packaging material, soil etc.) found on or in a sea container during routine checks must be secured in a quarantine bin or other approved receptacle and MPI notified (as per the Accredited Person's training). When life stages or live organisms, (for example, egg masses, insects, mobile animals, snails etc.) are found they must be secured and MPI notified immediately on 0800 809 966.

Schedule 1 – Definitions

Terms used in this IHS that are also defined in the Act have the meanings set out there. The following specific definitions also apply and are defined for the purposes of this IHS as follows:

BACC: Biosecurity Authority Clearance Certificate issued by MPI that provides either biosecurity clearance or direction for further MPI actions.

Biosecurity contaminant(s): Any organic material, thing or substance that (because of its nature, origin or other relevant factor) may contain a regulated pest (or parts thereof). Therefore that organic material/thing/substance is not intended for biosecurity clearance under the Act.

Brown Marmorated Stink Bug (BMSB): *Halyomorpha halys*.

Check: A visual examination by an Accredited Person to detect the presence of biosecurity pests and contamination. Such a check is to be carried out during the routine handling and movement of sea containers and as per the Accredited Persons training.

Customs delivery order (CDO): Direction issued by the New Zealand Customs Service that allows for a sea container to be transported to another location.

High regulatory interest: Sea containers that are considered by MPI profiling to have a higher than average chance of being contaminated with biosecurity pests or material; OR with absent or incomplete information; OR are sourced from countries with 'high risk status'. Sea containers of high regulatory interest require further MPI intervention before a biosecurity clearance is issued.

Inspection: An inspection by an MPI Inspector to detect the presence of biosecurity pests and contamination, in accordance with the Act and ISPM 23.

Packaging material: Material used to brace or hold cargo within a sea container such as pallets, cases, crates, boxes, drums, and cartons, dunnage and wedges.

Regulated pest(s):

- a) any regulated pest, quarantine pest, regulated non-quarantine pest as those terms are defined in the International Plant Protection Convention; and
- b) exotic diseases, infections, and infestations as listed by the World Organisation for Animal Health, and
- c) any organism that may cause unwanted harm to natural and physical resources or human health in New Zealand; or may interfere with the diagnosis, management, or treatment, in New Zealand, of pests or unwanted organisms.

Restricted packaging material: Packaging that includes soil, peat, moss, used sacking material, hay, straw, chaff and any material contaminated with the above. Wood packaging is also included - materials such as cases, crates and pallets and wood used to separate, brace, protect or secure cargo in transit.

Treatment certificate: must confirm that the cargo was treated with an MPI-Approved treatment and includes:

- a) Treatment Provider's letterhead including name and physical address.
- b) Certificate number.
- c) Description of the consignment – including quantity of items.
- d) Name and address of exporter.
- e) Name and address of importer.
- f) Date upon which treatment was completed with signature of the Treatment Provider.
- g) Address where the treatment occurred.

- h) Treatment details including the type of treatment used and products (where applicable), applied treatment rate, exposure time period, minimum enclosure temperature details, etc.
- i) A declaration that the Treatment Provider has met all of the requirements specified by MPI.

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