



# **Risk Management Proposal:**

## **Amendments to the**

### **Import Health Standard for Sea Containers**

#### **from All Countries**

##### **SEACO**

Prepared for public consultation  
by Invasive Species Team  
Animal and Plant Health Directorate

**May 2022**



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## Submissions

The Ministry for Primary Industries (MPI) invites comment from interested parties on the amended import health standard *Sea Containers from All Countries* (the standard).

An import health standard (IHS) “specifies requirements to be met for the effective management of risks associated with importing risk goods, including risks arising because importing the goods involves or might involve an incidentally imported new organism.” (section 22, Biosecurity Act 1993)

MPI would like feedback on the following changes to the import health standard *Sea Containers from all Countries*.

1. Inclusion of “clean on arrival”
2. Transshipping through New Zealand
3. Update of the quarantine declaration
4. Requirements for Italy between 1 September and 30 April of every year
5. Inclusion of sensitive goods as a schedule

Include the following in your submission:

- The title of the consultation document in the subject line of your email
- Your name and title
- Your organisation’s name (if applicable)

Send submissions to [standards@mpi.govt.nz](mailto:standards@mpi.govt.nz) by 10 June 2022

Feel free to include any technical information you have that supports your submission. While we prefer email, if you would like to send your submission by post, you can mail it to:

Invasive Species Team  
Animal and Plant Health Directorate  
Biosecurity New Zealand  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6140  
New Zealand

Submissions received by 10 June 2022 will be considered during the development of the amended standard. Submissions received after the closing date may be held on file for consideration when the issued standard is next revised/reviewed.

### Official Information Act 1982

Please note that your submission is public information, and it is MPI policy to publish submissions and the review of submissions on the MPI website. Submissions may also be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as information being commercially sensitive or personal. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

# General information

## Purpose

- (1) The purpose of this document is to:
  - Outline the proposed amendments to the requirements for the standard;
  - Provide the rationale for the proposed standard amendments and how they manage risk; and
  - Ask for feedback on the proposed standard amendments to importing requirements.

## Background

- (2) The standard was issued and came into effect on 31 August 2020. The standard was issued under section 24A of the Biosecurity Act 1993 and applies to all sea containers that arrive in New Zealand from foreign countries and territories.

## Timing and consultation

- (3) The proposed amendments to the import health standard *Sea Containers from All Countries* were released for consultation on **9 May 2022**. The consultation remains open until **10 June 2022**.

## Background and context of consultation

### International regulation of risk goods

- (4) “The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) sets in place rules that protect each country’s sovereign right to take the measures necessary to protect the life or health of its people, animals, and plants, while at the same time facilitating trade. It embodies and promotes the use of science-based risk assessments to manage the risks associated with the international movement of goods. The SPS Agreement guides how New Zealand sets standards and makes decisions related to biosecurity.” (MAF et al., 2009, p. 1)
- (5) “In particular, [it is] important to maintain the standards of transparency and scientific rigour required by the SPS Agreement and to make decisions as quickly as possible. This will encourage other countries to comply with the rules of the SPS Agreement and also demonstrate that New Zealand’s strict controls are justified to countries that challenge them.” (MAF et al., 2009, p. 13)

### Domestic regulation of biosecurity risks associated with craft arrivals

- (6) The New Zealand biosecurity system is regulated through the Biosecurity Act 1993 (the Act). Section 22 describes an import health standard and requires all risk goods entering New Zealand to be managed by one. MPI is the New Zealand government ministry responsible for maintaining biosecurity standards that effectively manage risks associated with importing risk goods and craft into New Zealand (Part 3, Biosecurity Act 1993). MPI is committed to the principles of transparency and evidence-based technical justification for all phytosanitary measures we impose on importing pathways, whether new or amended. MPI periodically reviews all import health standards, related documents and other standards so that the legal requirements are clear and so that information is consistently presented and as easy as possible to understand.

## Biosecurity risk associated with the sea container pathway

- (7) The biosecurity risks of sea containers entering New Zealand are largely to do with the possibility of organisms stowing away in them without people being aware. These can be insects, weed seeds or other plant material, or any other organism that New Zealand does not want. For more detail on these risks, see [Risk Management Proposal: Amendments to the Import Health Standard for Sea Container from All Countries](#) (May 2020). A separate document, [Pest risk assessment: Halyomorpha halys \(Brown marmorated stink bug\)](#), describes the biosecurity risks of the brown marmorated stink bug.

## Proposed changes to the standard

### Non-regulatory changes to the standard

- (8) MPI has made some minor changes to the standard to align with MPI's current formatting policies and to ensure that the legal requirements are clear, consistently presented, and as easy as possible to understand.
- (9) These include:
- Changes to the order of requirements within the standard, which in turn changes the numbering of the requirements;
  - Updates to the generic wording associated with import health standards; and
  - Corrections of minor grammatical and spelling errors, and addition of “not applicable” in the quarantine declaration template in Schedule 4.
- (10) None of these changes alter the requirements in the standard or the intent of the requirements. They are considered minor changes in accordance with section 24B(2) of the Biosecurity Act and, as such, do not require consultation under section 23(3) of the Act.
- (11) These minor changes are mentioned here for clarity and transparency. They are not part of the consultation.

### Transshipment requirements

- (12) MPI proposes adding a general requirement requiring all containers that are transshipped through New Zealand to arrive clean and free of regulated pests. This is in addition to the specific requirements for BMSB in section 3.1.2 relating to containers transshipping through Italy.
- (13) Some containers may be discharged in New Zealand before they continue to their final destination. These containers, while they may be discharged, do not require biosecurity clearance. However, they can still pose a risk due to the potential of biosecurity contaminants or regulated pests moving from one container to another when on a vessel or a wharf. Pests can move from the exterior of fully enclosed containers or from the interior and exterior of non-fully enclosed containers.
- (14) The import health standard [Vehicles, Machinery and Parts](#) contains transshipping requirements (section 2.3). The proposed requirement for all transshipped containers is

similar to the requirements in *Vehicles, Machinery and Parts* to reduce confusion and maintain consistency.

- (15) MPI does not expect these requirements to not create any significant or undue work for importers or exporters. It is good practice to ship containers clean.

### **Clean on arrival**

- (16) MPI proposes the addition of “on-arrival” to section 1.4.(1)a, which requires sea containers imported into New Zealand to be clean and free of regulated pests. This proposed change in wording is to provide further clarity and to align with MPI’s policy to manage regulated pests and biosecurity contamination offshore where possible.
- (17) MPI’s long standing expectation has been that containers arrive in New Zealand clean. However, sometimes containers leave their country of origin clean but do not arrive in New Zealand clean. This can happen when containers transship through other countries on their way here, where they may be repacked or stored in areas where recontamination could occur. Adding “clean on arrival” further clarifies MPI’s long standing expectation that care is taken to avoid contaminating pests becoming associated with a container even if the container goes through other countries on its way to New Zealand.

### **Sea containers and their cargo from Italy**

- (18) The current treatment requirements for sea containers and their cargo exported from Italy during the brown marmorated stink bug (BMSB) season were introduced as emergency measures in 2018. This was after MPI detected high levels of stinks bugs on goods in December 2017. These emergency requirements were then written into the standard in 2019 and expired on 30 April 2022.
- (19) MPI considers that these requirements remain necessary to manage the ongoing risk of BMSB from Italy and proposes making the 2018 emergency measures permanent.
- (20) The BMSB populations in Italy are still growing and continue to be documented at levels well above any other BMSB risk country.
- (21) MPI proposes continuing to require all sea containers and their cargo exported from Italy during the BMSB season to be treated for these stink bugs before arriving in New Zealand.
- (22) While stink bugs detected on goods arriving in New Zealand from Italy remain at a similar level to those in December 2017, most bugs detected are dead due to treatments. This means our treatment requirements are working and that treatment is still needed
- (23) Detections continue to be spread across a diverse range of imported Italian goods. However, this is not the case with BMSB detections on goods from the 37 other BMSB risk countries. Detections on goods from these countries are typically on a narrow range of goods, mostly vehicles, machinery and parts, which are structurally complex and frequently stored outside.
- (24) MPI explored putting the requirements for goods exported from Italy into a new and separate standard. While working through that process, it became apparent that a new standard would make things more complicated for importers and exporters, rather than simpler. With the requirements for goods from Italy staying in the sea container

standard, importers and exporters who trade across multiple countries will only have one standard to look at. Based on that, MPI has decided to leave the requirements for goods exported from Italy in the *Sea Containers* standard for ease of use.

- (25) MPI continues to look for ways to improve BMSB management across all pathways. We remain open to exclusions or reduced BMSB management where the risks of BMSB contamination are considered low enough to enable it.

### **Sensitive goods**

- (26) MPI proposes to include the list of commodities the MPI considers to be sensitive to treatment to be include as a schedule within the standard (Schedule 3), rather than in a separate document.
- (27) Section 3.1.1(3)a)i) in the current *Sea Containers* standard enables goods that are too sensitive for treatment to be inspected on arrival. It directs readers to a list of sensitive goods on MPI's website. The proposed Schedule 3 will make it easier for importers to check what goods are excluded from the treatment requirements.
- (28) MPI also reviewed the list of sensitive goods to ensure it only includes goods that cannot be treated without sustaining damage. When reviewing this list, MPI also ensured that these goods are not associated with increased BMSB contamination, which may require different risk management measures where treatment is not possible. MPI has not made any changes to this list as a result of the review.
- (29) Many of the sensitive goods on the list are food and medicinal products, which have more stringent hygiene and storage practices within the manufacturing and logistics supply chain. These more stringent hygiene and storage practices in turn reduce the risk of BMSB contamination.
- (30) MPI will regularly review requirements to make sure they continue to be appropriate for the risk. Over recent years, MPI has improved its ability to target specific goods, importers and manufacturers that have a higher risk of contamination with brown marmorated stink bugs including those with a history of non-compliance.

## References

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