



# **Review of Submissions on the Draft Standard for General Facilities for Holding, Inspection, Processing or Treatment of Uncleared Goods**

Ministry of Agriculture and Forestry  
Biosecurity New Zealand  
Wellington  
New Zealand

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**REVIEW OF SUBMISSIONS ON:**

**Draft Standard for Transitional Facilities for Holding, Inspection, Processing, or  
Treatment of Uncleared Goods**

November 2008

Approved for general release

Clive Gower-Collins  
Import Standards Group Manager  
MAF Biosecurity New Zealand



## INTRODUCTION

The draft standard for **Transitional Facilities for Holding, Inspection, Processing, or Treatment of Uncleared Goods** was notified for public consultation on 4 April 2008. Submissions closed on 16 May 2008.

**MAF Biosecurity New Zealand (MAF BNZ) received submissions from the following people:**

	<b>Name*</b>	<b>Organisation represented</b>	<b>Date received</b>
1	<a href="#">Peter Bingley</a>	ETEL Limited	11/04/2008
2	<a href="#">Russell Frethey</a>	Camtech Nutrition Ltd	15/04/2008
3	<a href="#">Mark Ryder</a>	Ryders	15/04/2008
4	<a href="#">Jill Jones</a>	Biosecurity Training South Ltd	16/04/2008
5	<a href="#">Richard Fergusson</a>	Profix Container Services Ltd	24/04/2008
6	<a href="#">Malcolm Scott</a>	NZTIA	24/04/2008
7	<a href="#">Steve Inwood</a>	SST	29/04/2008
8	<a href="#">Deslee Carswell</a>	Fonterra	2/05/2008
9	<a href="#">Chris de Lautour</a>	Hygiene Solutions Ltd	6/05/2008
10	<a href="#">Joanne Davies</a>	Safe Store Public Storage	8/05/2008
11	<a href="#">Vaughan Grant</a>	Progressive Enterprises	16/05/2008
12	<a href="#">Frances Clement</a>	NZ Pork	16/05/2008
13	<a href="#">Mariette Komene</a>	AgResearch	16/05/2008
14	<a href="#">Zuke Marinkovich</a>	Moore Wilson & Co Ltd	16/05/08
15	<a href="#">Stephen Mansfield</a>	IVS Ltd	19/05/2008
16	<a href="#">Michael Brooks c/o Vicki Currie</a>	New Zealand Feed Manufacturers Association	19/05/2008
17	<a href="#">Daniel McKnight</a>	The Agrichain Centre	19/05/08
18	<a href="#">David McAllister</a>	Advance International Ltd	19/05/08
19	<a href="#">Shane Byrne-King</a>	Ecolab Ltd	25/05/08
20	<a href="#">Gerald van Vliet</a>	Resco NZ Ltd	30/05/08

\*Links to submissions.

Below in Section I are the main points of concern raised by the public submissions and MAF BNZ's responses. Section II contains the submissions received from members of the public on the draft consultation document **Transitional Facilities for Holding, Inspection, Processing, or Treatment of Uncleared Goods**.

## **I: Main points raised by respondents and MAFBNZ comment**

### ***A: General observation raised by more than one respondent***

#### 1. Comment

Russell Frethey, Jill Jones, Steve Inwood and Mariette Komene all commented that the Operators of Transitional Facilities cannot be responsible for the secure transport of risk goods to their facilities because in some cases they do not know when to expect the arrival of goods. The responsibility of this should lie with the customs agent.

#### MAFBNZ Response

This has been amended in the Standard. It should be noted that where possible, a facility should take steps to inform a transporter of biosecurity requirements.

### ***B: Individual Responses***

#### **1. Peter Bingley, ETEL Ltd**

##### 1.1 Comment

Can a summary of changes be provided by the Department?

##### MAF BNZ Response

A summary of main changes in the standard has been developed and will be made available on the MAFBNZ website.

#### **2. Russell Frethey, Camtech Nutrition Ltd**

##### 2.1 Comment

The Operators of Transitional Facilities cannot be responsible for the secure transport of risk goods to their facilities because in some cases they do not know when to expect the arrival of goods. The responsibility of this should lie with the customs agent

##### MAF BNZ Response

See section A.1.

#### **3. Mark Ryder, Ryders International**

##### 3.1 Comment

Accredited Persons should not have to re-sit the training every two years, it should be every four years.

##### MAF BNZ Response

Accredited Person (AP) training is required every two years. This acts as a way to reinforce the principles of biosecurity for APs. The current AP training course has been redesigned and updated to ensure APs are receiving a diverse range of information.

### 3.2 Comment

The Operator training course should be re-taken every ten years not every four years.

#### MAF BNZ Response

The continuous developments in biosecurity and the way MAFBNZ works means that new information becomes available on a regular basis. MAF regulations can also change so it is important that all people involved in biosecurity are kept informed of new developments. It has been shown from the AP training that even after a span of two years refresher training is beneficial. However because the course is designed for a different audience, Operator training will be required every four years.

### 3.3 Comment

Signage is an unnecessary added expense for facilities.

#### MAFBNZ Response

It is necessary that there is a means of informing the public in general that the premises may have different requirements than other businesses and that it is a MAF approved transitional facility. Some facilities may only require temporary signage. For more details on signage go to the guidance document that accompanies the new standard.

## **4. Jill Jones, Biosecurity Training South**

### 4.1 Comment

Clarification was requested on when an Operator is required to be on site, and the need for a deputy Operator.

#### MAFBNZ Response

An operator should be present for times of MAF inspection and audit, and to oversee day to day biosecurity management at the facility when risk goods are present. If an Operator is primarily off site, or is responsible for more than one facility, then a deputy should be in place to manage the biosecurity aspects of the facility. The need for a deputy Operator in times when the primary Operator is away (e.g. on holidays) will depend on the volume or types of risk goods being received during the period. An Operator should check with a MAFBNZ Inspector if they are unsure.

### 4.2 Comment

In reference to section 4.1, does an operating manual need to be in electronic or hard copy format.

#### MAFBNZ Response

A document should be prepared in electronic format (rather than hand-written), and an up to date copy of this document should be printed and kept on site for reference by staff and an Inspector.

### 4.3 Comment

An Operating manual should state when the Operator and/ or Accredited Person's training is to expire.

#### MAFBNZ Response

This point will be clarified in the Standard and/ or guidance document.

#### 4.4 Comment

Customs agents should also be responsible for the secure transport of risk goods.

#### **MAFBNZ Response**

The requirement for facilities to be responsible for transport has been removed from the standard.

#### 4.5 Comment

Is there a restriction on the distance that an unloading area has to be from a storage area.

#### MAFBNZ Response

These areas should be as close as practically possible. If possible unloading should take place within the MAF secure storage area. However if this is not possible then there should be procedures in place around the secure transfer of goods from the unloading area to the storage area.

#### 4.6 Comment

In reference to section 4.7.2 in the Standard there should also be a requirement to maintain any Customs Delivery Order received with a consignment.

#### MAFBNZ Response

This has been amended in the Standard.

#### 4.7 Comment

Will airfreight be required to undergo an Accredited Person check? If so then training for APs will require amending to reflect this.

#### MAFBNZ Response

The requirements for accredited persons for checking air freight containers have been removed from this Standard. An update of the air container import health standard may alter requirements for air containers at transitional facilities.

#### 4.8 Comment

The annexes to the Guidance Document would be better placed in the Standard.

#### MAFBNZ Response

At present the Standard contains minimum requirements that all facilities must meet. The details in the annexes to the guidance document contain the ways to meet sections of the standard, and processes that certain facilities should follow, however equivalence systems may also be used where approved by MAFBNZ.

#### 4.9 Comment

In Annex A, the container check should be within 12-24 hours, not 48.

#### MAFBNZ Response

The timeframe for container checks has been removed from the standard guidance document as this is a requirement in the Import Health Standard for sea containers from all countries and need not be repeated in this standard guidance document.

#### 4.10 Comment

In Annex A, containers should be allowed to be cleaned at off-wharf facilities in cases where further transport of the container will result in the spread of contamination.

#### MAFBNZ Response

Provisions for this can be made by an Inspector if a facility has the ability to effectively carry out container cleaning. Where it is not possible then containers must go to a dedicated container cleaning facility.

#### 4.10 Comment

In reference to Annex I, there should be a stipulated timeframe for the destruction of materials going for incineration.

#### MAFBNZ Response

Timeframes for destruction are generally issued on the BACC rather than directed as a blanket timeframe within a facility standard. Timeframes for destruction may differ depending on the item being destroyed.

### **5. Richard Fergusson, Container Control**

#### 5.1 Comment

Clarification was requested on whether empty containers are covered under the Standard.

#### MAFBNZ Response

The Standard does include requirements for empty container storage yards. This has been clarified in the guidance document.

### **6. Malcolm Scott, NZTIA**

#### 6.1 Comment

Mr. Scott questioned the types of Inspectors Facilities that might be required at timber importers.

#### MAFBNZ Response

This is a generic requirement and necessary equipment/ inspection facilities will differ depending on the facility scope of approval and the commodity that is being inspected. During the approval process an Inspector can provide more information around what is required in terms of inspection facilities where there is no specified annex in the guidance document with further information.

### **7. Steve Inwood, SST Ltd**

#### 7.1 Comment

The transport of risk goods cannot feasibly be the responsibility of the transitional facility.

MAFBNZ Response  
Addressed in section I A.

## **8. Deslee Carswell, Fonterra**

### 8.1 Comment

Annex A also should mention the requirement to also meet the Import Health Standard for sea containers.

### MAFBNZ Response

This is a requirement for all importing facilities and it is covered in the standard.

### 8.2 Comment

Annex F also should state that there is a need to meet the requirements of the standard for Animal Products, 154.02.18.

### MAFBNZ Response

The Standard for general facilities will be replacing the standard for animal products. 154.02.18 will be revoked when the new standard is released.

## **9. Chris de Lautour, Hygiene Solutions Ltd**

### 9.1 Comment

Exceptions should be made to allow facilities to Operate inside self-storage facilities where the owner or person responsible for the self-storage facility does not intend to become a registered Operator or have the greater premises approved as a Transitional Facility.

### MAFBNZ Response

The requirements for self storage facilities have been altered in the Standard.

## **10. Joanne Davies, Safe Store Public Storage**

### 10.1 Comment

In the case of Safe Store Public Storage, extra security measures should not be required where security is already tightly controlled and monitored.

### MAFBNZ Response

For information on whether the security arrangements in place at a facility are adequate check with a local MAF Inspector.

### 10.2 Comment

In cases where the Accredited Persons are also working for the importing facility, a conflict of interest exists. Accredited Persons should be made independent of transitional facilities importing containers.

### MAFBNZ Response

Changes to the current Accredited Persons system are outside the scope of this Standard.

## **11. Vaughan Grant, Progressive Enterprises**

### 11.1 Comment

The suggestion was made that the requirements under section E.1 (Nursery Stock and Fresh Produce - Location) be changed to allow facilities to be approved outside metropolitan areas where MAF specifically denotes approval.

### MAFBNZ Response

Section 5 of the Standard states that a facility may develop systems to meet the same level of biosecurity outcomes as described by the systems in the guidance document. Where this is the case MAF may approve a facility as having an appropriate system of equivalence to deal with the risks presented at that specific facility. In the case of a Nursery Stock/ Fresh Produce facility outside the metropolitan area they will have to develop approved measures to deal with the increased levels of risk that might be present at their facility. This might mean extra measures around unpacking, security, and/or storing goods.

## **12. Frances Clement, NZ Pork**

### 12.1 Comment

The comment was made that there needs to be clarification needs of the terms ‘best practice’ in relation to the guidance document and Standard.

### MAFBNZ Response

The term ‘best practice’ was used to indicate that the processes outlined in the guidance document are what MAF would consider acceptable solutions to meet the requirements of the Standard to a high level. Any equivalent systems would have to meet the same level of requirement, or exceed the level of requirement outlined in the guidance document. Any equivalent systems must be approved by MAF prior to implementation.

## **13. Mariette Komene, AgResearch**

### 13.1 Comment

The point was raised that a facility can bear no responsibility over the actions of a transporter delivering goods to the facility, and that it is MAF’s responsibility to inform couriers/ transporters of any relevant biosecurity requirements.

### MAFBNZ Response

This has been covered above under A.1.

## **14. Zuke Marinkovich, Moore Wilson & Co Ltd**

### 14.1 Comment

A disagreement was raised with section 4.4 of the Standard, Electronic Access.

### MAFBNZ Response

This requirement refers to having internet access at a facility, and while it is not currently mandatory, it would provide a facility with an easier means of

communication with MAF. For instance container log sheets can be submitted online, rather than faxing paper through. This allows MAF to respond in a faster and more efficient way, and this has been clarified in the Standard.

## **15. Stephen Mansfield, IVS Ltd**

### 15.1 Comment

As per the title, 'Inspection' should be defined to mean a MAF Inspection.

### MAFBNZ Response

The title of the Standard has been amended.

### 15.2 Comment

Under the Scope section of the document decontamination may be confused with deconsolidation.

### MAFBNZ Response

Deconsolidation facilities refer to facilities that separate out items belonging to several consignments that have been shipped together. Decontamination facilities are facilities for treating or cleaning items that have been contaminated.

### 15.3 Comment

The section of Operator training and deputies requires rewording to reduce confusion.

### MAFBNZ Response

This has been amended in the Standard and guidance document.

### 15.4 Comment

The requirements for electronic access may not always be possible for facilities.

### MAFBNZ Response

This section of the Standard is not mandatory at present, therefore organizations without internet access will not be penalized. However having onsite internet access will help facilities to with clearing goods such as sea containers, and allow a faster means of communication with MAF.

### 15.5 Comment

The requirements for vermin control should not be for all facilities, as it will be difficult to apply to certain organisations.

### MAFBNZ Response

Facilities should have some means to ensure that the spread of risk material by vermin cannot occur. This could be by baiting, storing risk goods in enclosed areas, or a combination of other measures. Acceptable solutions can be developed specifically to meet facility needs, in line with the principles of section 5, Systems of Equivalence. These can be discussed with an Inspector.

### 15.6 Comment

In relation to section 4.10, requiring all facilities to conduct internal audits is too much, and an audit checklist should be provided in the guidance document. The term regular should be quantified.

### MAFBNZ Response

All facilities should be checking whether or not they are following processes as outlined in their Operating manuals. This forms a basic part of a quality management system, and in the cases of some facilities this process may be relatively simple. A template for a self assessment checklist is available on the MAFBNZ website, and some guidelines have been added around regularity of audits.

## **16. Michael Brooks c/o Vicki Currie, New Zealand Feed Manufacturers Association**

### 16.1 Comment

In reference to 3.2.3, Operator Training, MAF should take into account existing competence and skills rather than make all operators take a training course.

### MAFBNZ Response

The training course has been designed to cater to many levels of experience, and will give participants more information on the wider concept of biosecurity and the legal aspects of managing a transitional facility under the Biosecurity Act 1993.

### 16.2 Comment

In reference to 4.3, Receipt and transfer of uncleared goods, instead of having the requirement that risk goods are unloaded within a transitional facility, wording should be changed to 'unloaded in a way to minimise risk'.

### MAFBNZ Response

This section of the standard has been revised to better reflect the required biosecurity outcome.

### 16.3 Comment

In reference to section 4.5, clarification is sought around the holding of uncleared goods and what security measures are necessary. These requirements could clash with the requirements for Inspectors facilities.

### MAFBNZ Response

The term 'security' in reference to uncleared goods does not necessarily mean that holding areas must be fully enclosed with airtight doors/ airlocks to prevent insect escape/ entry. Each facility can use a security system tailored to the types of goods that they hold, in some cases it might be unpacking and holding the risk goods in a separate area away from cleared or domestic goods. The requirements around Inspectors facilities mainly take into account any necessary equipment for inspections and equipment being fit for purpose. Ventilation of Inspection rooms takes into account health and safety requirements. The Inspectors facilities and the holding area for uncleared goods may be in different areas of a facility, however transport of uncleared goods between the two must be secure.

## **17. Daniel McKnight, The Agrichain Centre**

### 17.1 Comment

In reference to section 3.1.2 clarification is sought as to what extent operators of multi-unit storage facilities are legally responsible for the activities of their tenants and to what extent the responsibility rests with the importer.

### MAFBNZ Response

Operators of facilities located within self-storage complexes can only be held responsible for the area that they lease. Therefore the wider issue of biosecurity around delivery of goods and the infrastructure necessary for this (e.g. hard stand areas for container delivery) are generally outside of the control of the lessee/ Operator. This is not an ideal situation in terms of risk management. The Operator must have the means to manage a facility in accordance with the Standard. Where there are opportunities for equivalent management systems to deal with this risk they may be utilised. The Standard and guidance document have been revised to reflect this.

### 17.2 Comment

In relation to 3.2.1 clarification was sought as to how an Operator can be a company and an individual at the same time.

### MAFBNZ Response

This statement means that an Individual must be nominated as the Operator of a facility where a company that owns the facility may have overall responsibility for the business.

### 17.3 Comment

In relation to 4.1 clarification was requested as to the term 'another agency'.

### MAFBNZ Response

This would refer to another government agency or local governing body who might be required to provide information around the management practices proposed by a facility. For example a local government body might be consulted in regards to waste management within the region if a facility proposed to allow wash water used for decontamination to flow to council drainage.

### 17.4 Comment

In relation to section 4.2, facility location, a question was raised as to how this will be applied consistently throughout the country.

### MAFBNZ Response

The approving Inspectors have been involved in the development of the Standard, and have received training in the operational aspects of the new Standard. Facility approvals will be on a case-by-case basis. If a facility can demonstrate that it can deal with any site-specific biosecurity risks to a satisfactory level then the facility may be approved as a Transitional Facility.

### 17.5 Comment

In relation to section 4.3 the question was raised as to whether transport Operators will need to have accredited drivers.

#### MAFBNZ Response

This is not anticipated at this stage. Refer to section A.1 of this document for further information.

#### 17.6 Comment

In relation to section 4.6 the question was raised as to whether uncleared goods must be segregated from cleared goods in facilities importing non-risk items.

#### MAFBNZ Response

This section would apply in relation to the sea container that has been imported while it remains externally unchecked. During devanning and AP inspection there should be an appropriate amount of cleared space around the container to minimise the spread of contamination.

#### 17.7 Comment

In relation to point 4.13, Access, the question was raised whether the requirement had to extend to facilities not importing risk cargo (e.g. sea containers only facilities).

#### MAFBNZ Response

This section of the Standard has been altered to better reflect the intended biosecurity outcome.

#### 17.8 Comment

In relation to section 4.14, Inspectors Facilities, the suggestion was made that access to washrooms and toilets should also be a requirement.

#### MAFBNZ Response

This has not been added as a requirement at this stage. Some specific types of facilities, for example fresh produce or nursery stock inspection facilities, must have access to a wash basin for Inspectors to use.

#### 17.9 Comment

In relation to section 5, Systems of Equivalence, the question was raised as to how MAF intends to apply this consistently.

#### MAFBNZ Response

Systems of equivalence will be judged on a case by case basis, with input from the Inspector and management or other staff as necessary. Records of equivalence systems that have been proposed or approved will be maintained by MAF for referral. MAF Inspectors have also received training in application of the new standard.

#### 17.10 Comment

In relation to section 6.1.2 clarification was requested around non-compliances issued against facilities for not informing transport operators of biosecurity responsibilities.

#### MAFBNZ Response

This has been amended in the Standard, as MAF will not require facilities to be responsible for the transport of goods to their facility. However facilities are responsible for transfers of uncleared goods from their facility to another facility.

#### 17.11 Comment

In relation to section A.1 of the guidance document, it is suggested at there should be a minimum of two Accredited Persons at sea container facilities.

#### MAFBNZ Response

Sea container facilities are required to have adequate number of Accredited Persons available to check sea containers. They do not have to be employed by the facility receiving the container, but may be employed by another facility.

#### 17.12 Comment

In relation to A.2 of the guidance document, clarification was sought with reference to the size of the hard stand area.

#### MAFBNZ Response

Further information on this requirement has been added to the guidance document.

#### 17.13 Comment

In reference to section A.2 in the guidance document, it should be stated that containers can also remain on the back of a truck until an exterior check has been conducted.

#### MAFBNZ Response

This falls under section 5 of the Standard as an equivalence system.

#### 17.14 Comment

In relation to Annex B of the guidance document, clarification was sought as to the movement of contaminated containers off site when the nearest decontamination facility is far away.

#### MAFBNZ Response

This is something that can be directed by a MAF Inspector if necessary.

#### 17.15 Comment

Under section B.2 of the guidance document, it was suggested that facilities are also required to have on site an approved disinfectant.

#### MAFBNZ Response

This can effectively be covered under the general hygiene requirements as outlined in section 4.8 of the Standard as well as under B.2 point 4, fit for purpose equipment as designated by a MAF Inspector.

#### 17.16 Comment

In relation to annex E of the guidance document, clarification was sought as to whether inspection benches are mandatory.

#### MAFBNZ Response

Inspection benches are necessary for fresh produce and nursery stock inspections. This is equipment necessary for an Inspector and is covered under section 4.14 of the Standard, Inspector's Facilities. This section of the Standard states that equipment must be 'fit for purpose'.

#### 17.17 Comment

Definitions for the following terms were requested: Approval, Uncleared Goods, BACC, Isolation area, Approved area, Non-compliance report.

#### MAFBNZ Response

Some terms have been added to the glossary of terms in the guidance document. Some terms are available in the acronyms section of the Standard and guidance document. Approved means approved by the director general as defined in the Biosecurity Act 1993. Non compliance report is covered in the section on non compliance in the guidance document. Isolation area is not used in the standard or guidance document.

#### 17.18 Comment

In relation to section 2, Scope, it was suggested that 'scrap metal' be removed from the general facilities list.

#### MAFBNZ Response

This has been amended in the Standard.

#### 17.19 Comment

In relation to section 2, clarification was sought as to whether seeds and stored products will require any specific requirements.

#### MAFBNZ Response

The requirements for seeds and stored products are covered in the general sections of the Standard. A specific annex has been created for these products (Annex L) with additional information around operating requirements and equipment.

#### 17.20 Comment

In relation to section 3.2.2 clarification was requested regarding the requirements for deputy operators.

#### MAFBNZ Response

This section has been amended to clarify the requirements for deputy Operators.

#### 17.21 Comment

In relation to section 6, information was requested as to the process around requiring an Operator to re-take an Operator training course.

#### MAFBNZ Response

The competence of an Operator will be evaluated through the MAF audit process by a MAF Inspector. An Operator who has taken part in MAF training should have the required knowledge to manage their facility. Any areas that Operators are not competent in would need to be determined before an Inspector could request an Operator re-take the training course. If the same areas are being noted as reoccurring

problem areas, this would feed back into training evaluation and review. Operators will be left to contact training providers with respect to taking training again, and an Inspector will follow up on this as per the formal non-compliance close-out process.

#### 17.22 Comment

In section 7, it was requested that a web-link be provided to the training providers for Accredited Persons.

#### MAFBNZ Response

This has been added to Annex A of the guidance document.

### **18. David McAllister, Advance International**

#### 18.1 Comment

In reference to the requirement for Police Checks, David McAllister opposed the requirement for this, stating that MAFBNZ should have sufficient information on record without the need for an external police check.

#### MAFBNZ Response

The police check forms a part of the determination of an Operator as being a fit and proper person, as defined under the Biosecurity Act 1993, section 40(3)a. During this process MAF internal compliance and enforcement records as well as police convictions records are checked. Any serious convictions (including convictions under the Biosecurity Act 1993) may preclude a person from being granted approval as an Operator. A police conviction MAF may consider serious could be a fraud conviction. Police checks will only be conducted on new Operator applications after the release of the Standard. Current Operators will not have to undergo this process.

#### 18.2 Comment

In relation to the guidance document the comment was made that this document may be subject to changes unlike the formal process of amending a Standard.

#### MAFBNZ Response

The guidance document for the Standard is a “how to” and does not contain legal requirements. The measures in the guidance document are one way of meeting the standard and facilities may choose to use these examples as provided or develop tailored systems more suited to their businesses (as outlined under section 5 of the Standard, Systems of Equivalence). As such the guidance document has been developed to be more flexible, and minor adjustments may be made where necessary to keep up with the changing business and biosecurity environment. However these remain a guide, apart from the overarching legal requirements of the Standard.

#### 18.3 Comment

In relation to section 4.10 Internal Audit, A determination of ‘regular’ was requested.

#### MAFBNZ Response

A guide has been added to the Standard.

#### 18.4 Comment

In response to 3.1.3 Leased facilities the respondent commented that lease agreements should nominate the business rather than the Operator.

#### MAFBNZ Response

This section has been reworded for clarity.

#### 18.5 Comment

In response to section 4.9 the respondent commented that vermin control may not be reasonable for all types of facilities and that the wording had changed from the previous draft.

#### MAFBNZ Response

This section has been edited from the previous draft to state that vermin control is necessary where required. See MAF response to question 15.5 for more information.

#### 18.6 Comment

In response to the need for an Operating manual the respondent stated that an Operating manual template is required before the standard becomes mandatory.

#### MAFBNZ Response

The Operating manual template is a template document that outlines the main sections of the standard. It is not a mandatory document that must be used, but designed for the convenience of the Operator should they wish to use it. It will be made available for downloading from the MAFBNZ website.

#### 18.7 Comment

In reference to Annex K of the guidance document, if fumigation of inorganic/inanimate containerised material is to become mandatory then industry needs to know this.

#### MAFBNZ Response

This section has been removed from the standard as it is a requirement of the Import Health Standard rather than a facility standard.

### **19. Shane Byrne-King, Ecolab**

#### 19.1 Comment

In response to Annex C, Fumigation and other Biosecurity treatment facilities, the comment was raised that requiring recapture and destruction capabilities of fumigation chambers would prove too costly to industry.

#### MAFBNZ Response

This section of the Standard has been reworded.

### **20. Gerald van Vliet, Resco NZ Ltd**

#### 20.1 Comment

The general comment was raised that there would be difficulties for industry to comply with new requirements, and a cost benefit analysis should be produced.

### MAFBNZ Response

This standard has been designed to be more user friendly and allow facilities to tailor their biosecurity systems to their specific businesses. MAF has created a standard containing the minimum requirements that a facility must have to operate under a quality management system, and a guidance document that provides a way to meet the standard. Facilities must be managed appropriately in terms of biosecurity procedures if they are to be an effective part of the New Zealand “biosecurity chain”, which is why MAF is requiring facilities to create procedures and undertake some basic training. Other than these changes, most facilities will not see major changes to the way they operate.

### **Further information**

To discuss any points contained in this response document or to provide further feedback please contact [standards@maf.govt.nz](mailto:standards@maf.govt.nz).

## **II: Public Submissions Received**

### **1. Peter Bingley, ETEL Ltd**

Thank you for your advice regarding the issue of the above revised draft. Has the Department prepared a summary of the changes from the present regime that will be required to comply with the new requirements.

This would save many dozens of Operator's time, looking for any new requirements which may affect their procedures.

Peter Bingley  
Managing Director  
ETEL Limited

### **2. Russel Frethey, Camtech Nutrition Ltd**

Dear Sir, with regard to the above proposed standard there is one unrealistic and unjust aspect to clause 4.3 paragraph 4, whereby Operators of a Transitional Facility are deemed responsible for transport providers failing to securely transport uncleared goods, which is then defined as a Critical Non Compliance!

Despite Operators notifying and requesting Transport Operators of the proper requirements and risks, as this aspect is completely outside of the control of individual operators they cannot therefore be held responsible for the actions or inactions of transporters. Facility Operators will not necessarily even know who the Transport Operator is until the container arrives on site. As the draft appears at present, this grey area has simply been relegated to Facility Operators to take responsibility for someone else's actions. Consequently I request this aspect be reviewed and correctly addressed prior to implementing.

Regards  
Russell Frethey  
Camtech Nutrition Ltd

### **3. Mark Ryder, Ryders**

1. We have to question why an accredited person has to re sit every 2 years. We believe it should be every 4 years. It just adds more costs & red tape .does a plumber re sit exams every 2 years or do maf go back to varsity every 2 years? No they don't. If you were to work 40 years you could do 20 courses.

2. We believe having done the course as an operator this should be re sat every 10 years. if you have your operator systems in place it serves no point going back after 4 years.

3. If the operator is doing his job correctly there is no need for signs. Clearly he controls the area & who enters. So its another expense which is not necessary & without the word maf of no use.

4. The point of the system is to protect our boarders .You seem to want to tie every one up with ever increasing costs & more & more rules. If we keep it simple & try to focus on real issue maf would achieve a better results.

Thanks, Mark

#### **4. Jill Jones, Biosecurity Training South**

General Comments:

I think the Guidance Document is an excellent idea!! Well done!! A few suggestion & questions I have:

##### 3.2.2 Deputy Operators (Guide)

".....If an Operator is to be absent for a long period of time (e.g. more than one month), a deputy Operator will be needed." So, presumably the Operator doesn't have to be there all the time but are they expected to be present whenever goods are entering their facility? Can the Operator be away from the facility for more than a month if there is no inbound cargo due during that time?

Does the Operator have to be present not only when cargo/ containers arrive but all the time there is risk cargo/containers in their facility?

Could the Operator just visit the site once a week to ensure it is being run as per the Standard?

##### 3.1.1 Changes to an Approved Facility (Guidance Document)

Should be 3.1.2 to align with the Standard

##### 3.1.2 Leased Facilities (Guidance Document)

Should be 3.1.3 to align with Standard

##### 4.1 Operating Manual

Standard says ".....An up to date hard copy of the operating manual....." but the Guidance doc says ".....The Operating manual should be prepared and maintained in an electronic format....." Which is it to be, hard copy or electronic? Given the wording regarding use of Electronic Access in 4.4 I assume electronic usage is optional? Maybe "and/or" option.

##### 4.1 Operating Manual (Guide)

g) the names of Accredited Persons

Should also mention their expiry dates? As well as the Operators too.

##### 4.3 Receipt and Transfer of Uncleared Goods (Guide)

Paragraph 2 "...It is the responsibility of the Operator that transport providers are also advised of the biosecurity requirements...." Should there be a better distinction between when this responsibility falls on the Customs Agent and when it falls on the Operator? ie the Agent is responsible for the goods being delivered from the port or airport to the facility but the Operator is responsible for the goods going on from there?

#### 4.6 Segregation of Uncleared Goods

Is there a distance requirement from the devanning site to the approved storage area? Could a facility carry uncleared goods through a whole warehouse of cleared goods to get to the storage area? For some products like seed, stored products etc this would not be desirable when the risk for spillage is quite high.

#### 4.7.2 Consignment Records (Guide)

I note the absence of the Customs Delivery Order on this list. In training I strongly advise AP's not to touch their containers unless they have a copy of the CDO, (unless they have a copy of the BACC.) If they don't have a BACC they may assume MAF has no interest in that container and go ahead and open it. Whereas in reality it may be their agent has just not forwarded it. The CDO is the only doc that is always issued and tells if there is a MAF interest or not. A very good safe guard I believe and not too onerous for them to obtain.

#### 7 Accredited Persons for Container Unpacking (Standard) plus Annex A

" Facilities approved for unpacking sea and air containers must have MAF approved Accredited Persons present upon delivery and unpacking of a container. "

Does this mean airfreight companies are going to have to have staff attend the AP training now as well? In which case the training package will need to be adapted to cover both sea & air containers as the emphasis now is on sea containers only. The handling of wood packaging without the ISPM15 stamp is handled quite differently by these two areas so this would need to be covered or the handling of wood packaging brought into alignment for these two sites.

#### Annexes

I would definitely like to see the Annexes attached to the Standard so that this is a complete document in its own right and can stand alone without the Guide. For many of these Annexes I don't feel qualified enough to comment but there were a few things that stood out in areas I have some experience.

#### Annex A

A2 "...Checking of these containers must occur within 48 hours...." This should surely be 12-24 hours at the most? Vehicles are 12 hours, so surely the risk is the same?

#### Annex B

"...exterior cleaning may not take place at off-wharf facilities" I agree all containers shouldn't be moved off the wharf for cleaning, but in the case of a container arriving at a facility and found to have external contamination, surely it makes good sense to get it cleaned at the nearest possible cleaning facility? Why risk carrying it across town to the Port when it could go somewhere closer like a de-hire yard approved for cleaning containers?

#### Annex D

"Personal effects only devanned at a Transitional Facility" - Yay, at last!!!!

#### Annex I

There doesn't appear to be a time frame for destruction of goods once they arrive at a facility for destruction. I would have thought this necessary, even though they have reasonably secure areas, the risk of escape would increase with time.

I look forward to your response to my suggestions.

Regards  
JJ

#### **5. Richard Fergusson, Profix Container Services**

We store and repair empty shipping containers, we DO NOT receive any full containers at all, after reading over the recently posted Draft on the Biosecurity website, I cant see any changes that affect us, to me the draft looks to be more for persons needing to or required to become an approved transitional facility.

If this is correct please confirm as we are already an approved transitional facility.

Thanks and best regards

Richard Fergusson

#### **6. Malcolm Scott, NZTIA**

I have scrolled through all 70 pages and don't see anything that surprises us ...It seems to be much as we have discussed previously.

For timber anyway, it would appear that an AP can devann the container outside on a sealed pad (that conforms to size, cleanliness, and the 3 meter rule) and then await ( timely !) inspection...keeping the uncleared goods away from other product. That should the AP sight any infestation or "risk matter" the shipment be covered /sprayed and urgent notification made to the nearest MAF office.

I am not sure that my members would have a separate Inspectors facility capable of housing scientific equipment and the likes, but I am sure something could be arranged in the event of a major emergency. Maybe a tent or a caravan.

If members have any concerns I will convey them to you before the 15th May.

K Rgds  
Malcolm Scott

#### **7. Steve Inwood, SST**

This draft of the standard is much more workable. I note however that the wording of 4.3 of the guidance document appears to still put the transport of risk goods entirely on the Transitional Facility. This was discussed in earlier submissions. I cannot see how the Transitional Facility can have any control over shipments arriving at our facility (sometimes these just turn up (we have no control over International and NZ post or courier)). We do assume responsibility for any transport after it has entered our facility or when we collect/arrange collection from MAF Christchurch or our freight receiving agents. Can this be re-worded somehow? Otherwise the standard seems ok.

## **8. Deslee Carswell, Fonterra**

RE: Interested party Comment re: Draft Standard for General Facilities:

Please consider the following comments.

Comments:

ANNEX A Guidance Document: makes no reference to also needing to meet the conditions of the Import Health Standard.

ANNEX F Guidance Document: makes no specific reference to also needing to meet the conditions of Standard 154.02.18 Transitional Facilities for Animal Products (although this may be intended).

Regards  
Deslee Carswell

## **9. Chris de Latour, Hygeine Solutions Ltd**

My company is in receipt of the General Facilities Standard DRAFT and I would like to make the following points:

1. I sent an email to [infobiosecurity@maf.govt.nz](mailto:infobiosecurity@maf.govt.nz) on 18/09/07 regarding the advice I had received that at some stage in 2008 my company would no longer be able to be a TF due to our location at a Self-Storage facility. I was told that I would be able to make a submission when the DRAFT is published, and I am doing that now.
2. I note in the above DRAFT that as a unit holder in part of a multiple use facility, my company will no longer be allowed to be a TF.
3. This would not be a problem, except for the fact that Kiwi Self-Storage do not intend for any of their 4 sites to become TFs.
4. This will effectively force me out of business as there are no other storage facilities in the area with 24 hour access. My staff who are cleaners need to be able to access stock in a safe and secure environment in the very early hours of the morning. Due to the small size of our business, we can not afford the overhead of our own secure premises.

Hygiene Solutions has been a TF for most of the last 5 or 6 years. We are very diligent at following the correct Biosecurity procedures, and have had at least 2 audits and 2 MAF unloading inspections within the last 12-15 months.

Currently we appear to be the only company at Kiwi Self-Storage Ellerslie that is importing containers. Obviously future unit holders there will be unable to import containers, and I gather Kiwi Self Storage understands this.

I would like to propose that the DRAFT Standard is amended to contain a provision whereby in special circumstances, or where there is clearly only 1 importer, a unit holder in a multiple use facility may apply to be the Transitional Facility Operator. Obviously the TF's Operating Manual would clearly specify the appropriate unit and

would be specific to only that importer. We certainly do not want to compromise the more comprehensive Biosecurity procedures provided for in the new standard. However, knowing that we can adhere to the new TF regulations, it seems unfair that we would be unable to apply to be a TF.

We will be in danger of losing our business if the proposed standard is not amended to include a provision for special circumstances.

I am aware that my company may be in a fairly unique position. However of course there may be other companies who do not make a submission due to being unaware of the DRAFT, but may be in a similar position to us.

I note submissions close on May 16, and I would be very grateful if you could acknowledge receipt of this submission, and advise what the procedure is from here with regard to the submission process.

Regards  
Chris de Lautour  
Managing Director  
Hygiene Solutions Ltd

#### **10. Joanne Davies, Safe Store Public Storage**

Thank you for the opportunity to comment on the Draft Standard For General Facilities for Holding, Inspection, Processing or Treatment of Uncleared Goods. Requirements for Facilities and Operators.

Safe Store Public Storage has been an Approved Transitional Facility almost from the very start and we take this responsibility very seriously. Six of our staff members are Approved Persons. We have created a total of eleven dedicated container pads for the devanning of goods at our two Auckland sites. We do weekly audits on our APPROVED TRANSITIONAL FACILITY Systems and MAF Unit and this is incorporated into our weekly facility security check form which demonstrates that we see our responsibilities to MAF at the top of our weekly priority list.

Many of our customers are importers and very much appreciate the convenience of devanning their container at the place where they store their goods, ready to store or transport to the retailer for sale. This service is used by our clients regularly. Some have approved person qualifications and others use MAF or Safe Store personnel to inspect the container whilst being devanned.

We have passed our thoughts to the Self Storage Association of Australasia and some of our thoughts have been incorporated into their submission. However, we understand that this aspect of our business is much greater than others in the Storage Industry and we have invested significantly in creating areas that comply with the current standard. As we have invested so much into this aspect of our business, we wanted to contact you directly as well. We have modified our facility to comply with your first draft and are therefore quite concerned about one aspect of the new draft. Trust these comments prove useful as you move to protect New Zealand from Biosecurity Hazards.

If we understand the intention of the document correctly, the areas which we do not currently comply are as follows:

1. The new requirement for training to be undertaken by Managers to become “Approved Operators” (3.2.3. Operator Training)

We welcome this training and have already booked in three of our staff to complete this training.

2. The requirement for Inspector’s Facilities may be different to that currently required. Not sure (4.14 Inspectors Facilities) We have just completed a successful audit with MAF. Since this was not brought up to be a problem, I understand we comply. The new draft is not really clear as to how it differs (if at all) to the current standard.

3. The new requirement for controlling access (4.13 Access)

Safe Store is a secure facility with purpose built container pads within a high security area featuring electric fences and CCTV surveillance systems. The necessity to create a separate fenced area would be difficult at best – perhaps even uneconomic for us to continue to offer the service on behalf of the Ministry of Agriculture and Forestry. We would argue that in our case, a second fenced site within our already secure site would be unnecessary.

A) Safe Store in itself is already a secure area

Safe Store Public Storage is only open to approved people who we can track via our storage software program “Storman”. Entry to and exit from the complex is by a unique PIN Code. The only people who have access to Safe Store are those who are linked to the complex and we monitor each through sophisticated security systems. All PIN codes are logged into both the client file and a general file of all comings and goings from the complex. We have well in excess of 20 Surveillance Cameras at each site recording the progress of any client throughout the complex and this footage is called upon in the very rare event of any security breach. Could it be argued that this a high security complex, and therefore should not require a separate fenced area within the already electrified fenced complex?\*\*\*

B) Present Processes Sufficient in the case of an identified Biosecurity Breach

A container can only be landed in Safe Store when a Safe Store staff member is present to receive it. At this time we check that all paper work is in order (if not the container is sent away). If all is OK, a Safe Store lock is placed on the container ready for the approved person to remove the lock and inspect the devanning process. If a container is found to be a biosecurity risk through an approved person’s inspection, the container must be immediately locked up, MAF immediately advised and a padlock put onto the container to seal it. Keys to this padlock are only held by approved facility staff. We believe that creating a separate secure area, secured presumably by a lock, would create no real additional security to the current procedures. If a person is intent on breaking the law, they would cut two locks instead of the current one lock. Given the high security nature of our complex, could it be argued that the locked container is sufficient security in our case.

C). What is considered as appropriate for containing access?

This illustration demonstrates that a Container Seal is considered adequate security for the majority of the journey from exporter to importer.

MAF has specified that limited access site be made available while uncleared goods are on site. We are unsure about this requirement in our case. Does it mean an additional fenced area inside an already limited access area (ie the Storage Facility) be added at the end of the process? Is this really necessary at all? Currently a container is loaded at the exporter's premises. The container doors are shut and the unique numbered seal is put onto the container at that time and this number is recorded on the Bill of Lading. The truck then comes in, picks up the container with the paper work, takes it to the wharf and is dropped to a spot at the wharf. During the transportation process itself on the truck, the only level of security is the seal. Once the container has been shipped to New Zealand, the seal is recorded and checked, then either devanned and inspected by Customs or transported to an approved transitional facility. One the container has arrived at Safe Store, we inspect the exterior of the container at the time of taking the container from the truck to the container pad. We check the container number and the seal is checked again before being opened. In our case, when a container is dropped off, we immediately overlock the container with our padlock which adds another level of security. This seal, therefore, is considered sufficient security to last from the country of origin, to the final destination. Is it therefore necessary in Safe Store's case to provide another secure area within the complex? We do not believe this is so given our high security complex.

3. We believe many of the security breaches that MAF may be experiencing are due to a basic flaw in the rules surrounding qualifications for an Approved Person. Presently, any person with the appropriate MAF Approved training is qualified to be present at the devanning of a container, including a person who has a financial interest in the goods therein. We believe that this creates a conflict of interest. We would recommend that an independent Approved Person be necessary for the devanning of containers. We believe that an Approved Facility would have much greater control over the security of their site if only independent Approved People are allowed to be present during the devanning of a container.

4. \*\* If Safe Store is required to create fenced areas within our high security sites, would a temporary fence, similar to that found on building sites be sufficient? This way we can create secure areas within our already secure area when needed. Another alternative could be to create a fence over the front of the door of the container that locks onto the front top and bottom and creates a 1m cage at the front of the container door. We would design and manufacture these cages if deemed appropriate. However, given the high security nature of our sites and the level of investment we have already made to specifically comply with Ministry Of Agriculture and Forestry requirements, we are certain you will consider the possibility that we already comply under the new requirements. Given our current level of investment so far, we believe this would create unfair hardship on our facility and we would not be happy with having to invest further in this regard. Our present security systems are far superior to the industry standard and have cost several hundreds of thousands of dollars in electric fencing and CCTV systems.

Trust this input will be read in the overall evaluation process and that our comments be considered in a subsequent draft.

Sincerely,  
Joanne Davies  
General Manager

## 11. Vaughan Grant, Progressive Enterprises

16<sup>th</sup> May 2008

Draft General Facilities Standard  
c/o Liz Phillips  
Operations Team  
MAF Biosecurity New Zealand  
PO Box 2526  
Wellington 6011  
Email: [standards@maf.govt.nz](mailto:standards@maf.govt.nz)



PROGRESSIVE

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Mangere Auckland  
Tel 09 275 2788  
Fax 09 275 3074  
Private Bag 93306  
Otahuhu Auckland 1133  
New Zealand

Dear Madam

**Re: Draft for Consultation : General Facilities for Holding, Inspection, Processing or Treatment of Uncleared Goods.**

Thank you for the opportunity to comment on the New Zealand Ministry of Agriculture and Forestry (MAF) standards relating to the **Draft for Consultation : General Facilities for Holding, Inspection, Processing or Treatment of Uncleared Goods.**

With reference to the "Guidance Document" for the Standard, dated April 2008, Progressive Enterprises Limited proposes the following changes to Annex E : Fresh Produce and Nursery Stock Inspection Facilities, Section E.1 Facility Location.

**Current Wording**

*As per section 4.2, facilities will not be approved outside the metropolitan area of the port/airport from where the produce/ nursery stock arrived.*

**Proposed Wording**

*As per section 4.2, facilities will not be approved outside the metropolitan area of the port/airport from where the produce/ nursery stock arrived unless approved in writing by MAF.*

*MAF may give approval in circumstances whereby, after due consideration, the proposed Operator's systems, procedures, and facilities meet, or are likely to meet, a standard that minimises the bio-security risks associated with the Facility being located outside the metropolitan area of the port/airport from where the produce/ nursery stock arrived.*

We look forward to your review of our proposed changes. If you have any questions, please contact the writer.

Regards

Vaughan Grant

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## **12. Frances Clement, NZ Pork**

The New Zealand Pork Industry Board (New Zealand Pork) is a statutory body which acts in the interests of New Zealand pig farmers (pork producers). New Zealand Pork is a member of the New Zealand Feed Manufacturers Association which is submitting on specific details of the Standard, based on the expertise of specific members.

In addition there is a general issue which we wish to draw to your attention for clarification. That is, clarification between what is required by the standard, and what is best practice. Refer, for example, to the Introduction to the Standard. How is 'best practice' defined? There is potential for confusion by referring to "minimum levels of best practice ..."; "further instructions on how best to manage specialised facilities..."; and that "these level of best practice must be met or exceeded.."

Within a standard it would seem appropriate to refer to specific requirements as the standard. Good practice or indeed best practice could be additional recommendations, unless these are the standard. However the current Introduction is confusing in that best practice by definition cannot be exceeded.

Definitions could help. The NAWAC Codes of Welfare might be a helpful reference in that they refer to minimum standards and recommended best practice. Recommended best practice is defined and notes that in some cases the minimum standard is best practice.

Thank you for the opportunity to comment.  
Yours sincerely  
Frances Clement  
Policy and Issues Manager

### 13. Mariette Komene, AgResearch



Farming, Food and Health. **First**<sup>™</sup>  
Te Kaitiaki Take Kōwhiri o Te Whānau Aotearoa

Re: Draft General Facilities Standard  
c/o Liz Phillips  
Operations Team  
MAF Biosecurity New Zealand  
PO Box 2528  
Wellington 6011

16 May, 2008

Dear Liz

AgResearch would like to submit comment regarding the draft Guidance Document relating to standard 152-C4-03f "General Facilities for Holding, Inspection, processing or Treatment of Uncleared Goods"

We would like to particularly address issues raised in section 4.3 "Receipt and Transfer of Uncleared Goods"

AgResearch has five locations around New Zealand and also collaborate with many other Science Institutes inside New Zealand and globally. Receipt and Transfer of Uncleared goods is vital to many of our scientific studies.

We believe it should not be the responsibility of the Facility Operator to **"advise the transport providers of the Biosecurity requirements and risks associated with transfer of uncleared goods"** nor can the Facility operator be responsible for the transfer of uncleared goods **"be carried out in a secure and contained manner"** when the goods are in transit and are no longer under their supervision.

Whilst we have responsibility for ensuring uncleared goods are appropriately packaged, labelled and appropriate authorised transfer documentation being provided, the courier providers should themselves have systems in place to be aware of the Biosecurity requirements and hazard management.

The following statement....

"Failure to inform transport providers of the proper requirements may result in non-compliance issued against the operator and may result in cancellation of the facility approval."

Proper requirements should constitute – correct packaging, labelling and authorised transfer documentation.

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Rukūria Research Centre  
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It is expected that the courier service industry provides the necessary expertise to transport and transfer not only uncleared goods but also biological and chemical hazards and ensure compliance of its service.

Compliance of the handling of uncleared goods in transit should then be monitored by MAF services

We have a concern that whilst these guidance notes are specific for Standard 154.04.03f, the implied responsibilities would have an affect on the management of many other standards associated with biological hazards and uncleared goods.

To put the responsibility onto the facility operators is untenable but also out of line with the management practices for the carriage of other hazards.

We see the responsibility of managing compliance for biological hazards and uncleared goods in transit with the courier providers and MAFBNZ

Yours sincerely

Mariette Komene  
Regulatory Affairs Officer  
AgResearch Limited

## 14. Zuke Marinkovich, Moore Wilson & Co Ltd

**moore wilson**  
 & CO LIMITED  
 SINCE 1878

May 13, 2008

Liz Phillips  
Operations Team  
MAF Biosecurity New Zealand  
P.O. Box 2525  
WELLINGTON 6011

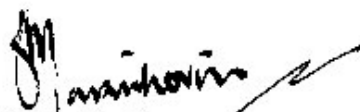
Dear Liz,

We wish to advise our disagreement with the requirement that we have electronic access facilities installed and available to help manage the transitional facility.

To protect the integrity of both our computer system and our large data base of confidential customer information, we have limited internet access to one centralised area our business. This central area is isolated from our main frame system. We are not willing to expand internet access to other areas of our business because we don't want our systems or the information it contains able to be compromised in any way. As a result we will not consider having the skills or facilities available at our transitional facility to meet such a request. Installing these facilities would involve us in unnecessary cost and unnecessary risk.

We are happy with the system that exists at the moment and see no reason for the suggested change.

Yours sincerely,



Zuke Marinkovich  
**OPERATIONS MANAGER**

**WHOLESALE CASH & CARRY**

70 De Witt, Wellington, Telephone (04) 384 9305, Fax (04) 382 9293  
All services from: Terry & Julie, 5 New St, Bergham Hill, 4011  
Custom Hutt Road, Lower Hutt, 5140 Street, 4120  
Email: [help@mc.wellington.co.nz](mailto:help@mc.wellington.co.nz)

## **15. Stephen Mansfield, IVS**

Thank you for the opportunity to comment on the draft standard for TF GEN.

Following comments are on behalf of Independent Verification Services Limited;

Title:

The terminology 'Inspection' should be defined to indicate that it applies to an inspection by a BNZ MAF Inspector.

2.0 Scope: third bullet point

Deconsolidation could be confused with decontamination.

3.2.2

As documented it reads that all deputy operators require training. If where one is voluntarily nominated by an Operator at say a low risk facility.

Suggest training is required where:

A deputy must be nominated

A BNZ TF auditor/inspector directs training

There is still lot of confusion out there on whether deputy operators require training.

.

4.4

Provision for Electronic Access could be difficult, where dial up is slow or there is no broadband/wireless service.

4.9

Vermin control should be eased for organizations that handle/import inorganic type commodities. Birds will always be an issue hard to manage.

4.10

Internal audit should only apply where an Operator is responsible for more than one site. Requiring internal audit for one operator/one site scenario is overkill. Suggest a checklist is provided in the guidelines document.

With internal audit 'regular' needs to be defined. Suggest at least annually.

Thank you for this opportunity to comment on the draft standard. I apologise I did not get this to you by 16/5/08.

Regards

Stephen Mansfield

## **16. Michael Brooks, New Zealand Feed Manufacturers Association (NZFMA)**

Introduction:

The New Zealand Feed Manufacturers Association (NZFMA) is the trade association representing the New Zealand feed manufacturing industry. Membership is voluntary

but the NZFMA represents approximately 85% of feed manufacturing in New Zealand as measured by volume of feed manufactured

Biosecurity at the border is a key issue for the industry and the sectors it primarily serves, particularly poultry and pig meat.

The proposed standard for General Facilities for Holding, Inspection, Processing or Treatment of Uncleared Goods is therefore of critical importance to the NZFMA.

Recommendation:

The NZFMA supports the introduction of the Standard. Its introduction and implementation will be crucial in establishing a workable legal framework for the management of Biosecurity in Uncleared Goods.

Comments:

There are points in the Standard that require comment.

Point 3.2.3 – Operator Training. The submitters note that the Standard requires Operators and Deputy Operators to successfully complete the operator training prior to receiving approval. It is submitted that a process of recognition of existing skills/competencies should be implemented for existing operators rather than a requirement for a course as with the attendant time and associated costs this will be a significant investment.

The NZFMA submits that the option of a process of recognition of existing skills should be considered.

Point 4.3 – Receipt and Transfer of Uncleared Goods. This states “They (the goods) must be unloaded within the transitional facility”. This raises a concern. If, for example it is established that it is a dust explosion risk to unload grain and meal in an enclosed facility this may mean the use of external hopper intakes would not be an option based on this wording. It is therefore submitted that the wording be more outcome based, for example, “unloaded in a manner as to minimize risk”.

Point 4.5 – Facility Security – states “uncleared goods must be held in such a manner that organisms (e.g. insects) cannot escape from the transitional facility...” The feed manufacturing industry is concerned that this could be unreasonably interpreted as meaning “airtight” or requiring the use of air lock and seeks clarification on this issue. The reference in Point 4.14 – Inspector’s Facilities – which states the area or room for inspection must be “adequately lit and ventilated” suggest a possible conflict of interpretation between these two points and adds to our view that clarification is needed.

The NZFMA welcomes the opportunity to make these submissions. Please do not hesitate to contact the writer if there are any issues you wish to clarify.

Michael Brooks  
Executive Director

## 17. Daniel McKnight, The Agrichain Centre



The Agrichain Centre

WWW.AGRICHAIN-CENTRE.COM

13<sup>th</sup> May 2008

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Info@agrichain-centre.com

Dear Ms Phillips,

Re: Draft General Facilities Standard

Please find attached the submission from The Agrichain Centre on the draft standard TFGEN.

The Agrichain Centre is an independent training provider and provides training to the import industry on behalf of Biosecurity NZ for Biosecurity Awareness training and Transitional Facility Operator training.

The Agrichain Centre also provides advice as an independent research and consultancy business at the interface of biosecurity regulatory requirements and commercial business enterprises.

The Agrichain Centre welcomes the opportunity to provide submissions on biosecurity and is committed to working with government and with industry to find workable solutions.

Yours sincerely,

Daniel McKnight

Biosecurity Advisor.



**Submission on: Biosecurity New Zealand TRGEN**

<b>Davie McKnight</b>	Ph: 09 4144556	Fax: 09 4146140	Mobile: 027 445 1308
The Agrichain Centre		11 J Piermarc Drive	
PO Box 101-245		Albany	
North Shore City 0745		Auckland	
Auckland		cmcmknight@agrchain-centre.com	

REF	Submission
Draft	Guidance Document
3.1.2	Clarify to what extent operators of multi-user storage sites are legally responsible for the activities of their tenants and at what extent the responsibility rests with the Inspector.
3.2.1	Clarify how an operator can be a company and a nominated individual at the same time.
4.1	Please clarify what is meant by the term another agency.
4.2	How is MAF going to ensure that these criteria (factors affecting approval) are going to be applied consistently throughout the country?
4.3	In response to this statement will it be necessary for transport operators to have accredited drivers when they receive a container from the ports?
4.6	Is this requirement necessary to extend to cover low risk facilities importing non-risk goods?
4.13	Is this requirement necessary to extend to cover low risk facilities importing non-risk goods?
4.14	Access to and use of amenities such as washrooms / toilets should be added.
5	How will MAF ensure that systems of equivalence are going to be applied consistently?
6.1.2	Please clarify whether the major non-compliance action that driver (trained / untrained) is responsible for, relates to a non-compliance against the Transitional Facility (irrespective of whom the driver works for) or whether non-compliance action would be taken against the actual transport provider (if they are indeed independent). Regime: Failure to inform transport operator of the proper requirements
Draft	<b>Annexes</b>
A1	There should be a requirement to have a minimum of two AP's to cover for sickness or leave.
A2	Please clarify what you mean by "an area big enough". Should insert "or remain on the back of the truck" until the exterior has been checked.
B	Please clarify if a dirty container arrives at a port for example, then the closest approved cleaning facility for sea containers will be at a seaport facility
D1	Insert "where required, a facility must provide an approved disinfectant for decontamination" under B2 Operating Requirements.
B	Please clarify if inspection benches are actually mandatory or not.
Draft	<b>Glossary</b>
Please provide definitions for	Approval, Enclosed Quads, BACC, Isolation area, Approved area, Non-compliance report
Draft	<b>Standard</b>
2	General facilities: delete scrap metal as it is already listed under specialized facilities Inappropriate objects
3	Please clarify needs for sewing, stored plant products if they require inspection facilities and specific structural and operating requirements.
3.2.2	Please clarify the requirements for deputy operator
6	Where an Operator displays a lack of sufficient knowledge and has to re-attend operator training, what systems will MAF/BNZ have in place to identify 1. Where the failure is occurring and 2. What actions will be necessary to prevent the failure from re-occurring and 3. What will be the process of re-education or training providers for successful training.
7	Insert a web link reference for access to training provided as per(3.2.3)

## 18. David McAlister, Advance International Ltd



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13/5/08

Draft General Facilities Standard  
c/- Liz Phillips  
Operations Team  
MAF Biosecurity New Zealand  
PO Box 2526  
Wellington

Dear Liz

In response to the consultation draft Standard for General Facilities for Holding, Inspection, processing or Treatment of Uncleared Goods we wish to make the following submissions.

### Operator Police Checks

We originally opposed this requirement in the first consultation process and continue to do so. The legislation requires the operator to be a "fit and proper" person. The original response from MAF/BNZ was that "the police check forms part of this process. As a general guideline someone prosecuted under the Biosecurity Act would not be approved as an operator".

If HNZ are concerned about prosecutions under the Biosecurity Act then surely their own records / database will be sufficient to know who they have prosecuted (or have under investigation) as such prosecutions would have to have been brought about by MAF / Biosecurity NZ. That being the case then there appears another motive for the requirement of police checks and this needs to be outlined as to what BNZ criminal background BNZ deem to be unacceptable. This should be known BEFORE a business engages down the road of obtaining approval status. This is another instance of 'lots know what that full requirement is before we start the process.

### Guidance Document

The observation drawn is that we now have an Import Health Standard and a Guidance Document. Whilst Import Health Standards are subject to legislation under the Biosecurity Act and the requirements of that legislation especially in terms of changes to the Standard and the need for public consultation, the Guidance Document (which has its link back to the Import Health Standard) appears not to be protected by the same legislative requirements as applicable to a Health Standard. The concern here is that the Guidance Document will be subject to amendment "randomly at will" and therefore there appears no accountability on the part of MAF/BNZ in terms of this document and its interpretation.

The changes that this revised Standard now impose on industry especially those previously approved under the Import Health Standard for Sea Containers are such that industry needs certainty of what the terms and conditions are and the draft standard and guidance document do not give industry this certainty. Sceptical we may be but industry was actively engaged to be part of the Import Health Standard for Sea Containers and within 3 years is now faced with significant changes and costs that were not administered under the Health Standard from the outset.

### Internal Audit

The original discussion document made no reference to an internal audit requirement. The Standard now imposes a new requirement, that being an internal audit. This is a new and additional requirement. How regular is regular? Please quantify.

### Leased Premises

The original Discussion document referred to leased premises as being multiple use or self storage facilities. The current draft Standard Guidance Document now imposes an additional lease requirement on all leased facilities. It is an unreasonable requirement for a commercial lease agreement to "clearly ideally the Operator and the operational arrangements contracted with the owner for meeting the requirements of the Standard".

Firstly the "Operator" is a person, normally an individual and where an organisation operates from multiple locations throughout the country there will be a "Deputy" at these locations. The requirement for the lease agreement to identify the "operator" should be changed to detail the organisation rather than the individual. Secondly a commercial lease arrangement will allow a lessee an unencumbered right of access to the facility. It befalls the lessee to ensure that the facility is capable of meeting the Standard not the owner and as such it should not be a requirement of any lease agreement that the owner has a facility that meets the Standard.

### Vermin Control

The discussion document referred to a vermin control programme, "where required". The present draft Standard now makes a vermin control programme mandatory rather than discretionary. This, in the case of transition facilities for sea containers where non risk cargoes are involved, is an unreasonable requirement. Because the Standard is all embracing of the facilities that it covers there will be a major difference in the type of vermin control required yet the Standard gives no assurance that what may be acceptable one day will be the next.

### Operating Manual

Whilst this may have been a requirement with some facilities it has not been for all and the new standard now requires this as a mandatory requirement. This has not previously been required for transition facilities for Sea Containers. Following the initial consultation the MAF response to submissions was that a manual template \* would be provided. The template has not been included in the Standard or the Guidance Document and there is no reference in either to such a template being provided. The template needs to be fully communicated BEFORE the Standard is imposed. (\* Ref - Review of Submissions on the Draft General Facilities for Holding, Inspection, Processing or Treatment on Uncleaned Goods July 2007 pg 6, 7.8)

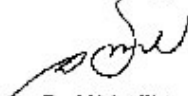
### Annex K

Annex K specifies a mandatory fumigation requirement for amongst other items used machinery and used car parts. This requirement appears at odds with the current MAF BNZ procedures for such importations where inspection is mandatory and fumigation is an approved form of treatment if required. Annex K appears to now make fumigation mandatory on all imports of used machinery and car parts. If in fact fumigation is to become the mandatory requirement then this communication needs to be more widespread to industry rather than this discrete disclosure.

**Summary**

In summary I am still concerned at the content of the draft standard, its open endedness to have other requirements included at will and without any form of redress as well as the fact that industry will be subject to variable audits. It is vital that the intended Health Standard specify the exact requirements and conditions. Industry needs to know what the requirements are so as to make an informed decision. The current draft will have hurt industry for years to come because no matter how good industry is in interpreting and endeavouring to comply it will never be good enough.

Yours sincerely



David McAllister  
Managing Director

## **19. Shane Byrne – King, Ecolab Ltd**

REF: Page 27 Annex C1. Operating requirements – Fumigation Chambers

We write with the sincerest of concerns pertaining to the proposed requirement to enforce a “recapture and destruction, or recycle system, in permanent methyl bromide chambers” (Draft Guidance Document - General Facilities for Holding, Inspection, Processing or Treatment of Uncleared Goods - Annex C: Page 27 - C.1 Operating Requirements – Fumigation Chambers including Hydrogen Cyanide and Formalin).

If Ecolab, as a professional operator of a licensed Transitional Facility, was required to comply with the abovementioned requirements, it would most definitely render our operation financially unviable from the moment of legal promulgation.

Again, if Ecolab was to recover our costs for installing such a system, (as proposed), the charges for fumigating risk goods would become cost prohibitive and be higher than what any individual or company would be prepared to accept.

Should our current facility become closed because of uneconomic reasons, it would without question effectively leave a huge gap in the bio-security border protection that New Zealand requires. It would also be highly unlikely any other fumigation operator would make the extensive fiscal investment required to establish a facility from scratch which would comply with these requirements, as they could not expect an acceptable, or possibly even an achievable return on that investment.

As the Bio-security of our country is constantly at risk, we at Ecolab feel that if a facility meeting all these conditions is required, it should be established by a Governmental agency, which we would then be happy to contract out to operate. Dependant upon the return the Crown expects the charges could then be set by them.

While some systems have been trialled, we are unaware of any removal systems available in New Zealand at this time. Has this been considered?

We query the rationale of the requirements, as the amount of gas used in our 3cu.mtr. Chamber is only 240gms at the high level of 80gms per cu. meter. It appears ludicrous that a fumigation company can currently release over 6 Kilograms of gas from 40’ container fumigation in general fumigation without any current restrictions, or need to recapture.

We trust that our submission is given earnest consideration, as compliance issues have already strangled the fumigation industry in New Zealand today, making same less and less attractive from a business point of view.

In closing, Ecolab acknowledges that while the protection of the environment because of discharges to air of containments is important, we stress that equally important is the preservation of the borders of New Zealand against Bio-security threats, to ensure that this segment of the environment we live in is also kept as pure as possible.

An old saying of “you can’t have your cake and eat it too”: comes to mind.

Yours faithfully

Shane Byrne-King  
**TECHNICAL MANAGER**  
**C. C.**

Darryl Brown- VP/General Manager, Ecolab New Zealand  
Mike Collins – Divisional Manager Pest Elimination, Ecolab  
Eric Van Essen – National Operations Manager, Pest Elimination, Ecolab  
John Rickard- South Island Regional Manager  
Terry Geldard – Bio-security Manager, Pest Elimination, Ecolab

## **20. Gerald van Vliet, Resco NZ Ltd**

Dear Sir/Madam,

It is with extreme concern that I reply to the invitation to comment on above subject.

I do represent the typical company size that operates under the container containment facility scheme.

To date, we have already spent 3 days away from work to learn about the implications of running under above scheme. We also have since been audited by MAF twice, because of the compulsory annual audit requirement. And yes we are following the paper trail.

We take our responsibilities very serious and have indeed worked with MAF in the past, in re-fumigating a suspect container at our own cost.

**It is not possible** for the two facility operators to now embark on another course.

**It is hard to imagine** to now embark on printing and reading your 47 page draft document and to actually understand them.

**We do not understand** how, where and certainly why MAF's core-business is now being dumped onto private companies.

It is my opinion that our core-business is to operate under lean manufacturing principles in order to be cost-effective, profitable and responsible for our operation, including importation of goods. It is my opinion that MAF is not in a position to measure or even judge if companies can cope or handle **this new compliance burden**.

If new roads are to be build in NZ, transit NZ does a cost – benefit analyses.

I would wish to see a **cost – benefit analyses to support the introduction of more compliance requirements**, before embarking on above requirement

Kind regards  
Gerald van Vliet