



# **REVIEW OF SUBMISSIONS ON PROPOSED AMENDMENTS TO THE IMPORT HEALTH STANDARD FOR SEA CONTAINERS**

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Ministry of Agriculture and Forestry  
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## **Introduction**

A revised import health standard (IHS) and associated guidance document for importing sea containers into New Zealand was notified for public consultation on the MAF Biosecurity New Zealand website [www.biosecurity.govt.nz](http://www.biosecurity.govt.nz).

The public consultation period was from 8 May 2009 until 19 June 2009. A total of 10 submissions were received:

1. Barrie Saunders on behalf of the 15 member port company group
2. Andrew Locke for Port of Napier
3. Graeme Marshall for Port of Tauranga
4. Willie van Heusden on behalf of the Customs Brokers and Freight Forwarders Federation of New Zealand Inc (CBAFF)
5. Meat Industry Association of New Zealand (Inc)
6. Stewart Milne
7. Peter Buchanan for Landcare Research
8. Simon Williamson on behalf of the New Zealand Customs Service
9. Phillip Bell on behalf of the Department of Conservation
10. Cameron Ormsby and Shaun Yu on behalf of the Ministry of Health

Section 1 of this document summarises the main agreements and issues raised in the submissions and the MAFBNZ response (*in italics*). Section 2 covers issues and minor amendments raised by individual submissions and the MAFBNZ responses (*in italics*) to each submission. Appendix 1 includes full transcripts of all submissions received during the consultation period.

## **Section 1**

### ***Common agreements and issues raised and MAFBNZ response***

1. Please define the criteria for deciding when a country has 'high risk' status as the current list appears incomplete. This issue was raised by the Department of Conservation, the Ministry of Health and Barrie Saunders.

Department of Conservation:

The reference document lists a number of countries and ports MAFBNZ consider as having 'high risk' status. We question whether this is a complete list?

Ministry Of Health:

What is the criteria to define a country of "high risk status" and what countries are assigned the high risk status? Could MAF provide ourselves with this list?

Barrie Saunders:

You might like to attach a list of high-risk sources to the reference document and update as required.

*MAFBNZ response:*

*The current official list of high risk status countries is included in the associated guidance document. Inclusion of countries on an official 'high risk status' list requires a number of*

*notifications to the country and the World Trade Organisation. It also means that MAFBNZ will complete 6-sided inspections of 100% of containers from those countries on arrival in NZ. MAFBNZ must consider issues such as perceived trade restrictions against the country and the impact on the supply chain when making this decision. As this process takes significant time, MAFBNZ uses risk profiling to identify common factors when containers have a greater chance of being contaminated (now classified as 'high regulatory interest' containers). Often a country is identified as a common factor, at which time options for managing the risk can be compiled and implemented.*

2. The timeframe for the inspection of high regulatory interest containers was raised by Barrie Saunders, Stewart Milne and the Department of Conservation.

Barrie Saunders:

Recommend that 48 hours be replaced by 24 hours as these are high-risk containers.

Stewart Milne:

Suggest that the 48 hours be included as a target. By including the 48 hours as a requirement a situation could be created whereby if e.g. a high regulatory interest container is not processed within 48 hours it is free to be moved off and unpacked, etc without MAFBNZ intervention.

Department of Conservation:

We note that the amended IHS states that high regulatory interest containers will be processed within 48 hours of discharge. The previous IHS stated that this would occur within 8 hours. We question this change of time before processing? It is our opinion that 48 hours is too long for 'high risk' containers to be discharged before they are inspected.

*MAFBNZ response:*

*The intent of the timeframe for inspections to be completed is to require an inspection as soon as practically possible after discharge rather than at the convenience of MAFBNZ, the port, the shipping company or other parties involved in this process. The 8 hour timeframe in the original standard was recognised as not a practical or realistic timeframe to achieve. The timeframe MAFBNZ will target to complete inspections of high regulatory interest containers will be 48 hours.*

3. The location of inspection of high regulatory interest containers was raised by the Department of Conservation and Barrie Saunders.

Department of Conservation:

All containers of high regulatory interest should be processed at the first port of discharge, no matter how short or long they may be at the port.

Barrie Saunders:

Containers of high regulatory interest are processed by MAFBNZ at the first port of discharge if *it is intended* they will remain on the port" NB: Sometimes it is intended containers will be transhipped within 12 hours but circumstances change.

*MAFBNZ response:*

*MAFBNZ will process (inspect, seal vents etc) high regulatory interest containers at the first place they land in NZ to best manage any biosecurity risks. The 12 hour dispensation is to allow for restow type containers to be transhipped. Exceptions – as*

*identified above – will be managed on an individual basis by local MAFBNZ inspectors and industry agents.*

4. Requirements for the transshipment of containers by sea and notification between ports of uncleared containers was raised by Barrie Saunders, Andrew Locke, Willie van Heusden and Stewart Milne

Barrie Saunders:

“Containers of high regulatory interest are processed by MAFBNZ at the first port of discharge if *it is intended* they will remain on the port” NB: Sometimes it is intended containers will be transshipped within 12 hours but circumstances change.

It is suggested that risks would be minimized if the notification was reversed so that it would read: “The first port of discharge must notify the following port of discharge of any containers of high regulatory interest that have been cleared by MAFBNZ”.

Andrew Locke:

The requirement for information to be sent to parties should refer also to transshipment cargo requiring a BACC prior to movement.

“The first port of discharge must notify the following port of discharge of any containers of high regulatory interest that still require MAFBNZ inspection”. We believe the Shipping Line should provide a BACC to the 1st Discharge Port and any other NZ Port handling that container. The Shipping Line controls the movement and should be responsible for the document lodgement and tracking.

Willie van Heusden – CBAFF:

“A container may not be removed from the first port of discharge until the required information has been sent to and received and assessed by MAFBNZ and a MAFBNZ direction (e.g. BACC) or Customs delivery order issued”.

The restriction of moving containers from the first port of discharge needs to be removed where the containers are being moved by sea freight to another port. Members understand the need for this restriction where containers are being moved off wharf by road or rail but do not see the biosecurity risk where containers are scheduled for transshipment by sea freight to another port. There is provision in the Reference Document under 9.2 for something to be added here. 9.2 is presently empty with nothing noted.

Stewart Milne:

Definitions: Transshipped Containers: Add the words “for a period” after the word “remains” on the second line.

*MAFBNZ response:*

*Transshipment of containers is an area that requires MAFBNZ, other government departments and all areas of industry to work together to effectively achieve the desired goals. We recognise that the area of transshipments is also being addressed by the long term Joint Border Management System (JBMS) programme. We are currently addressing some of the short term issues and ensuring that the JBMS programme is kept up to date with progress.*

*The first issue raised by submissions is should high risk containers that are to be transhipped be inspected at the first port of discharge or should they be allowed to move to the port of destination? MAFBNZ will require high regulatory interest containers to be inspected at the first port of discharge to manage any biosecurity risks at the first possible time. Low regulatory interest containers will be able to be transhipped and should be checked at the first port by an accredited person.*

*The second issue raised by submissions is how we ensure transhipped containers have required documentation submitted and receive appropriate intervention before leaving the final NZ port of discharge and who should be responsible for ensuring this happens. MAFBNZ recognise that MAFBNZ, port companies and shipping lines all have responsibilities in this area. MAFBNZ will initially be utilising existing port to port notifications and BACCs issued to shipping lines to control this. MAFBNZ is investigating several other electronic options to assist in this issue.*

5. Responsibilities on the port company to check containers and what happens when contaminated containers are allowed to leave the port. This issue was raised by Barrie Saunders, Graeme Marshall, Stewart Milne and Peter Buchanan.

Barrie Saunders

“Any biosecurity pests or contamination *detected* must be removed etc. NB: The reality is that despite APs undertaking their roles conscientiously, some contaminated containers regarded as of low regulatory risk, will have exterior contamination. Ports should not be held accountable for these events.

Graeme Marshall

That the party responsible for the container prior to it being moved off the ship across the border is the party ultimately responsible for the compliance with Border Security rules and regulations

Stewart Milne

It would be clearer if a responsible party for a contaminated container (external) leaving port for internal distribution could be listed.

Peter Buchanan

“Any biosecurity pests or contamination must be removed prior to a container leaving the port area. The container and/or contamination must be secured and MAFBNZ notified” is fully supported, but implementation will consistently fail unless there is adequate inspection of the lower surface of containers in order to detect contamination:

*MAFBNZ response:*

*MAFBNZ has stated in the guidance document the parties we consider generally responsible for contamination and the actions required to be taken by parties to best manage the risks. Actions taken by MAFBNZ when non-compliance is identified is detailed in the noncompliance section of the guidance document. Port accredited persons are required as part of their routine duties to check containers, manage contamination and notify MAFBNZ as per their accredited persons training. Where it is identified that this action is consistently not occurring, MAFBNZ will take further action as appropriate.*

## **Section 2**

### **Individual submissions and MAFBNZ response**

#### **1. Barrie Saunders on behalf of the 15 member port companies**

1.1 Word additions suggested:

“A container may be removed *inland* from the first port...

“A container cannot be removed *inland* from the first port... NB: A container could go back onto a ship.

“All movements of uncleared containers *by land* must be etc

*MAFBNZ response:*

*Please see the response to question 4 regarding transshipped containers above.*

1.2 We would like to thank MAFBNZ for the extensive consultation we have had over the container IHS. We expect that in the early stages there will be issues to manage and some refinement may be required. We are happy to work these matters through with MAFBNZ.

*MAFBNZ response:*

*MAFBNZ acknowledges your support and collaboration in helping to develop the sea container standard and willingness to work through matters in the future.*

#### **2. Andrew Locke for Port of Napier**

2.1 Believe it would be useful to have the Definition of Terms included in the document - save having to reference the Act.

*MAFBNZ response:*

*Relevant definitions have been included in the import health standard. We aim to include information in only one place (e.g. a standard or act) as amendments are then only required in one location.*

2.2 Audit of sea Containers Request the link detailing the requirements should be attached or better - the requirements of the audit be detailed within the document

*MAFBNZ response:*

*A hyperlink to the audit of sea containers standard has been included in the guidance document. We aim to include information in only one place (e.g. a standard or act) as amendments are then only required in one location.*

2.3 I believe MAFBNZ should signal intention to move lodgement of documents via EDI and note that the manual process is to be phased out. We don't think the IHS should provide for a manual process going forward.

*MAFBNZ response:*

*The electronic lodgement of documents is included part of the Joint Border Management System (JBMS) programme.*

### **3. Graeme Marshall for Port of Tauranga**

3.1 The key to any new Standard is that containers can flow between the port and our Inland port (MetroPort) without restriction or impediment while at the same time meeting Bio Security requirements.

*MAFBNZ response:*

*Please see the response to question 4 regarding transshipped containers above.*

3.2 You and your team are to be congratulated for the extensive consultation that has been undertaken to develop the new standard which should result in greater responsibility and accountability by the "importer" while ensuring that the border is protected and the integrity and efficiency of the supply chain is maintained and improved

*MAFBNZ response:*

*Thank you for your positive response and willingness to engage in the development of this standard.*

### **4. Willie van Heusden on behalf of the Customs Brokers and Freight Forwarders Federation of New Zealand Inc.**

4.1 CBAFF have identified opportunities for electronic solutions to meet aspects of the proposal and also identified areas where potential additional compliance costs may be imposed. These are addressed below.

The standard is proposing reporting "at least 12 hours prior to arrival". The reference document refers to this information being captured from the Customs import entry. This being the case, an import entry would then have to be lodged at least 12 hours before arrival. This is contrary to current Customs requirements which provide for clearance at any time from 5 days before to 20 days after arrival.

What is the definition of "container arrival"? Is this deemed:

- vessels arrival into New Zealand waters,
- arrival at the first port of discharge or
- arrival at the place of delivery?

*MAFBNZ response:*

*MAFBNZ legally regard a container as having arrived in NZ when the vessel carrying it arrives in NZ territorial waters. If the IHS specifies that certain information is required prior to arrival in New Zealand MAFBNZ cannot give biosecurity clearance if the goods do not comply with the IHS.*

4.2 When does the 12 hours prior to arrival commence? As there is a very short transit time between Australia and New Zealand, which often coincides with a weekend, trans-Tasman vessels will find it difficult to comply with an entry 12 hours before arrival. In members' experience Shipping Companies struggle to have manifests complete within the short transit times and also requiring lodgement of Customs entry's at least 12 hours before arrival would add further pressure.

*MAFBNZ response:*

*This is also part of the JBMS programme that MAFBNZ and NZCS are working towards. It will require a lead in time – along with appropriate consultation with industry – to implement this. The implementation timeframes will be circulated in due course.*

#### 4.3 Information required to be sent to transporters and transitional facilities

Prior to containers being transported from a port to a transitional facility or between transitional facilities for devanning or treatment, the importer or importer's agent must provide all relevant information (e.g. MAFBNZ BACC direction or Customs delivery order) to the transporter and transitional facility.

A vast number of containers move on a rail to rail basis after which they are moved to a transition facility by a road transporter. To notify rail of the transition facility to which individual containers are destined can result in rail assuming a 'door to door' role, or rail imposing an additional administration charge as currently occurs with under bond moves.

The proposed standard requires relevant information eg BACC or Customs delivery orders to be sent to the transporter and Approved Transitional Facility. An electronic solution should be provided especially in cases where there is no BACC required.

*MAFBNZ response:*

*The intention of this section is to ensure that containers are delivered to the designated approved transitional facility for devanning or other action and, once delivered, the operator and/or accredited person at the transitional facility knows of any specific MAFBNZ directions to be carried out. When no BACC is required, the importer or importer's agent will be required to notify the transport company of the facility the container is to be delivered to and required to notify the facility of the arriving container in a manner that can be checked. An electronic solution to assist in this requirement may be considered in the future.*

4.4 Failure to lodge a Customs entry at least 12 hours before arrival will deem the container to be of high regulatory interest requiring the container to be directed for treatment within 48 hours of discharge. Also if the container is carrying cargo of bio security interest and is for transshipment to another port, additional handling and charges will apply at the discharge port to seal vents and apply residual sprays before on-forwarding.

*MAFBNZ response:*

*Please see the response to question 4 regarding transshipped containers above. MAFBNZ uses the information received about containers and their cargo to classify them as high or low regulatory interest. Without this information, MAFBNZ is unable to make this decision, so the default position is to classify them as high regulatory interest. MAFBNZ will deal with high regulatory interest containers at the first possible time – this can be inspection or treatment. If we have no information about the container, we cannot be managing risk appropriately.*

## **5. Meat Industry Association of New Zealand (Inc)**

5.1 The Meat Industry Association (MIA) strongly supports the need to provide risk mitigation measures to protect New Zealand's disease and pest free status and thus preserve market access for New Zealand animal products. MIA submits that effective biosecurity surveillance on sea containers is essential for our industry and New Zealand good and thus supports the requirements in the import health standard and the reference document. The MIA is in favour of the proposed draft Import Health Standard for Sea Containers.

*MAFBNZ response:*

*MAFBNZ thanks you for your response and your input in the initial development of the standard.*

5.2 MIA suggests that some efficiency could be obtained by combining the standard and the reference document. MIA recommends the inclusion of outcome based guidance on the management of container discharge and inspection areas to reduce the risk of spreading possible contaminants.

*MAFBNZ response:*

*MAFBNZ agrees there was some duplication between the two documents. As stated above, we have condensed the import health standard to cover the outcomes that must be met. The guidance document provides information on accepted processes that meet those outcomes and is designed to be able to be read independently of the standard.*

## **6. Stewart Milne**

6.1 Word additions suggested:

Import Health Standard:

Paragraph 7 – suggest add the words “before a biosecurity clearance is issued” after the words “MAFBNZ intervention” in the last line.

*MAFBNZ response:*

*This has been added in the definitions of the revised standard.*

6.2 Suggest including the words “and has cleared the containers as having no exterior biosecurity contamination” after “checked containers of low regulatory interest”

*MAFBNZ response:*

*Only MAFBNZ Inspectors warranted under the Act are permitted to clear containers.*

6.3 Reference document:

Para 2 Definitions: Equivalence: Suggest add words “which have been approved by MAFBNZ” after the word “interventions”.

*MAFBNZ response:*

*Equivalence is now covered in section 3 of the guidance document.*

6.4 Definitions: High Regulatory Interest: Suggest add the words “before they are moved off the site” at the end after “MAFBNZ intervention”.

*MAFBNZ response:*

*Sometimes the action to be taken is completed at a different site e.g. treatments, devanning of containers at transitional facilities.*

6.5 Para 4 Non-compliance:

Suggest “delivery to incorrect transitional facility” be amended to “delivery to other than the specified transitional facility”.

*MAFBNZ response:*

*This has been amended.*

6.6 Para 7 Responsibilities: Would it be possible to identify a responsibility for removing external contamination that is detected by the AP before the container leaves the port or is this covered in instructions?

*MAFBNZ response:*

*We believe this is covered in the revised standard under section 7.2*

6.7 Para 8.1 The list of specific information items included “exporter details” in the 2003 IHS but this has been dropped down to “where applicable”. I think it should be reinstated (ie brought back into the required category of information) and that there be a drive to ensure MAFBNZ gets exporter details. After all exporters are listed as a responsible party in the compliance table for exterior contamination on loaded containers.

*MAFBNZ response:*

*MAFBNZ has included the exporter details as a mandatory field.*

6.8 11.2 Second Para: AFT to become ATF.

Section 11.4: Suggest add words “this takes place” at the end of the second paragraph.

*MAFBNZ response:*

*Thank you. These have been amended.*

## **7. Peter Buchanan for Landcare Research**

7.1 MAFBNZ is a clear leader in biosecurity awareness and procedures internationally. One area where I consider improvements should be considered concerns ... the unintended and largely unnoticed movement of substantial volumes of soil on the exterior, especially the underside, of containers. This contaminating soil, as with any soil, will potentially contain a rich biodiversity of animals, plants, fungi, bacteria, and other organisms such as *Phytophthora* species. The current draft I.H.S., as with previous regulations, does not appropriately mitigate this risk.

My main concern, however, is that such regulations are not required for the majority of containers that are judged to be other than high-risk. I suggest that the contaminating soil on these other containers may be no more “safe” than that currently removed from high-risk containers.

I advocate 6-sided inspection for all containers, and decontamination of all contaminating materials on exterior surfaces of containers.

*MAFBNZ response:*

*MAFBNZ has the responsibility for and is committed to preventing harmful organisms crossing the border and establishing, with the assurance that trade and tourism are maintained. At times, these responsibilities are conflicting, requiring MAFBNZ to make well-informed decisions that best fit with NZs overall requirements. There are approximately 550,000 full containers and 190,000 empty containers imported into NZ each year. Due to this volume and the speed of supply chain logistics, it is impossible for MAFBNZ staff to inspect every single container entering NZ. MAFBNZ uses risk profiling to identify those containers more likely to carry biosecurity contamination – including soil. These containers are inspected by MAFBNZ staff. Prior to the 2004 IHS for sea containers being implemented, any low risk container not stopped by MAFBNZ was effectively released with no formal check by anyone. Over the past 5 years or so, improvements in transitional facility approvals, accredited person training, operator training and a much more visible MAFBNZ presence has considerably enhanced biosecurity awareness with industry. Low risk containers that were previously not checked must now be checked externally at the port of discharge, devanned at an approved transitional facility and checked during devanning by a trained accredited person. The MAFBNZ definition of low regulatory interest containers means that the containers are less likely to be contaminated with soil rather than the soil being less ‘safe’.*

7.2 Ironically, the cost for clearance of a container is currently \$0.00, suggesting there is opportunity to levy a small charge for appropriate inspection by an accredited person.

I note in the draft IHS the intent to continue the “no charge” policy. This invites container importers to remain unconcerned about potential external contamination risks, and appears to bow to pressure from port authorities to minimise delays in movement of containers at ports.

(Incidentally, looking at MAF charging schedules, there appears to be a discrepancy in no charge for exterior inspection of containers which harbour known biosecurity risks, while charges are levied for inspection of import-permit-approved mail packages containing dead biological material of scientific value (e.g., herbarium specimens) of minimal biosecurity risk – the latter each incur at least a \$25 clearance fee).

*MAFBNZ response:*

*There is a levy charged on all imported full and empty containers (\$20 and \$10 respectively). MAFBNZ is required by law to charge levies and fees to recover the actual cost of doing our work. The cost is directly related to the activity, not the biosecurity risk of a product.*

7.3 “All containers imported into New Zealand must be clean and free of biosecurity pests and contamination”. While this is an appropriate requirement, it is not being uniformly met. MAF’s assessment unit has documented soil contamination of containers, demonstrating that some importers cannot be trusted to meet this requirement.

*MAFBNZ response:*

*When non-compliance with this requirement is detected, MAFBNZ has the opportunity to exercise the compliance regimes outlined in section 2 of the guidance document.*

7.4 There appears to be no concern about detection of soil at transitional facilities. "If soil is detected on the underside of a container there is no obligation to report this or do anything to reduce potential impact of contamination". The same provision for detection of live organisms should be applied to soil since soil almost certainly contains live organisms:

*MAFBNZ response:*

*Accredited persons are required to contain any biosecurity pests or contamination detected on a container and declare it by submitting a logsheet to MAFBNZ. The contamination must be disposed of appropriately. This includes soil. While live motile organisms (e.g. insects, live animals etc) could move away from the container and facility easily, MAFBNZ recognises that live organisms contained in soil can be contained in a bin and then disposed of appropriately.*

7.5 I suggest that consideration be given to mandatory 6-sided inspection of all imported containers followed by appropriate decontamination to remove all external materials, while containers are within port environs – to be funded by a levy on all containers.

It is likely that appropriate equipment needs to be developed for this operation to be both effective and efficient. Development of such systems will then reduce the present unacceptable biosecurity risk to New Zealand from contaminating soil, while also developing technologies that could be sold to border authorities internationally.

*MAFBNZ response:*

*MAFBNZ recognises that the underside of sea containers is the main area where soil is located. We also recognise that it is not practical to complete 6-sided inspections of every container arriving into NZ using our current inspection methods. This is due to logistical factors including the volume of container and the speed at which they pass through a port environment. MAFBNZ has investigated several technologies for checking containers however, to date, none have been logistically suitable for checking all containers entering NZ.*

## **8. Simon Williamson on behalf of the New Zealand Customs Service**

8.1 First and foremost the requirements are clear and prescriptive. The trick is going to be in ensuring that the import health standard for containers is complied with as prescribed. For example the requirement for the six sided check on *Containers of High Regulatory interest* will need to be undertaken as soon as possible to the time of discharge. How are those checks to be undertaken? Is there to be a requirement on the Port to undertake the checks on discharge or MAF inspectors alone? If the latter, then the boxes will need to be unstacked on the Port or the inspection undertaken prior to stacking.

*MAFBNZ response:*

*High regulatory interest containers will be inspected by MAFBNZ inspectors as soon as possible after discharge in appropriate inspection areas. When information is received*

*in advance, containers requiring a MAFBNZ inspection can be identified and relevant holds placed on them allowing them to be stacked in suitable positions immediately.*

8.2 Any unmanifested cargo is also of acute interest to Customs for additional risks it may pose. Customs also needs to be immediately notified when unmanifested cargo is detected.

*MAFBNZ response:*

*We agree with this and will ensure Customs is also notified when unmanifested cargo is brought to our attention.*

## **9. Phillip Bell on behalf of the Department of Conservation**

9.1 Word additions suggested:

Cargo carried inside a container must meet *all* other relevant MAFBNZ import health standards to gain biosecurity clearance.

All containers imported into New Zealand must be clean (*internally and externally*) and free of biosecurity pests and contamination *on all 6 sides*.

Containers with absent or incomplete information will *automatically* be deemed of high regulatory interest and managed as per section 9.

After discharge from a vessel, all containers must be placed on a hard sealed area free from debris, *vegetation*, and soil.

All movements of uncleared containers must be authorised by a MAFBNZ direction (e.g. BACC), a Customs delivery order or covered by an *equivalent* container management system.

*MAFBNZ response:*

*Where appropriate, we have included the words suggested.*

9.2 It is our opinion that MAFBNZ should be notified of any biosecurity pests or contamination found during inspection before the container in question is allowed to leave the port. This will allow MAFBNZ to decide on the necessary course of action to manage the biosecurity risk.

*MAFBNZ response:*

*Accredited persons are trained in how to deal with various types of contamination. This includes containing the contaminants where appropriate and notifying MAFBNZ after the fact e.g. dispose of soil in quarantine bin or at a wash facility and record the details on a logsheet. MAFBNZ must be notified immediately when live pests and contaminants are found or when the accredited person is unsure.*

## **10. Cameron Ormsby and Shaun Yu on behalf of the Ministry of Health**

10.1 Containers arriving in NZ should be in a state that they must be clean and free of biosecurity pests and contamination.

Should the phrase "containers should not be able to harbor pests, or be in such a state to support pests etc" or words to that effect. Basically trying to convey that pooled water is a risk in containers for harboring the larval growth stage of mosquitoes, and that without such a subclause pooled water or other such harboring type conditions in a container may be overlooked potentially as the container may appear clean, but due to some factor could still support the life cycle of a vector such as a mosquito.

*MAFBNZ response:*

*Containers are built to international specifications and requirements (ISO8323:1985.) MAFBNZ has no appropriate reason to amend these specifications.*

10.2 How effective has the accredited person been in reporting biosecurity transgressions. Is there a conflict of interest between the accredited person reporting the interception and his/her responsibility to their employer to process the container? We understand MAF checks 10% of all incoming sea containers and are after a bit more information as to how robust the surveillance programme is.

*MAFBNZ response:*

*Prior to the 2004 IHS for sea containers being implemented, any low risk container not stopped by MAF was effectively released with no formal check by anyone. Over the past 5 years or so, improvements in transitional facility approvals, accredited person training, operator training and a much more visible MAFBNZ presence has considerably enhanced biosecurity awareness with industry. Low risk containers that were previously not checked must now be devanned at an approved transitional facility and checked by a trained accredited person. There have many interceptions picked up by accredited persons e.g. the Red Imported Fire Ant find in Napier was made by an accredited person.*

10.3 Some containers can be in a poor condition and likely to harbor biosecurity pests. What are the best possible containment measures to mitigate the potential biosecurity risk?

*MAFBNZ response:*

*Containers (regardless of their condition) may carry biosecurity pests. Ideally, offshore measures to remove biosecurity pests before they arrive in NZ are preferred. We recognise this is not consistently feasible so aim to manage biosecurity risks at the earliest possible time after arrival in NZ.*

10.4 Can certain importers be blacklisted from importing via sea containers if continual transgressions are occurring?

*MAFBNZ response:*

*No, MAFBNZ can't prevent importers importing containers. MAFBNZ has implemented a compliance model in some parts of the cargo pathway to effectively 'fine' those companies/ lines etc for importing dirty containers or not carrying out required actions by requiring their next consignments imported to be held for MAFBNZ inspection. The 'fine' in this case includes the cost of MAF inspections and delays to container and cargo release.*