



Air Containers from All Countries

MPI-AIRCON-ALL

TITLE

Import Health Standard: Air Containers from All Countries

COMMENCEMENT

This Import Health Standard comes into force on ..

REVOCATION

This Import Health Standard revokes and replaces the import health standard 152.07.011 Air Containers from Any Country (Class: Air Containers) for uncleared goods that came into force on 28 October 1998.

ISSUING AUTHORITY

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

Dated at Wellington this ... day of 2016

Peter Thomson
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(acting under delegated authority of the Director General)

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Introduction

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

Purpose

The purpose of this IHS is to set out the minimum requirements that must be met when air containers arrive in New Zealand, in order to manage the biosecurity risks associated with their import.

Background

The Biosecurity Act 1993 (the Act) provides the legal basis for excluding, eradicating and effectively managing pests and unwanted organisms that may cause harm to natural and physical resources and human health in New Zealand. Under the Act, import health standards may be issued that set out requirements to be met when importing risk goods in order to reduce those biosecurity risks.

Air containers are risk goods because they and their associated packaging may harbour pests and unwanted organisms.

This IHS sets out the minimum requirements that must be met before imported air containers or associated packaging can receive a biosecurity clearance.

Who should read this Import Health Standard?

Everyone who imports any kind of air container into New Zealand from any country should read and be familiar with this IHS.

Why is this important?

Importers of air containers must take all reasonable steps to ensure that air containers and associated packaging comply with this IHS (section 16B of the Act).

If air containers and associated packaging do not comply with this IHS they may be required to be, treated, or may be seized, destroyed or re-exported under section 116 of the Act at the importers cost (section 117 of the Act).

Equivalence

While it is expected that all imported air containers and associated packaging meets the requirements of this IHS, a Chief Technical Officer (CTO) may issue guidelines or give directions on measures to effectively manage risks arising from non-compliance with this IHS (section 27(1) (d) iii of the Act). These measures maintain at least the same level of biosecurity risk management that is assured by this IHS. Goods that comply with these measures may be given a clearance.

Costs

The costs to the New Zealand Government in performing its biosecurity risk management functions relating to the arrival of air containers will be recovered at the applicable rate specified in the current Biosecurity Cost Regulations.

Document history

The IHS for air containers originally came into force in October 1998 (152.07.011 Air Containers from Any Country) in response to biosecurity risks found within and on air containers. Over time various elements of the IHS have been transferred to other standards (e.g. General Transitional Facilities Standard for Uncleared Goods).

Refer to Schedule 2 for the Amendment Record for this standard.

Other information

The Approved Place of First Arrival Standard requires that all air containers containing high risk commodities (e.g. fresh produce) will not be allowed to leave an aircraft unless they are at a place of first arrival approved to receive such cargo.

The General Transitional Facilities for Uncleared Goods outlines the requirements for accredited persons unpacking air containers and the facility handling air containers (referenced in 2.2(3)a of this standard).

Any air containers used to transport livestock are included in the IHS for that animal type.

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Part 1: General

1.1 Application

- (1) This IHS applies to-
 - a) Any air container or associated packaging that arrives in New Zealand from any other country; and
 - b) Any air container or associated packaging that has come into contact with any uncleared air container or uncleared associated packaging referred to in paragraph (a), whether the contact is in transit or after arrival in New Zealand.
- (2) This IHS does not apply to the cargo loaded into air containers.

1.2 Incorporation of material by reference

- (1) The following MPI material is incorporated by reference in this IHS under section 142M of the Act:
 - a) the IHS for Wood Packaging Material from All Countries
<http://www.biosecurity.govt.nz/biosec/consult/draft-ihs-wood-packaging-material>
 - b) the schedule for Approved Biosecurity Treatments
<http://www.biosecurity.govt.nz/files/regs/stds/bnz-std-abtrt.pdf>
 - c) the facility standard for General Transitional Facilities for Uncleared Goods
<http://mpi.govt.nz/law-and-policy/requirements/transitional-facilities-standards/>
 - d) the place of first arrival standard for Approved Places of First Arrival
<http://www.biosecurity.govt.nz/files/regs/stds/pofa-all-standard.pdf>
- (2) Under section 142O (3) of the Act it is declared that section 142O (1) does not apply, that is, a notice under section 142(2) of the Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of this IHS.

1.3 Definitions

- (1) Definitions of terms used in this IHS are set out in Schedule 1.
- (2) Terms used in this IHS that are defined in the Act have the meanings set out in the Act, unless a different meaning is given in Schedule 1.

Part 2: Requirements

2.1 Information on arrival

- (1) All Air containers and associated packaging arriving into New Zealand that contain freight must be accompanied by
 - a) a manifest that sets out:
 - i) a consignment identifier (e.g. container number, airline, air waybill number etc.);
 - ii) date of packing;
 - iii) country of loading; and
 - iv) other such information on the manifest that may be required by an inspector.
 - b) any other information required by an inspector.

2.2 Clearance

- (1) Air containers and all associated packaging must be clean and free from pests and contaminants.
- (2) In order to comply with clause 1,
 - a) packaging covered by the IHS for Wood packaging must comply with that standard; and
 - b) air containers and associated packaging covered by any animal standard must comply with that standard; and
 - c) all other air containers and associated packaging must not have in or on them any pests or contaminants.
- (3) An inspector may be satisfied that an air container or any associated packaging is clean and free from pests and contaminants as set out in the table Schedule 3, through:
 - a) confirmation from an accredited person; or
 - b) confirmation that the air container has been through a MPI approved system; or
 - c) an inspection of the air container by an inspector.
- (4) Air containers that an inspector considers of high regulatory interest will be subject to further intervention.

Guidance

Example of a system approved by MPI.

MPI approved systems are approved by the MPI Chief Technical Officer prior to being used. Approval will need to show that the systems will reliably clean air containers to, or below, the threshold levels in Schedule 3 in order to meet the requirements of this IHS.

Schedule 1 – Definitions

Terms used in this standard that are not defined in the Act have the meanings set out here.

Act

The Biosecurity Act 1993.

Air Containers

Containers or pallets (other than those covered in the IHS for Wood Packaging Material from All Countries) used to carry or contain cargo (whether freight or passenger baggage) on aircraft, including, for example:

- a) air cargo pallets or flat racks (boards, pallets or pigs) that are designed for use with conveyor systems in terminals and aircraft;
- b) unit load devices (ULD) that are contoured, semi-structural with covers to provide protection for cargo and keep cargo within safe dimensions for loading onto aircraft;
- c) lower deck containers for lower deck cargo spaces,
- d) box – type containers developed in standard sizes constructed of any material; and
- e) lightweight intermodal containers in 20 to 40 foot dimensions that are similar dimensions to sea containers.

Aircraft

Has the same meaning as in the Civil Aviation Act 1990.

Associated packaging

Any packaging used on or inside an air container, and any spacers or braces used between air containers while in an aircraft.

Clearance

A biosecurity clearance under section 27 of the Act.

MPI

The Ministry for Primary Industries.

Schedule 2 – Amendment record

The following table lists the amendments to this IHS.

Schedule:	Details:	Date:

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Schedule 3 – Pest and contaminants

The following table sets out what is treated as a pest or contaminant for the purposes of this IHS.

	Contaminants	Threshold
Animals	Live animals (including amphibians, arthropods, birds, mammals, molluscs, reptiles)	Always treated as a contaminant
	Animal products or by products (including blood, bones, excretions, feathers, fibre, meat, secretions)	Always treated as a contaminant
	Dead arthropods (other than bees)	Not treated as a contaminant
	Dead bees	Always treated as a contaminant
Aquatic	Water (pooled or standing, but not including traces remaining after an approved cleaning process)	Always treated as a contaminant
Plants	Seeds	Always treated as a contaminant
	Green or fresh plant material	Always treated as a contaminant
	Pine needles	Always treated as a contaminant
	Loose dead or dry plant material (e.g bark, fruit, leaves, sawdust, twigs)	More than 5 pieces is treated as a contaminant
	Dead or dry plant material and soil that cannot be removed from the air container	Not treated as a contaminant
Micro-organisms	Fungi that is embedded in the air container	Always treated as a contaminant
	Fungi that can be wiped off the air container	Not treated as a contaminant
	Loose soil	More than 20 grams is treated as a contaminant
	Road film (i.e., finely-textured particles of dust or particles free of organic material deposited as a thin film on the air container)	Not treated as a contaminant