



Craft Risk Management Standard

Vessels

CRMS VESSELS

13 June 2016

Draft for
Consultation

TITLE

Craft Risk Management Standard: Vessels

COMMENCEMENT

This Craft Risk Management Standard comes into force on [Effective Date]

ISSUING AUTHORITY

This Craft Risk Management Standard is issued by the Director-General or authorised delegate under section 24G of the Biosecurity Act 1993 (the Act)

Dated at Wellington this ... day of 2016

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(acting under delegated authority of the Director-General)

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Introduction

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

Purpose

- (1) The purpose of this standard is to specify the requirements needed to manage the above water biosecurity risks associated with vessels entering into New Zealand territory.

Background

- (1) Vessels entering New Zealand territory after visiting the territory of another country have the potential to be vectors of exotic pests, disease agents and unwanted organisms.
- (2) The Biosecurity Act 1993 (the Act) prescribes requirements for the exclusion, eradication and effective management of pests and unwanted organisms in New Zealand. These organisms have the potential to cause harm to natural and physical resources and human health in New Zealand. The Ministry for Primary Industries (MPI) is responsible for enforcing the provisions of the Biosecurity Act 1993.
- (3) This Craft Risk Management Standard (CRMS) is developed under the Biosecurity Act 1993 (the Act). It specifies the biosecurity risk management and information requirements that must be met when vessels enter New Zealand territory. Upon arrival verification that these requirements have been met will be carried out (verification may include inspections).

Who should read this Craft Risk Management Standard?

- (1) Operators and persons in charge of vessels entering New Zealand territory.

Why is this important?

- (1) In accordance with section 24J of the Act, the operator or person in charge of a vessel must take all reasonable steps to comply with this standard. If the operator or person in charge of the vessel does not comply with this standard, an inspector or authorised person may issue a compliance notice requiring compliance.
- (2) Section 154C of the Act provides that the person against whom a compliance order is made must -
 - (a) comply with the order; and
 - (b) do so within the period stated in the order, if a period is stated; and
 - (c) pay all the costs and expenses of complying with the order, unless the order states otherwise.
- (3) Section 154N(11) of the Act states that a person commits an offence who fails to comply with a compliance order. Every person who commits an offence against this section is liable on conviction, in the case of an individual, to imprisonment for a term not exceeding 3 months, a fine not exceeding \$50,000, or both: and in the case of a corporation, to a fine not exceeding \$100,000.
- (4) The operator or person in charge of any vessel that has risk goods on board may receive a direction from an inspector under sections 19, 32 or 33 of the Act to take steps to manage those risk goods on board the vessel and, if these steps are not taken, the vessel may be directed to leave New Zealand.

Equivalence

An operator may submit a craft risk management plan for approval by the Director-General under section 24K of the Act proposing alternative ways of managing the risks that this standard relates to. The Director-General will only approve a plan if satisfied that the requirements proposed in the plan allow risks to be managed to the same extent or to a greater extent than they can be managed under this standard.

Costs

The costs to the New Zealand Government in performing its biosecurity risk management functions relating to the arrival of vessels in accordance with the requirements of this standard will be recovered as specified by the Biosecurity (Costs) Regulations 2010.

Other requirements of the Act

Arrival

- (1) In accordance with section 17 of the Act, if possible and practicable to do so, a vessel must arrive in New Zealand at either:
 - a) a place of first arrival that has been approved by the Director-General as suitable for the vessel type and the purpose for which it is arriving; or
 - b) a place for which special approval has been granted by the Director-General for a specified vessel to arrive, or for vessels to arrive for a specified purpose, under section 37A of the Act.

Risk goods

- (1) In accordance with sections 18, 19 and 33 of the Act, no risk goods are permitted to be removed from a vessel without the permission of an inspector.
- (2) Where risk goods are present on a vessel that arrived from overseas, the person in charge of the vessel must follow every reasonable direction given by an inspector including to relocate the vessel or to manage the risk goods.
- (3) Other relevant standards for vessels include:
 - a) Ballast water managed under the Import Health Standard for Ships' Ballast Water from All Countries.
 - b) Biofouling managed under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand.
 - c) Various import health standards managing the risks of specific imported risk goods.

Other information

- (1) The guidance document that accompanies this standard provides information on how the requirements may be met.
- (2) Please seek MPI guidance if you are unclear on any part of the standard prior to entering or while the vessel is in New Zealand territory.
- (3) This standard is not intended to be a complete summary of the obligations of operators or persons in charge of vessels under the Biosecurity Act 1993.

Part 1: General Requirements

1.1 Application

- (1) This standard applies to-
- All vessels that enter New Zealand territory except those vessels that are passing through New Zealand territory on innocent or transit passage as defined in the United Nations Convention on Law of the Sea.
 - All above water biosecurity risks associated with a vessel, including any particular risks identified in this standard.

Guidance

Nothing in this standard is to be read as reducing or relieving the operators or persons in charge of a vessel of their responsibility to meet the requirements of other enactments or regulations including those relating to the safety of the vessel, crew and passengers.

1.2 Incorporation by reference

- (1) The following document is incorporated by reference in this standard under section 142M of the Act:
- The Schedule for Approved Biosecurity Treatments for Risk Goods Directed for Treatment (MPI-STD-ABTRT).
<http://mpi.govt.nz/law-and-policy/requiremetns/transitional-facilities-standards/>
- (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 standard.

1.3 Definitions

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

1.4 Required Information

- (1) An operator, or person in charge, of a vessel must ensure that the information in subclause (2) and (3) below, is sent to, and received by MPI, in the manner approved by the Director-General, at least 48 hours prior to the vessel's entry into New Zealand territory.
- (2) Vessel details:
- Vessel name and IMO number
 - Voyage number, if the vessel has one
 - Vessel's registration number, if the vessel has one
 - Radio call sign
 - Vessel contact details
 - Vessel type
 - Country and port of registration, if registered

- h) Name of the person in charge on board the vessel
 - i) Name of the owner or charterer of the vessel
 - j) Any previous names of the vessel
 - k) Agent's name and contact detail, if applicable
- (3) Voyage details:
- a) Estimated time of arrival (ETA) in New Zealand territory; and
 - b) ETA at first port of call in New Zealand
 - c) Intended length of time in New Zealand territory
 - d) List of all the ports of call in New Zealand, with ETAs and estimated time of departure after place of first arrival, if applicable
 - e) Previous overseas ports and dates of calls for past 12 months
 - f) Next overseas port after leaving New Zealand territory
 - g) Any cargo destined for New Zealand
 - h) Goods for landing by the crew and private equipment or belongings intended to be used ashore, if applicable
 - i) Details of live animals kept on-board (as pets), if applicable
 - j) Details of and signs of any pests on-board
 - k) Asian gypsy moth risk information: any risk areas visited in the 12 months immediately preceding the vessel's intended date for entry into New Zealand territory if that visit occurred during a risk period, any freedom from AGM certificate held (showing time and date of inspection)
 - l) Whether the vessel has carried livestock or bulk grain in the previous 3 months
 - m) Whether the vessel has a pest management plan
 - n) Whether the vessel has a garbage management plan
 - o) Whether the vessel has any wood packaging or dunnage on-board
 - p) Whether the vessel has any meat and fresh produce on-board that is not of New Zealand origin.

Guidance

The required forms on which to provide the above information are available on [website](#) including the Advance Notice of Arrival, Master's Declaration, and Ballast Water / Biofouling Declarations.

1.5 Risk Management

- (1) The operator or person in charge of any vessel must take all reasonable and practicable steps to ensure that when the vessel enters New Zealand territory, it is substantially clean, free of regulated pests and biosecurity contamination.
- (2) While a vessel is within New Zealand territory, the operator or person in charge of the vessel, must ensure that:
 - a) no risk goods (including food and garbage) are discharged overboard or otherwise leave the vessel other than for biosecurity clearance at a place of first arrival; and
 - b) all risk goods are secured on the vessel; and
 - c) where applicable, the Asian gypsy moth (AGM) requirements set out in Part 3 are complied with.
- (3) Subclause (2) does not apply to a vessel that has been granted written CRMS compliance in accordance with clause 2.2.

Guidance

These requirements apply to all vessels while they are within New Zealand territory until such time as either the vessel leaves New Zealand territory or the operator or person in charge has obtained written CRMS compliance for the vessel from MPI.

Food waste that meets the criteria set out in Rule 170.6 of the New Zealand Maritime Protection Rules, is not considered a risk good for the purposes of this CRMS and is therefore not managed by this CRMS.

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Part 2: Specific Requirements

2.1 Short-stay vessels

- (1) This clause applies to all vessels that enter New Zealand territory unless the operator or person in charge of a vessel has given notice under clause 1.4 that the vessel:
 - a) will remain in New Zealand territory for 21 consecutive days or longer; or
 - b) will visit areas other than places of first arrival.
- (2) The operator, or person in charge of the vessel must ensure that the vessel:
 - a) only visits ports designated as places of first arrival with travel via the most direct route practical; and
 - b) only remains in New Zealand territory for a maximum of 20 consecutive days from time of entry into New Zealand territory.

2.2 Long-stay vessels and other vessels

- (1) This clause applies if an operator, or person in charge of a vessel gives notice under clause 1.4 that the vessel will:
 - a) remain in New Zealand territory for 21 consecutive days or longer; or
 - b) visit areas other than places of first arrival.
- (2) Before leaving the place of first arrival where the vessel first arrives in New Zealand, the operator or person in charge of the vessel must obtain a written confirmation from an inspector that:
 - a) the vessel is free of regulated pests and biosecurity contamination; and
 - b) any other risks goods have either:
 - i) been removed from the vessel through an approved process; or
 - ii) biosecurity clearance under the Act.

Guidance

Garbage for recycling or disposal that has been segregated from any risk goods (for example waste cardboard or glass for recycling) and has been approved by an inspector to be free of biosecurity risk and biosecurity contamination is not considered a risk good for the purposes of this CRMS and does not need to be removed via an approved process at a POFA.

The intention is that short stay vessels will remain under biosecurity surveillance while in New Zealand territory as some risk goods may be kept on board. Verification that short stay vessel continue to comply with the requirements of this CRMS may involve inspections during their stay within New Zealand territory. However, long-stay and other vessels that have received written confirmation from an inspector under clause 1.7, are free to travel anywhere in New Zealand without further biosecurity surveillance.

Part 3: Additional Requirements for Specific Regulated Pests

3.1 Asian Gypsy Moth (AGM)

- (1) The operator, or person in charge of a vessel, must ensure that the vessel is free of AGM when it enters New Zealand territory.
- (2) If the vessel has visited a risk area during the 12 months immediately preceding the vessel's entry into New Zealand territory and that visit took place during a risk period for the risk area that the vessel visited, then the operator or person in charge of the vessel must ensure that the vessel does not enter New Zealand territory unless he or she has obtained, and can provide to an inspector on request, a valid certificate of freedom from AGM.
- (3) If the vessel has visited more than one risk area during the 12 months immediately preceding the vessel's entry into New Zealand territory and these visits took place within the corresponding risk period for the areas visited, a valid certificate freedom from AGM is required for the last risk area visited in the relevant risk period.

Guidance

Any vessel without a valid certificate of freedom from AGM will be inspected to check that it is free from all life stages of AGM. The vessel may be required to be at a location at least 4 nautical miles from land for the inspection. The operator will be responsible for the cost of inspection and any treatment or egg mass removal directed by the inspector.

Schedule 2 provides details the AGM Risk Areas and Periods for AGM.

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Schedule 1 – Definitions

This schedule sets out the definitions of terms used within this CRMS. Unless a term has a specific definition listed below, then the meaning should be taken to be the same as that found in section 2 of the Biosecurity Act 1993.

Asian Gypsy Moth (AGM) means all life stages of the following species of Asian Gypsy Moth *Lymantria dispar asiatica*, *Lymantria dispar japonica*, *Lymantria umbrosa*, *Lymantria albescens* and *Lymantria postalba*.

Approved process means a process approved as part of the approval of a place of first arrival under section 37 of the Act.

New Zealand territory (NZT) means the land and the waters enclosed by the outer limits of the territorial sea. Where territorial sea has the meaning given to it in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

Place of first arrival (POFA) means a seaport that has been approved under section 37 of the Act as a place of first arrival for vessels and risk goods.

Regulated pest and biosecurity contamination means a risk good not intended for clearance under the Act. For the purposes of this CRMS the following are examples of regulated pests and biosecurity contamination that are managed by this CRMS:

- a) Domestic waste and the vacuums from cabin, deck, hold and other internal areas;
- b) Animals and plants and parts thereof (for example, fruit, house plants, floral arrangements, animal and plant waste);
- c) Soil;
- d) spillage from previous cargo in the hold; and
- e) Pests and their material such as nests or egg masses.

Risk area means a country or an area of a country that a vessel may have visited where contamination with AGM is likely to occur. If a vessel visits one or more of these areas during the **risk period** the CRMS imposes requirements on a vessel operator to obtain certification of freedom from AGM after visiting there; and listed in column 1 of Table 1 (Schedule 2).

Risk goods: as defined in section 2 of the Act. For the purposes of this CRMS the following are examples of risk goods that are managed by this CRMS:

- a) Uncleared goods or cargo (for example cargo destined for another country and spillage from previous cargo in the hold);
- b) Wood packaging (for example dunnage);

Risk period means the period in respect to a risk area when a visiting vessel is likely to become contaminated with AGM due to it being the time for flight and egg laying by the female adults; and listed in column 3 of Table 1 (Schedule 2).

Secured means prevented from leaving or being removed from the vessel, including being removed by birds or vermin or prevented from releasing organisms that may establish in New Zealand. Appropriate methods of securing risk goods include the cook preventing access to prohibited food items; garbage being kept in a leak-proof, vermin, insect and bird proof container or room; contaminated dunnage being kept inside a locker.

Substantially clean means substantially free of rubbish, uncontained food, standing water, insects, rodents and other pest-type organisms (including their nests and other signs).

Valid certificate of freedom from AGM means a document that certifies that the vessel is free of AGM and that is:

- issued by an inspection body that has been approved by the DG and listed on the website at the time the certificate was issued; and
- based on an inspection undertaken by that inspection body:
 - during daylight hours on the same day as the vessel departs from the risk area; or
 - at a later time outside the risk period; or
 - after the vessel has departed from the risk area.

Vessel means a ship as defined in the Maritime Transport Act 1994.

Written CRMS Compliance means an official document issued by an inspector that confirms, that at time of inspection, the vessel meets the requirements of the CRMS and clears the vessel from biosecurity monitoring.

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Schedule 2 – Asian gypsy moth risk areas and risk periods

Schedule 2: Asian Gypsy Moth Risk Areas and Risk periods		
Column 1	Column 2	Column 3
Risk Area	Requirements apply where visited any ports	Specified Risk Period
Russian Far East	south of 60° North and west of 147° longitude (excluding those ports on the Kamchatka Peninsula)	July 1 to September 30
China	north of latitude of 31° 15' N	June 1 to September 30
Republic of Korea	In all areas	June 1 to September 30
Japan – Northern	in prefectures of Hokkaido, Aomori, Iwate, Miyagi, Fukushima	July 1 to September 30
Japan Western	in prefectures of Akita, Yamagata, Niigata, Toyama, Ishikawa	June 25 to September 15
Japan - Eastern	in prefectures of Fukui, Ibaraki, Chiba, Tokyo, Kanagawa, Shizuoka, Aichi, Mie	June 20 to August 20
Japan - Southern	in prefectures of Wakayama, Osaka, Kyoto, Hyogo, Tottori, Shimane, Okayama, Hiroshima, Yamaguchi, Kagawa, Tokushima, Ehime, Kochi, Fukuoka, Oita, Saga, Nagasaki, Miyazaki, Kumamoto, Kagoshima	June 1 to August 10
Japan - Far Southern	in prefecture of Okinawa	May 25 to June 30