Ministry for Primary Industries
Manatū Ahu Matua

Review of Submissions:

DRAFT REVISION OF THE IMPORT HEALTH STANDARD FOR AIR CONTAINERS

June 2017

Ministry for Primary Industries

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REVIEW OF SUBMISSIONS ON:

DRAFT REVISION OF THE IMPORT HEALTH STANDARD FOR AIR CONTAINERS

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Approved for general release

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Ministry for Primary Industries

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1. Introduction

The Ministry for Primary Industries (MPI) consulted with interested parties from 4th November 2015 to 26th February 2016, on the draft revision of the Import Health Standard (IHS) for Air Containers from All Countries in accordance with Section 23 of the Biosecurity Act (1993) and MPI's consultation policy.

The revised IHS proposed to:

- apply to air containers containing baggage as well as those containing freight;
- align the management of air containers with freight to that of sea containers;
- migrate the IHS into the new MPI Requirements & Guidance format to improve layout and consistency;
- clarify the legal requirements for the clearance of air containers; and
- include a table of thresholds for pests and contaminants commonly found in air containers.

MPI received 7 submissions on the draft revised IHS from the following stakeholders:

1.	Sean Ford	Air New Zealand (Inc.)	26th February 2016
2.	Representative of BARNZ	Board of Airline Representatives New Zealand (BARNZ)	26th February 2016
3.	Stewart Gibbon	Christchurch International Airport Ltd	15 February 2016
4.	Rosemarie Dawson	Customs Brokers and Freight Forwarders Federation of New Zealand Inc. (CBAFF)	26th February 2016
5.	Richard Palmer	Horticulture New Zealand (Inc.) *Submission is supported by New Zealand Avocado Growers Association Inc., Pipfruit New Zealand Inc., Vegetables New Zealand and Kiwifruit Vine Health*	26th February 2016
6.	Barry O'Neil	Kiwifruit Vine Health (Inc.). *Submission is supported by Horticulture New Zealand (Inc.)*	26th February 2016
7.	Kevin Ward	New Zealand Airports Association	26th February 2016

In addition MPI held 3 workshops in Auckland, Christchurch and Wellington for interested stakeholders. Each workshop was minuted and the minutes circulated to stakeholders for comment by a certain deadline to corroborate the minutes of the workshop. (Appendix 2- Workshop minutes).

This document summarises the comments/points raised in the submission and workshops and presents MPI's responses.

2. Acronyms used in the document

Act	Biosecurity Act 1993
AP	Accredited Person
CTO	Chief Technical Officer
IHS	Import Health Standard
Facility standard	General Transitional Facility for Uncleared Goods Standard
MPI	Ministry for Primary Industries
PoFA	Place of First Arrival
TF	Transitional Facility for uncleared risk goods approved under the Facility Standard

Review of Submissions

Each submission topic is quoted in italics and the replies are submitted in plain text. Where two submissions query similar issues in that the MPI reply would be the same, only one submission is selected to be replied too.

Overview of how the IHS connects with other standards and the Act

Airport operators must be approved as a PoFA to receive biosecurity risk goods and craft. An approved PoFA must have the arrangements, facilities and systems in place to manage the biosecurity risk imported.

To receive a biosecurity risk good such as air containers the operator of the airport must be able to point to an arrangement, facility or system that manages the risk associated with air containers. The risk may be managed by a third party (i.e. airline service provider such as a baggage handler).The IHS for air containers specifies the measures that the importer (airlines and airline service providers within a PoFA) must undertake to manage the risk associated with air containers.

The Act, or other standards that relate to the measures, are not repeated in the IHS.

1. Submitter: Sean Ford, Air New Zealand

1.1 Submission: Support of Policy

"The consultation document notes that "To reduce biosecurity risk to New Zealand, a system is required that delivers clean containers without an onerous documentation or resourcing requirement." Air New Zealand is fully supportive of this statement in its entirety."

MPI Response:

Acknowledged.

1.2 Submission: Impact

"Different scale operations, resourcing models and facility constraints will all impact on what is the best means of achieving the desired outcome.

By way of example, it is not clear from the IHS what is required (if anything) in respect of a baggage container which arrives on an international flight, is unloaded and immediately taken to be reloaded to depart on a subsequent international flight. Similarly is there potential for exemptions or waivers based on the origin of a container, or the existence of an offshore approval process."

"The time pressures for, and relatively constrained facilities within which, baggage is required to be delivered does pose some challenges in how the clearance process for containers is to be achieved (and indeed as noted above there will likely be different solutions at each location)".

MPI Response:

MPI concur that different airports may require different ways of dealing with clearing air containers, hence the list of options to clear air containers in the standard (i.e. confirmation from an AP based airside, confirmation from an AP within a TF, an MPI Approved System or an MPI Inspector). The options allow for various logistical scenarios, and at the same time meet the legal requirements under the Act.

MPI believes operators are best placed to determine what option would be most appropriate within their current operational procedures.

In regard to your example, an AP can check an air container is free of biosecurity contaminants for the air container to be directed to any pathway (domestic or international). Alternatively, a MPI Approved System could be developed on a particular airline's air containers for a particular route with an audit requirement that could enable air containers to be turned around without a physical check. Currently, there is no MPI approved system, offshore system, exemptions or waivers based on the origin of a container. The recording of contaminants found in baggage and freight air containers areas will enable MPI to build up a data profile of where exemptions and waivers can be provided, if deemed appropriate.

2. Submitter: Representative, Board of Airline Representatives

2.1 Submission: AP within a Transitional Facility

"In relation to airline baggage ULDs, a transitional facility should not be required. Rather the risk should be able to be managed in a timely manner at the point of unload, with empty clean baggage ULDs being cleared as they are unloaded, and baggage ULDs which are contaminated being identified as they are unloaded and then cleaned immediately through an MPI approved process, thus eliminating the need for a separate airside transitional facility for baggage ULDs."

MPI Response:

MPI agrees that a baggage handler (trained as an AP) cleaning out an air container would identify and remove the biosecurity contaminants identified in the IHS at an airside[1] location.

MPI would like to confirm that the IHS does not require air containers (that contain baggage) to be directed to a TF where the air container is intended to be exported directly from an approved PoFA.

It is only where the air container leaves a PoFA ,that a TF is required i.e. air containers with freight that leave 'airside' (approved PoFA) to be unpacked 'landside'(approved TF).

2.2 Submission: Baggage Air containers

"There should be a specific standard developed for the processing of baggage containers at airports. Airports are unique compared to the many other facilities which MPI monitor, particularly in relation to the fast turn-around time of passengers, baggage, ULDs and aircraft. BARNZ would like to see other options considered for clearance of containers."

MPI Response:

In developing IHSs MPI is required to propose mitigation measures that manage biosecurity risks associated with a "risk good", (i.e. air container). When drafting this IHS, MPI investigated all the biosecurity risks associated with air containers and has determined the most effective tool to manage these risks is a single IHS. MPI also has a policy that if one IHS can manage all the biosecurity risks associated with a risk good, then MPI will only issue one IHS. This reduces the number of standards stakeholders need to be aware of as well as reducing the number of regulatory requirements.

MPI acknowledges that the airport environment and the subsequent management of any biosecurity is unique and has endeavoured to develop a standard that enables the management of biosecurity risks to be conducted in as flexible manner as possible for the airport environment. (i.e. developing options for the clearance of air containers as listed in 2.2(2))

MPI invites innovative and cost effective ways of dealing with the biosecurity risks that can arrive at an airport via air containers. If industry wants to develop an alternative way of removing biosecurity contaminants in the air container pathway that MPI can approve as an MPI Approved System, MPI would welcome such an initiative.

2.3 Submission: Biosecurity Levy

"BARNZ feels strongly that facilitating clearance of passenger baggage ULDs falls within the border clearance levy. The inspection of containers and recording of data should be undertaken by MPI with the costs met through the border clearance levy."

[1] Airside, the part of the airport directly involved in the arrival and departure of aircraft and is designated under the MPI Approved Places of First Arrival standard.

MPI Response:

MPI does not consider it appropriate to charge travellers directly for the costs associated with cleaning air containers. MPI considers that pests and/or diseases may find their way into ULDs other than via passengers luggage (e.g. they may enter while the ULD is open for loading or be associated with a previous load). MPI considers it is for those responsible for the ULD to manage the risks they present as they are best placed to do so.

It is consistent with MPI's Cost Recovery Policy that parties who are in a position to influence risk face the costs associated with that management. This approach is considered an effective way to incentivise these parties to take steps to manage the risk they are in control of. Therefore, the proposed approach to require airlines to clean ULDs at their own cost, and for MPI to audit this activity, is appropriate.

2.4 Submission: Exception Recording

"BARNZ would like to see clearance of containers continue to be managed through reporting by exemption. Clean containers should not require any reporting. Creating wider record-keeping obligations and reporting in relation to every baggage container would create an unnecessary regulatory impost on airlines and ground-handlers with increased time, resources and cost, all detrimentally affecting the turn-around time for baggage and aircraft for no additional gain over and above a robust process containing exception based reporting."

MPI Response:

MPI agrees that recording for baggage air containers may be by exception reporting. Noting that MPI requires notification of contaminated containers and can extrapolate the total number of air containers per aircraft based on the airline schedules and type of aircraft.

2.5 Submission: Airlines unaware of contents of baggage containers

"Although aircraft transport air containers to New Zealand, the airline itself is not consciously aware of any particular contaminant. Airlines can receive containers which have transferred from other countries which are not unpacked at the port of transit. Airlines are also not aware of the contents of passengers' luggage. Passenger bags loaded into a Unit Load Device (ULD) could carry any number of biosecurity risks which have potential to contaminate an otherwise clean container."

MPI Response:

MPI acknowledges the chain of custody of air containers is complex. However, under the Act the importer is responsible for the importation of a risk good. Under the IHS, the importer is importing the air container carrying passenger baggage or freight, and is therefore responsible for any biosecurity risks found on/in the air container. MPI acknowledges that in many cases the importer is not aware of any potential biosecurity contamination on a risk good until it is unpacked on arrival by an airline service provider. This was discussed with affected stakeholders at the workshops[2] that it is the airlines who bring in biosecurity contaminants (knowingly or unknowingly) into New Zealand and it was agreed that airlines are responsible for the risk. Therefore the airlines and their service providers are responsible for the biosecurity status of an air container under the rules and regulations of New Zealand.

MPI would like to clarify that the biosecurity risks associated with the passenger baggage itself, is the responsibility of the passenger. The clearance of the baggage occurs when passengers bring their baggage through the Biosecurity Control Area of any PoFA. The air container is required to be cleared separately under this proposed IHS.

2.6 Submission: Free from pests and contaminants

Workshop minutes are contained in appendix 2 of this document

"Since it is not possible for airlines to ensure containers are clean and free from pests and contaminants on arrival, BARNZ would like the standard to be that: Air Containers are inspected on arrival to ensure that any pests or contaminants are removed from the container and disposed of in accordance with bio-security requirements."

MPI Response:

MPI acknowledge that ensuring "all goods or containers" entering New Zealand are free of regulated pests and biosecurity contamination is not easy to achieve prior to arrival in this pathway. Hence the list of options to manage biosecurity risk on arrival has been provided in the IHS (section 2.2 (2).
MPI anticipates most air containers to enter New Zealand free of biosecurity contaminants, and with the revised IHS, the remainder will be managed (by AP, MPI Approved System or MPI Inspector). MPI believes operators are best placed to determine what options would be most appropriate within their operational procedures, provided that they manage the biosecurity risks appropriately.

2.7 Submission: Accredited Persons (AP)/Transitional Facilities (TF)

"Appendix 1 of the Discussion Document *6.1.4 Unpacking Air Containers at TFs* states: *"MPI-AIRCON-ALL requires that all imported air containers must be unpacked at a TF in the presence of an AP or Inspector (for specific uncleared risk goods) and an AP must meet all relevant requirements of the standard and MPI-AIRCON-ALL." This contradicts Section 13 of the discussion document which states that MPI proposes:*

i. Remove the requirements specific to Transitional Facilities

MPI Response:

The current IHS (*Air Containers from any Country)* requires that all air containers are unpacked in a TF. Section 13 of the Discussion Document noted that, as part of the amendment to the current IHS, the sections specific to a facility for air containers were to be moved to section 6.1 of the guidance document of the amended Facility standard[3].
Under the proposed IHS a TF is an *option* for importers to use. If an baggage handler chooses a TF to meet the requirements of the IHS then the requirements of 6.1.4 of the guidance document of the Facilities standard should be followed. If a stakeholder opts for an AP to clean containers airside and not in a TF, then the Facility standard does not apply.

2.8 Submission: Interpretation

"Although referenced in the discussion document, the draft MPI-AIRCON-ALL does not mention any requirement for containers to be unpacked in a Transitional Facility. If this were the case, it would mean that the inbound baggage areas at all PoFA would need to be designated Transitional Facilities. A number of stakeholders have interpreted from the discussion document that there is a requirement for airports to provide an airside Transitional Facility."

MPI Response:

The revised IHS does not require all air containers containing passenger baggage to be unpacked, inspected or cleaned at a Transitional Facility. The IHS under section 2.2 (2) allows for AP's to operate without a TF, if unpacking occurs airside. The guidance note has been strengthened to provide further detail to the options.

2.9 Submission: Infrastructure requirements

"Provision of a Transitional Facility, based on the current requirements would require costly infrastructure changes. One of the biggest concerns is the ability to separate contaminated containers 3m apart. When towing containers, they are not always 3m apart and questions have been raised as to who is responsible for isolating and cleaning a contaminated container and possible risks that could be imposed on the person carrying out that task. Additional resource would be needed to take a contaminated container to be cleaned while the operation continues."

[3] an extract is attached in Appendix 3

MPI Response:

Please note the response to submission 2.8 above.
The current TF's operated by air freight operators are required to segregate cleared (unpacked) and uncleared air containers. Any segregation must be such as to prevent cross contamination. Therefore MPI has removed the 3 metre rule mentioned in the Facility standard guidance document so that stakeholders are able to manage segregation within their processes. Please note that the guidance document is simply guidance to provide some direction as to how to manage segregation.

2.10 Submission: Involvement

"In order to comply with the requirements of the proposed Import Health Standard, BARNZ would like to see a process developed which satisfies MPI requirements with minimum disruption to the way in which airlines, their ground handling agents and airports currently operate. BARNZ requests to be involved in the consultation as this process is developed."

MPI Response:

After the workshops (attended by BARNZ) MPI held productive discussions with affected stakeholders on how these requirements will impact airlines (those that bring in risk) and those that deal with the risk (air service operators such as ground handlers). MPI believes air service operators are best placed to determine what options within 2.2(2) would be most appropriate within their operations to meet the IHS requirements. There are further on-going discussions with MPI, airports and airline service providers to manage the risk within their current processes and procedures.

MPI welcomes any discussions with BARNZ to provide national consistency in managing risk, where it is appropriate.

2.11 Submission: Clearance - Section 2.2 of the draft IHS: Air Containers from All Countries

"Appendix 1 in the guidance document includes extracts from the draft Standard for Transitional Facilities for General Uncleared Risk Goods. Airports are unique compared to the many other facilities which MPI monitor, particularly in relation to the fast turn-around time of passengers, their baggage, the ULDs used and aircraft. The draft Standard for Transitional Facilities is a generic document to cover all of the facilities MPI monitors. BARNZ considers that the generic document is not appropriate in all respects for airports."

MPI Response:

MPI has strengthened the guidance section in the IHS and believes there is sufficient instruction in the IHS and Facility standard to guide stakeholders. MPI considers that more detail would reduce the flexibility of importers to manage biosecurity risk within their current process and procedures. .

2.12 Submission: Clearance Options

"Through further consultation with MPI, BARNZ would like to see other options considered for clearance of containers through use of an approved process, or an MPI inspector, rather than application of the generic requirement for containers to be cleared in a Transitional Facility."

MPI Response:

The options suggested (MPI Approved System and MPI Inspector) are already in the IHS (under section 2.2(2)). Replies to Submission 2.8 have noted that there is an option for air container clearance to occur when the container is unpacked, either in a TF or airside, where an AP is involved in the clearance of the air container. Please note that TF's are generally considered for the unpacking of airfreight rather than baggage.

2.13 Submission: AP/TF

"The draft IHS: Air Containers All Countries has no mention of how somebody becomes an accredited person. There has been discussion through the consultation process that airline ground handling agents may be required to train accredited persons to conduct inspections of containers. BARNZ considers that MPI should provide basic training in the identification and appropriate responses to contaminants free of charge in relation to handling of passengers' baggage, since this activity falls within the new Border Clearance Levy which encompasses all MPI activities relating to the processing of passengers and their bags."

MPI Response:

How to become an AP is covered on MPI's webpage http://www.biosecurity.govt.nz/regs/trans. MPI has developed training materials that approved training providers' train AP's too. Training covers all types of containers (air and sea) to provide biosecurity management in both pathways.

In regards to the biosecurity levy, please refer to the MPI Response to your submission in 2.3.

2.14 Submission: Record keeping

"The current IHS 152.07.011 Air Containers from Any Country, states under Operator Requirements 4.1: "Air containers which have been landed in New Zealand may be removed from the aircraft and conveyed to any air side point for unpacking or storage. No action is required unless contamination is observed and reported to an MQS inspector by the operator or staff.

BARNZ would like to see clearance of containers continue to be managed through reporting by exemption. We understand that it is necessary to report contamination and confirm that steps have been put in place to ensure this occurs. Clean containers should not require any reporting."

MPI Response:

MPI agrees and exception reporting has been noted in the MPI response to Submission 2.4.

3: Submitter: Stewart Gibbon, Christchurch International Airport

3.1 Submission : Processing of Baggage Containers

"In relation to the processing of Baggage and Baggage ULDs from international flights, CIAL, as the POFA holder for CHC Airport, provides a facility specifically for the unloading of baggage from international fights. We assume this location to be deemed a "Transitional Facility".

MPI Response:

The PoFA approval relates to mix of arrangements, facilities and systems that manage biosecurity risk. A TF is a specific area approved by MPI under a Facility standard. MPI are not expecting that all airside areas with air containers to be TFs[4]. The proposed IHS under section 2.2 (2) a) allows for AP's to operate without a TF. The guidance note within the standard has been strengthened to provide further detail of the use of an AP airside or at a landside TF.

Therefore the area you have noted at CIAL is not a TF.

3.2 Submission: Inspection

"The proposed Standards indicate a physical inspection is required of the baggage ULD before it can be released from the unloading Transitional Facility. Confusion exists between the three documents as to:
Whether an Accredited Person (AP) is required to be present? And Who provides the AP? "

MPI Response:

[4] The current standard: *IHS 152.07.011 Air Containers from Any Country does require all air containers to be unpacked in a TF*

AP's are required to be present at all times for the unloading of air containers, as supervisors or physically unloading an air container. The AP may be provided by the importer (i.e. airline) or a third party associated with the importer (i.e airline service provider such as baggage handlers or airports).

3.3 Submission: Documentation

"*A better option for MPI would be to follow the process used for sea containers, and create and publish a simple web based tool to enable all operators to enter their compliance exception data into one central repository. This would ensure that MPI obtain and have access to the most up to date national view of ULD compliance information in close to real time. Such a solution would also ensure consistency of reporting across all ports and provide for greater community visibility of information to drive process quality and improvements.*"

MPI Response:

Thank you for the suggestion. The process for recording by AP's based airside will be worked out during implementation with this suggestion in mind.

3.4 Submission: Transitional Facility

"*The current Transitional Facility Standard requires Transitional Facility Operators to maintain records of all consignments or deliveries processed through the Transitional Facility. In the case of international baggage and the associated ULDs this is not information that is currently maintained by CIAL. An Airline Operator is better placed to manage this information as it has already recorded via their Baggage Reconciliation System – all bags and ULDs from a specific aircraft.*"

MPI Response:

The IHS requires AP's to record the arrival of each air container that is contaminated. Therefore it is the Importer (AP employed by the importer/Airline operator or under a MPI Approved system) that would be required to provide the required information.

3.5 Submission: Differing operational parameters

"*Different physical and operational parameters and environments exist at AKL, WLG, CHC, ZQN and DUD. This lack of homogeneity makes it difficult to deliver a standardised "one size fits all" process for every port. In all likelihood each port will need to develop customised process that is efficient and effective for them, given their particular operational environment*"

MPI Response;

MPI acknowledges that different airports may have different biosecurity measures depending on the airlines process and procedures at particular airports. Individual airports are working with MPI to bring together the optimal solution for the airport service providers. Some are working on a collective approach where there is more than one freight and baggage handler service and others are looking at adopting an AP airside option. Whichever option is chosen the desired outcome is required to be the same -containers free of regulated pests and biosecurity contaminants.

3.6 Submission: Sea Container /Air container differences.

"To alleviate the time constraints associated with the arrival and unload process recommend a change to the Standard to allow for and enable the inspection and certification of baggage ULDs to occur at another location rather than the break-down location. This will have the added benefit of reducing the number of human resources deployed to complete the inspections thus increasing the quality and efficacy of the process. "
Take into account the likelihood each port will require its own customised MPI Approved System for dealing with baggage ULDs."

MPI Response:

MPI believe from the workshops and submissions that there is sufficient flexibility in the reviewed IHS through the various options in section 2.2(2) to assist stakeholders to alleviate time delays. MPI acknowledges that the importer is best placed to determine where intervention measures are conducted and therefore no restrictions have been placed on where the intervention measures should take place in the process to meet the outcomes of the IHS. Noting that there is a post clearance requirement that requires cleared air containers to be separate from uncleared air containers and if for some reason the groups are mixed then the air containers are designated as uncleared.

4. Submitter: Rosemarie Dawson, Customs Brokers Freight Forwarders Federation

4.1 Submission: Support

"CBAFF has reviewed the Discussion Documentation relating to Import Health Standards for Air Containers from Any Country and in general we support MPI's proposed amendments to the import health standard (IHS) 152.07.01I: Air Containers from Any Country."

MPI Response:
Acknowledged.

4.2 Submission: Section 22

"In this section it states air containers are able to be released once an accredited person confirms to MPI that an air container meets the requirements of Schedule 3 and is free from pests and contaminants. The process around how an accredited person confirms the requirements are met needs to be developed and communicated.
We recommend that ATFs be required to maintain their own records for this purpose under a co-management arrangement with MPI."

MPI Response:
An air container is considered cleared by an MPI Inspector if an AP checks an air container prior to releasing it for onward use. (Note under an MPI Approved System an MPI Inspector must be assured that the air container is free of biosecurity pests). How each service provides confirmation that a container is cleared/cleaned can depend on logistical arrangements. It could be as simple as transferring cleared containers to an agreed area of an airport for collection or storage of cleared containers.
MPI agrees with the recommendation for TF's to record the findings in contaminated air container is feasible within the AP and AP/TF system, subject to MPI approval of the process of recording and transfer to MPI.

4.3 Submission: Section 24 of the Discussion Document

"This section states that for air containers that are not unpacked by an accredited person or an MPI approved system, an inspector must clear air containers travelling 'long distances' between transitional facilities. Further clarification is required around what defines 'long distances".
We recommend that 'long distance' should be defined as over 5km.

MPI Response:
The term "long distance" was initially determined in the draft guidance document for the Facility standard as 5 km. The finalised version of the guidance document removed the 5km specification for long distance, with the intent that an MPI Inspector would determine transport requirements as part of the TF approval. Please note if an AP/TF option is required (i.e. air container leaves a PoFA) then the operator of the TF must function according to the Facility standard and their approved operational manual[5].

4.4 Submission: Transportation of air containers to facilities.

"This section states that containers need to be 'transported in a manner that secures the cargo within'. This implies that containers must be transported by enclosed vehicles which doesn't allow for the use of flat-bed trucks and does this limit the use of soft-sided vehicles? Further clarification is required about what defines 'secures cargo within'.
We recommend that the air container is sufficiently secure to contain any pests or contaminants and that transportation on any type/class of vehicle to a TF for inspection will meet NZ's biosecurity requirements."

MPI Response:

[5] Operational manuals contain the transport arrangements from the PoFA to the TF

MPI agrees with the submission. The outside of air containers have a low risk of contamination (less than .01%[6]) as opposed to the inside of a container[7]. Therefore, the use of flatbed trucks with the air container flaps closed is sufficient for transportation.

4.5 Submission: Transportation

"This section also states that 'Transportation may only follow a designated route from the POFA to the TF taking note of written authorisation from MPI'. More clarification is required about what defines a 'designated route', when this needs to be submitted to MPI for authorisation, and a process about what to do if due to unforeseen circumstances this route is not able to be followed (detours etc.)."

MPI Response:

A designated route is that agreed between MPI and the TF operator as to where an uncleared air container can travel. This is to prevent offshore freight air containers travelling across rural or suburban areas. In addition a 'General Carriage of Goods' [8]' form informs the transporter of the direction as well as conditions of carriage of risk goods i.e. all goods from a particular airline must proceed directly to the nominated transitional facility.

4.6 Submission; Continued discussion

"CBAFF wishes to continue discussion with MPI on the issues that are raised in this submission and others that may arise in the future."

MPI Response

MPI welcomes continued dialogue to improve biosecurity management.

5. Submitter: Richard Palmer, Horticulture New Zealand

5.1 Submission: Support

"HortNZ supports changes to risk management that will mitigate risk of introduction of pests and diseases. The review of biosecurity risk from air containers, and the proposed changes to the Import Health Standard (IHS) for air containers is supported in-principle by HortNZ; thereby ensuring all air containers and associated packaging are appropriately managed and inspected to prevent entry of quarantine pests and diseases into New Zealand."

MPI Response:

Acknowledged.

5.2 Submission: The effect of the management of Air Containers described in 2 standards

"HortNZ supports the intent for air containers and packaging to be free from biosecurity risk by requiring freedom from pests and contaminants on importation and, when this is not achieved, for remedial action to occur. For air containers received at a Transitional Facility (TF) this appears to present no major change, noting however that the requirements for TFs are being updated and the draft TF Standard and Guidance (Ref D and E) are undergoing review. HortNZ notes some uncertainty of requirements due to Ref D and E being in draft form, and referencing the extant IHS for Air Containers (Ref C). Until such time as Ref D is finalised and issued, the opportunity for final comments on the suitability of this proposed IHS for air containers should be left open."

MPI Response:

The TF requirements have now been finalised (June 2016), with specific requirements for TF's unloading air containers landside covered in the Facility standard (6.1 of the guidance document accompanying the Facility Standard).

Whilst the two standards were released for comment at different times the discussion document for air containers did repeat the guidance document accompanying the Facility standard to ensure the context of the Facility standard was understood. There have been changes made to the guidance document of the Facility standard based on the comments made in the submissions in this document. MPI felt that the timing of consultation times provided a suitable and robust consultation on the entire air container pathway. Further, MPI is working with airline service providers to ensure the endpoint is the same, no matter which option is selected.

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[6] Robinson, Andrew (University of Melbourne), Burgman, Mark (ACRERA), Aitkinson (AQIS), Cannon R., (AQIS) Miller C. AQIS Import Clearance Data Framework 0805 Final; report 2008

[7] 14% of the inside of containers had biosecurity contamination in a survey conducted by Christchurch Airport in October 2015.in survey of air containers

[8] A General carriage of Goods operates for the duration of the airline to TF service unless varied or suspended.

5.3 Submission: Roles and Responsibilities

"Responsibility for the cleanliness, or remedial action to achieve cleanliness, of air containers, must be sheeted home to the parties that introduce the risk (exacerbators). From the consultation workshops HortNZ gained the impression that the exacerbators (airlines) have shown little interest in the consultation process to date, and judging by the comments made by the Board of Airline Representatives New Zealand (BARNZ), were taking little or no responsibility for the introduction of biosecurity risks.
HortNZ is concerned that despite the best intentions of this proposed IHS, unless there is clear responsibility and accountability for the freedom of pests and biosecurity contaminants of air containers, the key biosecurity improvement, a change in culture by exacerbators, particularly on the baggage pathway, will remain elusive."

MPI Response:
MPI agrees with the comment that a culture of change is required to continually manage biosecurity risk. This is an area noted in the Biosecurity 2025 Direction Statement [9] 'Strategic direction 1'.

It is acknowledged that the IHS provides an end point as to what condition air containers are to be received and all parties (airlines, airline service providers and airports will need to take a cooperative approach to reach that endpoint.

5.4 Submission: Air Containers carrying animals

"HortNZ is uneasy with the requirement that "air containers and associated packaging covered by an animal standard must comply with that standard" as this may create a gap in requirements where the animal standard does not adequately address plant health/plant biosecurity risks. For the avoidance of doubt it is suggested that this requirement includes compliance with both the relevant animal standard, and Schedule 3[10] to the IHS."

MPI Response:
The IHS's for animals provide risk mitigation measures for all elements of an animals pre-arrival from feed, grooming tools, etc. to the box the animal is freighted in. The box may be specially made for the animal or sublet to fit the animal welfare and logistical requirements. Some boxes are made specifically with the intent that they will be destroyed as prescribed in the relevant IHS and some may be reused for animals or for other cargo types.
Given the multiple uses air containers are tasked with, to duplicate the air container requirements into numerous animal imports IHS's would impede the IHS from responding to the dynamic nature of biosecurity and over complicate the requirements. Therefore it is appropriate to keep animal IHSs separate from a conveyance IHS (i.e. air container, sea container etc.).

5.5 Submission: High Regulatory Interest

"Ref A, para 2.2 (4) states that "air containers that an inspector considers of high regulatory interest will be subject to further intervention." HortNZ supports this clause enabling inspectors to act. However how does MPI anticipate recording the compliance (and/or non-compliance) of air containers in a manner that will enable appropriate determination of "high regulatory interest"? Does MPI intend to collect data on air container cleanliness that would enable MPI to target risk management action?"

MPI Response:
It is MPI's intention to collect and continually review the data. Where air containers arrive from a country of high regulatory interest (i.e. air containers from Brown Marmorated Stink Bug infestation areas) then the targeting may change the intensity of MPI's interactions.

5.6 Submission: Transport

"Ref A does not specifically set out the requirements for movement from a Port of First Arrival (POFA) to a TF, as Ref C currently does. Ref D, the draft TF Standard, does not specify who authorises/oversees the movement from airside to a TF. HortNZ suggests greater clarity in the proposed IHS to ensure there is accountability between the various standards."

[9] http://www.mpi.govt.nz/protection-and-response/biosecurity/biosecurity-2025/
[10] Schedule referred to is now in schedule 2 of the IHS

MPI Response:
The requirements for the movement of risk goods is set out in the Act. The Act is very explicit about the requirements. Only an inspector can authorise the transfer of non-cleared/un cleaned air containers from a PoFA to a TF. Noting MPI approves the transport arrangements of uncleared goods between the PoFA and the TF through the approval of a TF.

5.7 Submission: Options for clearance
"*The IHS sets out three options for satisfying the freedom from pests and contaminants:*
a. Confirmation by an Accredited Person,
b. Confirmation the container has been through a MPI approved system, or
c. Inspection of the air container by an inspector

Accredited Person (AP) The first option, confirmation by an AP, is not described in Ref D and E, draft Standards and Guidance for TFs. Currently the wording is only for sea containers; "TFs for sea containers should have an AP present at container unpacking". Additionally the word "should" does not meet the guidance in Ref B, para 24, which requires air containers that not unpacked by an AP, must be cleared by an inspector. HortNZ proposes changing "should" to "must" to avoid doubt as to the expectation, and include air containers in the definition of Accredited Persons in Ref D, Schedule 1."

MPI Response:
The reference to the Facility standard (Ref D and E) refers to the guidance document of the old Facility standard and not the new guidance document accompanying the Facility standard for air container TF's. Please note guidance documents provide the "should" or "may" if a stakeholder chooses to follow the guidance example, whilst a standard describes the "must do" to meet the standard.
This information has now been added to the IHS to clarify the relationship between the IHS, Facility standard and the Act.

5.8 Submission: Supervision by an AP
"*Supervision by AP. Ref B, para 21 provides for someone "supervised" by an AP to unpack an air container and provide confirmation of freedom from pests and contaminants. Whilst not wishing to create additional burden on operators, HortNZ is concerned no standard is expressed as to how this supervision might occur. Additionally where only exception reporting occurs, a specific AP may not be able to be held accountable for the failure of any supervised person, as there is no requirement to record the AP responsible for a particular air container's clearance."*

MPI Response:
AP's are trained and tested on their knowledge every 2 years, or more frequently depending on competency, to maintain registration as an AP. This process is monitored by MPI. Please refer to the MPI website http://www.biosecurity.govt.nz/regs/trans for the specific detail on AP's.

5.9 Submission: AP Guidance
"AP Guidance. The guidance (yet to be written) supporting this proposed IHS should include further information on the role and expectations of the AP. HortNZ understands that specific training and accreditation of for air container clearance will occur from mid-2016. "

MPI Response:
Please refer to the MPI Response above (submission 5.8). Please note that guidance is incorporated into the IHS in text boxes marked 'guidance'.

5.10 Submission Reference B Paragraph 4
"*Ref B, para 24 - this appears to exclude air containers being re-used on international flights. HortNZ's seeks confirmation that all air containers must be checked, including those re-used for international flights."*

MPI Response:
The IHS provides options to managing biosecurity risk in air containers. The main option is that once unpacked and cleared of any biosecurity contaminants by an AP the air container may be used internationally or domestically.

Alternatively, a MPI Approved System may or may not include the checking of every air container, but must have other controls to ensure biosecurity contaminants are removed or do not enter New Zealand.

5.11 Submission; Declaration of Cleanliness

"Declaration of Cleanliness. The proposed IHS does not set out how an AP (or other person under an MPI approved system) will declare container cleanliness. The consultation workshop discussion appeared to focus on exception reporting (only reporting unclean containers). In the airport baggage environment, with multi-party interface, maintaining accountability for air container cleanliness, establishing useful biosecurity data may not be achieved without positive reporting. HortNZ's question is does/would MPI issue a Biosecurity Authority/Clearance Certificate (BACC) for onward movement of an air container from the passenger terminal on the basis of exception reporting?"

MPI Response:

Air containers that have been checked as clear of biosecurity contaminants by AP's (MPI inspectors recognise AP's under section 103 (7)(8) of the Act) should be stored awaiting use in a specified area of an airport for such air containers. It is worth noting in the IHS under 2.3 that those air containers that are mixed with unchecked air containers lose their status as 'cleared' and have to be rechecked.

Please note the MPI response regarding reporting in submission 3.3 and 3.4.

5.12 Submission: MPI Approved System

"The IHS provides for clearance by an AP outside a TF, but it is unclear who is ultimately accountable. Does MPI intend that this will be a system approved by MPI, with APs the recognised standard for personnel to be able to inspect and clear air containers? HortNZ supports the proposal for an MPI approved system, and recognises that some POFAs are facilities used by multiple parties and not operated as TF. To ensure confidence and accountability, the AP must be empowered to ensure the appropriate facilities are available, and actions are taken. In this regard Ref D and E appears specific to TFs, not an airside environment."

MPI Response:

An MPI Approved System prescribes what occurs, who is responsible etc. and how the risk is to be managed, documented, audited etc. An AP option enables the importer (tasked with the responsibility to manage the biosecurity risk) to ensure that unpacked air containers do not have biosecurity contaminants before air containers proceed onto other destinations. An AP can be part of the PoFA contractors, a third party (i.e. baggage handlers) or other agents that operate and are approved to operate on the POFA.

5.13 Submission: Biosecurity contaminants

Some wording of the contaminant list is confusing. It currently reads; "Dead or dry plant material and soil that cannot be removed…" HortNZ suggests changing it to read "Dead or dry plant material and soil, which cannot be removed…" to ensure it refers to all matter that cannot be removed.

MPI Response:

Acknowledged. The change has been made. The referenced statement now notes that it is all matter that cannot be physically removed, or is road film, that is not a contaminant.

5.14 Submission: Schedule 3 Thresholds

"The threshold for treatment as a contaminant for 'Loose dead or dry plant material (e.g. bark, fruit, leaves, sawdust, twigs)' is currently five. HortNZ does not support this and suggests changing to simply 'Always treated as contaminant'. The current wording would allow for significant biosecurity risk goods to be acceptable – e.g. Four dried oranges would not be acceptable."

MPI Response:

Acknowledged and the threshold has been clarified in the threshold table.

The threshold table[11] is based on the risk analysis of motor vehicles[12], as we consider it a similar risk profile to air containers.

Dead and/or dry plant material, whether imbedded or not is not considered a contaminant unless it reaches the specified threshold. Although such dead material could potentially harbour organisms the vehicle risk analysis of the likely entry and establishment of such potential hazards is lower for soil and plant debris. The likelihood of establishment in a new environment is extremely difficult to predict for any pathway and the risk analysis noted that "*While it is not possible to quantify an acceptable level of slippage for organisms in these groups, a high level of entry should be acceptable*". Hence the determination of 5 pieces/fragments[13] or more as a 'high level' has been specified to provide clarity.
The logistics of the air container pathway vary to that of vehicles, in that air containers are not likely to be directly present in an orchard. Therefore, the evidence supports the table interpretation that the likely hood of establishment is low for soil and plant debris in the air container pathway. If you should have either data or published references that relate to the air container pathway to support your comments we would be pleased to reconsider.

5.15 Submission: Compliance

"*As has been expressed in relation to other pathways and IHS', HortNZ welcomes the opportunity to engage with MPI to realise the policies and procedures that encourage compliance and penalise non-compliance, in a consistent manner, across all risk pathways. Understanding and improving such policies will assist developing the confidence of the horticultural industry.*"

MPI Response:
Acknowledged

5.16 Submission: Compliance

"*The costs of achieving the IHS, and the infrastructure necessary was raised at the Auckland workshop. Despite the growth in passenger numbers, and biosecurity risk, there appears little acceptance of the need for the supporting infrastructure to meet the outcomes sought under this IHS. Likewise the allocation of costs concerns stakeholders likely to be caught between exacerbators and MPI. HortNZ would support MPI taking further steps to socialise these proposed changes with airlines. HortNZ and its grower stakeholders cannot accept the direct and indirect costs of managing biosecurity incursions, because exacerbators fail to take the necessary steps to meet the legal requirements when importing uncleared biosecurity risk goods.*"

MPI Response:
MPI is committed to maintaining close and productive relationships to encourage the effective implementation of biosecurity measures. It is acknowledged that ongoing communication of the IHS measures are important.

6. Submitter: Barry O'Neil, Kiwifruit Vine Health

6.1 Submission: Support

"*KVH support the proposed changes to the air container pathway to mitigate the risk, and associated impacts, of biosecurity incursions to New Zealand's primary industries.*
The new format of the Standard is useful to simplify and streamline the Standard and clarify legal requirements."

MPI Response:
Acknowledged

6.2 Submission: Schedule 3 (now in the IHS as schedule 2)

"*Schedule 3[14] sets out what is treated as a pest or contaminant for purposes of the IHS. We feel this table is unnecessarily pest focused, as opposed to pathogen, and would better manage risk by treating the presence of any material (plant, animal, soil, or observable micro-organism) as a potential contaminant. This approach would also address the following;*

[11] Schedule 2 of the IHS
[12] Risk Analysis of Motor Vehicles https://**mpi**.govt.nz/document-vault/2893
[13] MPI have explicitly excluded whole fruit from the IHS (schedule 2 Pest and Contaminant Thresholds)
[14] The table referred to is now listed as schedule 2

a. The presence of any plant material, live or dead, should be treated as a contaminant. Separate measures for dead material as opposed to live are not useful as both forms have the potential to introduce biosecurity threats.
b. The presence of any plant material, regardless of quantity should be treated as a contaminant. A single piece of shrivelled fruit has the potential to introduce unwanted biosecurity threats and it is unclear why a threshold of five pieces is required to be treated as a contaminant and if there is science to support this approach.
c. Fungi and any other observable should be treated as a contaminant and not removed simply by "wiping" unless there is evidence to suggest this is an effective treatment for all visible and non-visible particles that are likely to be present in this instance."

MPI Response:
As mentioned in the response to 5.14 the risk analysis paper[15] for motor vehicles (this analysis has been used as transferable between pathways) it was noted that some elements of hitchhiker contamination were of low biosecurity risk and this has informed the regulated pest and biosecurity contaminant list. MPI believes this sets an appropriate level of protection.
Please refer to the reply to submission 5.14 regarding clarification of the threshold for dead, dry plants and soils.

6.3 Submission: Recording
"*Any and all contaminants should be recorded. On this basis exception reporting is acceptable on basis that MPI is collecting activity information and is able to report on performance.*"

MPI Response:
Acknowledged. Please see Submission 2.4

6.4 Submission: Facility Location
"*Discussion Document, Appendix 1, 6.1.1 (p6) states "MPI-AIRCON-ALL requires that air container TFs must be in close proximity (<5km) from the POFA at which the air containers were landed". KVH support this measure to mitigate risk and agree that it should be included in MPI-AIRCON-ALL. However we are unable to see where this requirement is stated in the Standard.*"

MPI Response:
The reference to the Discussion Document point 1.6 "that air container TFs must be in close proximity (<5km) from the PoFA at which the air containers were landed" has been changed. Transportation arrangements are to be approved by MPI under Facility standard 3.1.1.4 (d). This is to ensure all eventualities/contingencies are covered when uncleared risk goods are transported between a PoFA and a landside TF. Noting that under section 25 of the Act that all uncleared goods must proceed to a transitional facility or a biosecurity control area on arrival.

7. Submitter: Kevin Ward, New Zealand Airports Association

7.1 Submission: Support
"*NZ Airports encourage the adoption of measures to ensure biosecurity risks posed by the international movement of goods are managed swiftly and appropriately.*

We acknowledge that, at present, the percentage of contaminated air containers is too high, and additional measures need to be adopted to reduce the risks posed by contamination. To that end we are committed to playing our role in putting in place measures to prevent pests and contaminants being introduced through our ports.

(a) We support clarity of responsibility for ensuring biosecurity measures are met.
(b) To that end, we encourage consistency between all ports dealing with biosecurity issues, but recognise that a "one size fits all" approach is unlikely to be an efficient or effective method of achieving this."

MPI Response:
Acknowledged.

7.2 Submission: Third Parties

[15] Risk Analysis of Motor Vehicles (page 351) https://**mpi**.govt.nz/document-vault/2893

"(c) *An important distinction needs to be clearly drawn between the entities that provide the infrastructure for transitional facilities, and the entities that use transitional facilities to process air containers. This distinction is fundamental to how the legal framework should allocate roles and responsibilities within the aviation industry. "*

MPI Response:
Airports are approved through the MPI standard *Approved Places of First Arrival* to receive international craft. To maintain approval MPI must be satisfied that the airport has the arrangements, facilities and systems to manage the biosecurity risk imported. Such risks may be managed through third parties that own or lease transitional facilities within the airport or simply operate in the airport confines as a contractor/leasee. In relation to air containers, a third party is managing a risk that the airport operator needs to include for the airport operator to receive recognition under the PoFA standard. The third party may manage the risk on behalf of the airport (i.e. processing of passengers etc.) but the third party must be nominated as to the relevant risk being managed. Third party compliance is in the airports best interest. Should a risk not be managed then MPI would decline the airports approval to receive that particular risk type.

7.3 Submission: Clarity
"(d) Terms used in the draft IHS and its associated documentation should be clearly and carefully defined, as well as used with consistency. (Airline, Importer, acronym PIGS etc.).

MPI Response:
MPI agrees. The terms used within the discussion document and elsewhere, are as per the Act (i.e Transitional Facility Operator (s.39), Accredited Person (s.103) and Importer (s. 2A)). The term 'importer' is defined in the Act as a person who imports goods (i.e airlines) and can include a New Zealand based agent (i.e baggage handlers) of a risk good (i.e air containers).

The term and acronym for palletised containers (PIGS) has been removed as suggested.

7.4 Submission; IHS proposes to include baggage as well as freight air container
"We understand that the proposed amendments to the draft IHS aim to provide specific biosecurity regulation for international air containers, as opposed to international containers more generally (encompassing both air and sea containers). To that end we are conscious that the proposed amendments to the draft IHS effectively contemplate regulation in a new area.
This being the case, in our view there is value in approaching this task with a clear understanding of the regulatory objectives to be fulfilled. Undoubtedly the high level objective of this process is to put in place policies and procedures to ensure biosecurity risks posed by international air containers are effectively and efficiently managed. However, we consider there are supplementary regulatory objectives that are critical to achieving this primary goal. These objectives are:
(a) clearly defined transitional facilities;
(b) clear infrastructure standards for transitional facilities that are efficient and effective;
(c) clear responsibility and accountability for meeting obligations to provide compliant transitional facilities;
(d) clear obligations in relation to each air container;
(e) clear responsibility and accountability for meeting obligations to ensure air containers meet the applicable biosecurity standards; and
(f) consistent allocation of roles and accountability nationwide as between MPI and those responsible for maintaining biosecurity measures
Conversely, if these regulatory objectives are not sufficiently met we consider there is a real risk that the primary goal – effective biosecurity risk management – will be undermined."

MPI Response:
Currently air containers are managed under an IHS Air Containers from Any Country that came into force on 28th October 1998, specifically for air freight. Therefore MPI believes that air containers are not a new area of risk. In 1998 air freight was the only pathway using air containers at that time. However we have seen that over time air containers have been utilised for baggage as well as freight, therefore this area has been specifically incorporated into the revised IHS that was consulted on.
The process within the Act is that an IHS specifies what must happen to the risk good for clearance to occur and does not replicate that which is already in the Act or other standards. In this instance, the IHS requirement is that the air container is clean and free from pests and contaminants. How this is directed in the IHS is:

- there is clearance (someone such as an AP or a system has checked that the air container is free of biosecurity risk contaminants);
- there is an option for stakeholders to come up with a system that best suits their circumstances (i.e MPI approved system);
- there is a requirement to record biosecurity contaminants found; and
- should pests be found, a treatment may be carried out to remove the pest and this is listed in the section of incorporation of material by reference in the IHS.

Other standards link to the management of the IHS and are already in place:

- the status of the AP is detailed in the Act;
- the Facility standard to provide TF requirements for air freight or, if chosen, baggage handling;
- The PoFA standard for operators of airports.

The standards are consistent with other similar inanimate pathways such as sea containers, but differ in providing greater flexibility in management (i.e do not require a TF to manage unloading baggage air containers at an airside location).

7.5 Submission: Air container pathway differs from other logistics chains

"*In order for a new biosecurity regime for air containers to be effectively implemented, it is important to be clear about the existing biosecurity arrangements and facilities in place.*
Importantly, there are inherent differences between existing biosecurity processes and arrangements for sea containers, air cargo, and air passenger baggage, taking account of different expectations associated with the provision of these services. Sea containers aside, we also stress the differences between the treatments of air containers by different airports, caused by the physical, geographical, and/or operational nuances of each airport."

MPI Response:
Please note the reply to Submission 2.2
MPI acknowledges that:

- the airport environment and the subsequent management of any biosecurity at airports is unique and MPI has endeavoured to develop a standard that enables the management of biosecurity risk to be achieved through flexible arrangements that suit various operating environments in the air pathway;

- airport service providers are best placed to provide innovative and cost effective ways of dealing with the biosecurity risks that can arrive at an airport via air containers; and

- if industry wants to establish a code of practice that MPI can approve as an MPI Approved System, MPI would welcome such an initiative.

7.6 Submission: Roles and Responsibilities

"*We consider that the allocation of the relevant biosecurity responsibilities should be based on the roles of the transitional facility providers and users respectively. As such, it is appropriate to hold transitional facility providers (typically airports) responsible for the infrastructure requirements relating to transitional facilities, while transitional facility users should have responsibility for ensuring biosecurity measures are fulfilled in line with the relevant regulations. We hold the view that that it is more appropriate for the airline and/or their agents to hold the required "Accredited Person" certification to assess air containers, primarily because these parties have access and control over the biosecurity process, whereas airports do not.*"

MPI Response:
MPI agrees that it is the responsibility of the importer (i.e airlines and their agents) to manage the risk associated with the importation of that risk.
In respect to TF's the role of the airport under the Act is to ensure there is a set of appropriate arrangements, facilities and systems to manage the type of biosecurity risk brought into the airport approved as a PoFA. The airport company may provide an arrangement or acknowledge a third party to provide a facility to manage a risk in the PoFA operational manual. In each case the arrangement, facility or system must be MPI approved under the PoFA standard. MPI conducts annual assessments of PoFA to ensure compliance of airports to PoFA and separate audits to ensure TF compliance to the Facility standard. However it is in the airports interest to be clear what craft or cargo type it can and cannot receive.

In summary, the responsibility associated with the importation of risk goods is as follows:

- the stakeholder who brings in the risk is tasked with the responsibility to address the risk (i.e. airlines are tasked with meeting the rules and regulations of New Zealand);
- the agent for the airlines must carry out the rules and regulations of New Zealand on the airlines behalf. i.e. a freight TF operating landside or AP's operating as baggage handlers etc.);
- the airport, in order to maintain the ability to receive a craft and cargo risk type must ensure they have the arrangements, facilities and systems to meet the requirements to manage a risk type. This is that they must record in their PoFA Operators Manual who is responsible. MPI audits air freight providers so that if an air freight handler is meeting the IHS requirements then the facility can be linked to the airports approval to receive air freight.

The generic requirements for managing biosecurity risk is covered in the Act, the PoFA standard or the Facility standard and are not replicated in the IHS but are noted in the introduction as providing further information.

7.7 Submission: Time sensitivity

"We consider the draft IHS also needs to draw a clear distinction between the biosecurity requirements for air cargo and air passenger baggage. In particular, the regulations should take account of the fact that air passenger baggage services must be provided in a manner that is intensely time (and often space) sensitive, and so implementing rigid biosecurity processes will necessarily impact on costs for airlines and parties providing border security services, as well as the associated customer service levels."

MPI Response:

The surveys conducted point to the risk associated with baggage air containers as being higher than those carrying air freight. However, the proposed IHS has provided options offshore (i.e. MPI approved system) as well as onshore (AP system airside without a TF) so that airline service providers may choose the option that best fits their circumstances.

7.8 Submission: Airport specific solutions

"The regulations must also account for each airport having its own nuances, be they physical, or operational. Based on the proposed draft IHS, we have concerns that the new regulations will impact each airport differently, both in terms of passenger baggage and air cargo. In our view adopting rigid standards for infrastructure will imply materially different and potentially inefficient/wasteful expenditure for each airport. To resolve this issue, we propose that each airport works directly with MPI to agree individualised protocols that fulfil the relevant infrastructure requirements without unnecessary expenditure."

MPI Response:

MPI acknowledges that each airport is different and that the IHS has been developed so that each individual airport/airline/airline service provider has choices that fit with the operational circumstances at a particular airport. MPI is working with individual airports to work through options.

7.9 Submission: Roles and responsibilities

"In order to ensure that effective biosecurity measures are successfully implemented, it is imperative that:
(a) those best suited to putting the measures in place have the onus to do so; and
(b) those responsible for carrying out biosecurity measures have clearly defined roles and the associated accountability for meeting the appropriate standards."

MPI Response

The IHS provides that those responsible are those importing the air containers, however the importer (airline) tasks service providers (i.e. baggage handlers) to handle the risk good. In most cases it may be the airline service providers that are able to practically manage biosecurity risk. In other instances it may be that an airline undertakes a programme of hygiene.

Whichever the case, the IHS forms part of the 'rules and regulations of New Zealand' that importers (airline service providers, craft operators etc.) are obliged to comply with.

End of replies to submissions

Appendix 1 – Copy of Submissions

A STAR ALLIANCE MEMBER

AIR NEW ZEALAND

Submission 1

26 February 2016

Biosecurity and Environment Group
Plant, Food and Environment Directorate
Ministry for Primary Industries
PO Box 2526
WELLINGTON

standards@mpi.govt.nz

Discussion Document – IHS for Air Containers from Any Country

The Ministry for Primary Industries (MPI) has invited comments from interested parties on proposed changes to the Import Health Standard: Air Containers from All Countries.

The changes to the IHS are intended to manage the biosecurity risks identified with the movement of air containers into New Zealand. This includes air containers carrying both freight and passenger baggage.

The consultation document notes that "To reduce biosecurity risk to New Zealand, a system is required that delivers clean containers without an onerous documentation or resourcing requirement." Air New Zealand is fully supportive of this statement in its entirety.

While the freight pathway is comparatively easy to manage given existing facilities and processes in place, the major change and issues arising from this change relate to the management of baggage air containers. MPI will have noted from the interactions it has had to date with affected parties that there are a range of operating models in place associated with the movement, storage and utilisation of passenger baggage air containers. Different scale operations, resourcing models and facility constraints will all impact on what is the best means of achieving the desired outcome and will indeed impact on what is required to be managed. By way of example, it is not clear from the IHS what is required (if anything) in respect of a baggage container which arrives on an international flight, is unloaded and immediately taken to be reloaded to depart on a subsequent international flight. Similarly is there potential for exemptions or waivers based on the origin of a container, or the existence of an offshore approval process.

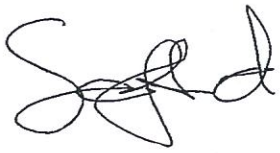
The nature of international passenger travel, including the requirement for timely delivery of passenger baggage, results in a quite different operational model than that of, for example, sea containers. The time pressures for, and relatively constrained facilities within which, baggage is required to be delivered does pose some challenges in how the clearance process for containers is to be achieved (and indeed as noted above there will likely be different solutions at each location).

Accordingly, Air New Zealand urges MPI not to finalise the proposed HIS or have it enter into effect until such time as it has engaged fully with affected parties and those parties have had appropriate opportunity to develop efficient and effective procedures, facilities and operating models which will deliver the desired biosecurity outcomes without imposing onerous documentation or resourcing requirements.
Similarly, given the potential role of our employees in the process we will need to understand and address any risks associated with the materials used in addressing any identified contamination.

We appreciate the opportunity to comment on this proposal and look forward to further engagement as this is developed further.

Please contact me at sean.ford@airnz.co.nz if you have any queries relating to the above.

Yours sincerely



Sean Ford
Manager Aeronautical Suuplluers

Submission 2

BARNZ
BOARD OF AIRLINE REPRESENTATIVES NEW ZEALAND

SUBMISSION ON THE DISCUSSION DOCUMENT - IHS FOR AIR CONTAINERS FROM ANY COUNTRY

26 February 2016

BARNZ is an incorporated society whose members comprise nearly all airlines operating scheduled air services into or within New Zealand. This submission provides comment on a proposal by the Ministry for Primary Industries (MPI) to revoke the 1998 Import Health Standard (IHS) *152.07.011 Air Containers from Any Country* and replace with the proposed draft Import Health Standard: *Air Containers from All Countries*.

At the outset BARNZ notes that Airlines are aware of their responsibilities with respect to protecting New Zealand's borders from bio-security risks and work hard to ensure these obligations are met, and will continue to work with MPI on issues such as those under consultation.

The key points which BARNZ wishes to make in relation to the proposed draft Import Health Standard: *Air Containers from All Countries* are as follows:

- BARNZ would like to see the requirements under this IHS met through cost effective solutions which effectively manage the biosecurity risks.

- The proposed regulatory requirement of ensuring all air containers and associated packaging are clean and free from pests and contaminants is not practicable or possible to achieve on arrival – the requirement should be re-worded to one of inspecting all containers on arrival and taking all necessary steps to ensure they are clean and free from pests and contaminants and that any pests and contaminants found are removed and disposed of in accordance with MPI standards.

- In relation to airline baggage ULDs, a transitional facility should not be required. Rather the risk should be able to be managed in a timely manner at the point of unload, with empty clean baggage ULDs being cleared as they are unloaded, and baggage ULDs which are contaminated being identified as they are unloaded and then cleaned immediately through an MPI approved process, thus eliminating the need for a separate airside transitional facility for baggage ULDs.

- There should be a specific standard developed for the processing of baggage containers at airports. Airports are unique compared to the many other facilities which MPI monitor, particularly in relation to the fast turn-around time of passengers, baggage, ULDs and aircraft. BARNZ would like to see other options considered for clearance of containers

through use of an approved process, or an MPI inspector, rather than application of the generic requirement for containers to be cleared in a Transitional Facility.

- BARNZ feels strongly that facilitating clearance of passenger baggage ULDs falls within the border clearance levy. The inspection of containers and recording of data should be undertaken by MPI with the costs met through the border clearance levy.

- BARNZ would like to see clearance of containers continue to be managed through reporting by exemption. Clean containers should not require any reporting. Creating wider record-keeping obligations and reporting in relation to every baggage container would create an unnecessary regulatory impost on airlines and ground-handlers with increased time, resources and cost, all detrimentally affecting the turn-around time for baggage and aircraft for no additional gain over and above a robust process containing exception based reporting.

Clearance - Section 2.2 of the draft IHS: Air Containers from All Countries

The draft IHS: Air Containers from All Countries proposes that:

(1) Air containers and all associated packaging must be clean and free from pests and contaminants

Currently, air cargo containers are unpacked in a Transitional Facility where processes already exist to confirm containers are free of contamination and biosecurity risks are managed. Airlines are therefore more concerned about the impact this Import Health Standard will have on clearance of passenger baggage ULDs, where passengers have high expectations as to baggage delivery times, and where airports and government agencies set targets for end to end passenger processing times through the arrivals process.

BARNZ notes that it would not be practicable or possible to guarantee that all air containers coming into New Zealand are free from contaminants. Air containers travel globally and few countries impose similar import standards to those in New Zealand.

Although aircraft transport air containers to New Zealand, the airline itself is not consciously aware of any particular contaminant. Airlines can receive containers which have transferred from other countries which are not unpacked at the port of transit. Airlines are also not aware of the contents of passengers' luggage. Passenger bags loaded into a Unit Load Device (ULD) could carry any number of biosecurity risks which have potential to contaminate an otherwise clean container.

Since it is not possible for airlines to ensure containers are clean and free from pests and contaminants on arrival, BARNZ would like the standard to be that: Air Containers are inspected on arrival to ensure that any pests or contaminants are removed from the container and disposed of in accordance with bio-security requirements.

Transitional Facility Requirement

BARNZ seeks clarity and consistency around the transitional facility requirements for unpacking air containers between the requirements of the draft MPI-AIRCON-ALL and the draft Standard for Transitional Facilities for General Uncleared Risk Goods.

Appendix 1 of the Discussion Document *6.1.4 Unpacking Air Containers at TFs* states: *"MPI-AIRCON-ALL requires that all imported air containers must be unpacked at a TF in the presence of an AP or Inspector (for specific uncleared risk goods) and an AP must meet all relevant requirements of the standard and MPI-AIRCON-ALL."*

This contradicts Section 13 of the discussion document which states that: *MPI proposes to:*

i. Remove the requirements specific to Transitional Facilities

Although referenced in the discussion document, the draft MPI-AIRCON-ALL does not mention any requirement for containers to be unpacked in a Transitional Facility. If this were the case, it would mean that the inbound baggage areas at all POFA would need to be designated Transitional Facilities. A number of stakeholders have interpreted from the discussion document that there is a requirement for airports to provide an airside Transitional Facility.

Provision of a Transitional Facility, based on the current requirements would require costly infrastructure changes. One of the biggest concerns is the ability to separate contaminated containers 3m apart. When towing containers, they are not always 3m apart and questions have been raised as to who is responsible for isolating and cleaning a contaminated container and possible risks that could be imposed on the person carrying out that task. Additional resource would be needed to take a contaminated container to be cleaned while the operation continues.

In relation to baggage ULDs, BARNZ considers that the risk can best be managed at the point of unload, with containers checked externally as they are unpacked and a final check when empty. This would effectively mean that empty clean baggage ULDs on airport would all be cleared as they are unloaded, and baggage ULDs which are contaminated containers would be identified as they are unloaded and then be cleaned immediately through an MPI approved process. If this process is followed as the ULDs are unloaded, then the need for a separate airside transitional facility for baggage ULDs would be eliminated.

In order to comply with the requirements of the proposed Import Health Standard, BARNZ would like to see a process developed which satisfies MPI requirements with minimum disruption to the way in which airlines, their ground handling agents and airports currently operate. BARNZ requests to be involved in the consultation as this process is developed.

Clearance - Section 2.2 of the draft IHS: Air Containers from All Countries

The draft IHS: Air Containers from All Countries proposes that:

(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

Appendix 1 in the guidance document includes extracts from the draft Standard for Transitional Facilities for General Uncleared Risk Goods. Airports are unique compared to the many other facilities which MPI monitor, particularly in relation to the fast turn-around time of passengers, their baggage, the ULDs used and aircraft. The draft Standard for Transitional Facilities is a generic document to cover all of the facilities MPI monitors. BARNZ considers that the generic document is not appropriate in all respects for airports.

Through further consultation with MPI, BARNZ would like to see other options considered for clearance of containers through use of an approved process, or an MPI inspector, rather than application of the generic requirement for containers to be cleared in a Transitional Facility.

The draft *IHS: Air Containers All Countries* has no mention of how somebody becomes an accredited person. There has been discussion through the consultation process that airline ground handling agents may be required to train accredited persons to conduct inspections of containers. BARNZ considers that MPI should provide basic training in the identification and appropriate responses to contaminants free of charge in relation to handling of passengers' baggage, since this activity falls within the new Border Clearance Levy which encompasses all MPI activities relating to the processing of passengers and their bags.

In the draft IHS: Air Containers All Countries there is no mention of how somebody becomes an accredited person. BARNZ seeks clarity around this and believes that any training should be offered by MPI free of charge in relation to handling of passengers' baggage, since this falls within the Border Clearance Levy.

Record keeping

The current IHS *152.07.011 Air Containers from Any Country,* states under Operator Requirements 4.1: *"Air containers which have been landed in New Zealand may be removed from the aircraft and conveyed to any air side point for unpacking or storage. No action is required unless contamination is observed and reported to an MQS inspector by the operator or staff."*

BARNZ would like to see clearance of containers continue to be managed through reporting by exemption. We understand that it is necessary to report contamination and confirm that steps have been put in place to ensure this occurs. Clean containers should not require any reporting.

There are concerns over the additional responsibilities, administrative obligations, time involved and regulatory cost which would be created by wider record-keeping obligations. BARNZ requests further consultation on the expectations for record keeping and how this could be facilitated.

Costs

As an MPI approved system has not yet been determined, the costs involved with likely changes needed to comply with the standard are currently unknown.

BARNZ feels strongly that the additional costs incurred by MPI, or tasks which should be undertaken by MPI, associated with clearance of passenger baggage ULDs falls within the Border Clearance Levy.

It is noted that under the Places of First Arrival Standard (Section 37 of the Biosecurity Act), the approved airport company is responsible for providing arrangements, facilities and systems to manage the biosecurity risk imported.

BARNZ would like to see the requirements under this IHS met through cost effective solutions which effectively manage the biosecurity risks.

Submission 3

CHRISTCHURCH AIRPORT
bringing the world South

Christchurch International Airport Ltd Review

Proposed changes by MPI to

Health Standard for Air Containers from Any Country

27

Date: 15February 2016
Author: Stewart Gibbon

The following information provides formal feedback from Christchurch International Airport Ltd (CIAL) in relation to the proposed new Import Health Standards as it relates to the mitigation of risks associated with importation of Air Containers from All Countries.

CIAL agrees, in the absence of robust processes and controls, ULD's have the potential to pose security risk and as a consequence recognises and supports the need to actively manage biosecurity risks associated with arrivals from international ports.

Our feedback focuses on the proposal in relation to the managing of baggage ULDs. Our feedback is based on the review of the three core documents referenced that will be used to describe the proposed process and compliance requirements:

- Discussion Document dated November 2015
- Draft TFGEN-GD Document
- Draft MPI-AIRCON-ALL

We have collated our feedback under a number of summarised headings:

- Accountability & Responsibility
- Transitional Facility Operators
- Inspection
- Documentation
- Process

Accountability & Responsibility

It is important to clearly and unambiguously define who is responsible and accountable for ensuring arriving baggage ULDs meet the Biosecurity requirements stipulated in any final Health Standards document. Presently there is confusion and disparity on this point between the three documents put forward.

Discussion Document	Point 23	States that "*An MPI approved system ... may be agreed between MPI and an airline or their agent*" This suggests that any process or system put in place to check, clean, document and approve baggage ULDs is the responsibility of the Airline Operator importing the ULD or its Ground Handling Agent unloading it
TFGEN□GD	6.1 (1)	States that "*TF Operators for air container TFs should manage risks associated with air containers arriving at the TF and mitigate risk for air containers transported to other TF's...*" This suggests that the Transitional Facility Operator is responsible and accountable for risk management and processes around the inspection and clearance of baggage ULDs
MPI□AIRCON□ ALL	"Who Should Read this IHS?" "Why is this important?"	States that "*Everyone who imports any kind of air container into New Zealand from any country should read and be familiar with this IHS*" States that "*Importers of air containers must take all reasonable steps to ensure that air containers and associated packaging comply with the IHS...*" These statements make it quite clear that the Importer (i.e. the Airline Operator) of air containers is accountable and responsible for ensuring its air containers comply with any biosecurity standards

INTRODUCTION

As the operator of CHC Airport CIAL holds the POFA for the airport and provides the infrastructure for Airline Operators to arrive, depart and clear passengers, freight and baggage. It is our view that, in relation to the importation and processing of international baggage, our primary function is as an infrastructure and facility provider. Airline Operators and freight companies elect to establish facilities in an airport such as CHC Airport enabling them to carry out their primary functions within the aviation sector which are the operation of passenger and freight aircraft and associated handling operations.

As such we believe it is not appropriate ultimate accountability and responsibility for managing and mitigating the biosecurity risks associated with Baggage ULD's from passenger aircraft should rest with the operator of an airport but rather it is our view (and that expressed in the MPI Discussion Document and the MPI□AIRCON□ALL IHS) that the

responsibility and accountability for managing and mitigating this risk more properly should rest with the Importer, in this case the Airline Operator.

The rationale behind this is:

- The Airline Operator will own the ULD containers
- The Airline Operator is the Importer of the containers
- The contents of the baggage ULDs are directly linked and related to customers of the Airline Operator, which the Airline Operator has a direct relationship with and not the Airport Operator
- Where an Airline Operator elects to contract a 3rd party (e.g. Ground Handler), the Ground Handler will, on behalf of the Airline Operators open, empty, transport, load, close and manage the ULD containers from the time they arrive at an airport to the time they leave that airport.

- CIAL have no direct contact with or oversight of ULD containers, their contents, how they are used or managed or the express authority to access, open or otherwise interfere with a baggage ULD owned by an Airline Operator, or its agent.

Given the nature of the various relationships it is appropriate the responsibility and accountability for any activities associated with the opening, unloading inspecting and cleaning of baggage ULD containers should remain with the party best placed to exercise control, in this case, the Airline Operator or its appointed agent/Ground Handler.

Recommendation:	That documentation or standards clearly recognise the Airline Operator is accountable and responsible for ensuring imported ULDs under their, or their agent's control comply with the Bio□security standards

TF Operators

In relation to the processing of Baggage and Baggage ULDs from international flights, CIAL, as the POFA holder for CHC Airport, provides a facility specifically for the unloading of baggage from international fights. We assume this location to be deemed a "Transitional Facility".

Current Transitional Facility standards recognise which organisation [ ] "Owns" a TF facility, but that it can be operated by other parties. This is presently the case at CHC Airport. While CIAL owns the International Baggage Breakdown area, it is the Airline Operators through their appointed Ground Handlers which operate this area on behalf of Airline Operators. The Ground Handlers:

- Transport the baggage ULDs from the aircraft to the Breakdown area
- Open the baggage ULDs
- Operate the baggage belts
- Unload the baggage ULDs
- Transport the empty baggage ULDs to their next point of use

The draft documentation, is presently unclear as to the difference between a Transitional Facility and a Transitional Facility Operator.

Discussion Document	Point 16	States that "*Transitional Facility requirements for air containers were included in the TFGEN□GD document*".
TFGEN□GD	6.1 (1)	States that "*TF Operators for air container TFs should manage risks associated with air containers arriving at the TF and mitigate risk for air containers transported to other TF's...*")
	6.1.5	States that "*TF Operators should have enough APs available to ensure biosecurity risks associated with air containers and un□cleared risk goods are managed appropriately*" Given the Draft documents as noted in the above section on Accountability & Responsibility, infer that the Importer is responsible for imported air container compliance, it follows then that the Importer can be, and in the case of International baggage ULDs is, the Transitional Facility Operator
	6.1.6	Stipulates a requirement for 1,000 lux of light for inspection of ULDs. This is a significant amount of light. The only real practical way of delivering this much light underneath a ULD or internally to a ULD is via torches worn by inspecting personnel. It makes little practical sense then to require the Transitional Facility Provider to provide this light source. Whichever entity is providing the inspection resource, should furnish this resource with a torch suitable for the inspection function.
MPI□AIRCON□ ALL	Other Information	States that the TFGEN□GD outlines the requirements for accredited persons unpacking air containers and the facility handling air containers

To remove any confusion it is imperative to clearly define the differences between a Transitional Facility and a Transitional Facility Operator.

The process and facilities used for the management of Baggage ULDs is quite different to that used for Cargo:

- Typically for cargo, the entity unpacking the ULD, will also be the entity that is owning and/or operating the facility.

- In the case of Baggage ULDs however, the entity transporting or unloading the ULDs will invariably not be the owner of the facility. There will often be other multiple entities unloading baggage ULDs within a Transitional Facility

CIAL are the owner and provider of the Transitional Facility at CHC Airport however those persons or organisations unpacking or unloading baggage ULDs are the Operators of the Transitional Facility. The statement in MPI_AIRCON□ ALL above clearly defines the direct link between the Accredited Person and those unpacking the ULDs. On this basis it follows that the Airline Operator will contract or employ the Accredited Person to unpack their ULDs and validate that they are compliant. This entity is therefore the Transitional Facility Operator. It follows any responsibilities imposed should sit with that entity and not CIAL as Transitional Facility Owner.

It is also appropriate to note that, under current POFA and Transitional Facility Operator standards and legislation, CIAL as the POFA holder, or indeed a potential Transitional Facility Operator, is provided with no express legal rights to compel Airline Operators or Ground Handlers to comply with Biosecurity legislation, nor to sanction those which do not comply. Any sanctions that may be applied to CIAL or an operator of an airport are, unable to be passed on to the party ultimately responsible for the breach. This legislative authority rests solely with MPI through the issuance of Standards, Corrective Actions, Fines and removal of rights to import goods. It therefore seems incongruous that such sanctions are applied to CIAL or an airport operator as the POFA holder or potential Transitional Facility Operator, rather than the party best placed to avoid or mitigate any risks.

Recommendation:	That the documentation be amended to clearly and consistently articulate the definition and links between Airline, Importer, Transitional Facility Provider, Transitional Facility Operator and which entity is required to provide the Accredited Person. That the documentation, standards and legislation be reviewed to better align the requirements and sanctions associated with compliance to those entities that actually perform the activities and are best placed to avoid or mitigate risks created by those activities.

Inspection

The proposed Standards indicate a physical inspection is required of the baggage ULD before it can be released from the unloading Transitional Facility. Confusion exists between the three documents as to:

- Whether an Accredited Person (AP) is required to be present
- Who provides the AP

Discussion Document	Point 20	States that the intention is to provide flexible options to gain biosecurity clearance via such options as: • *Confirmation from an AP; or* • *Confirmed through a MPI approved system; or* • *An inspection by a MPI inspector* There is uncertainty as to whether a MPI approved system still requires an AP to be present or involved.
TFGEN□GD	6.1.4 6.1.5	States that "*MPI□AIRCON□ALL requires that all imported air containers must be unpacked at a TF in the presence of an AP...*" States that "*An AP should be present on delivery...*" One statement **requires** an AP to be present, while the other says an AP **should** be present.
MPI□AIRCON□ ALL	2.2	Does not specifically state than an AP must be present, which is in contradiction to TFGEN□GD

Clarification is therefore required, in regard to the presence or otherwise of an AP whenever a baggage ULD is unloaded. This is of great importance when considering the actual process and lifecycle surrounding a baggage ULD.

Recommendation:	That the various documents be updated for consistency to clearly define under what circumstances an Accredited Person is required to be present and which entity is accountable for providing this resource

Documentation

EXCEPTION REPORTING

The proposed Standard calls for the electronic recording of exception data for those ULDs that require some form of intervention to comply with the Biosecurity Standard. We infer the recording of such data electronically is to enable MPI to monitor compliance rates and the nature and specific reasons for non□compliance along with origins.

In considering this, it is suggested the ability for MPI to efficiently and effectively complete this analysis will be greatly hindered should each port and or Transitional Facility Operator (i.e. Airline Operator/Ground Handler combination) develop its own internal system. Having up to five different systems capturing and reporting on non□compliance would be very inefficient both from a cost and analysis perspective.

A better option for MPI would be to follow the process used for sea containers, and create and publish a simple web based tool to enable all operators to enter their compliance exception data into one central repository. This would ensure that MPI obtain and have access to the most up to date national view of ULD compliance information in close to real time. Such a solution would also ensure consistency of reporting across all ports and provide for greater community visibility of information to drive process quality and improvements.

Recommendation:	MPI develop and publish a simple web based tool to enable Operators to record non□compliance information thus ensuring consistency of information and timeliness of reporting. The standard should stipulate that operators are to use the MPI provided system for information recording

TRANSITIONAL FACILITY OPERATOR DOCUMENTATION REQUIREMENTS

The current Transitional Facility Standard require Transitional Facility Operators to maintain records of all consignments or deliveries processed through the Transitional Facility. In the case of international baggage and the associated ULDs this is not information that is currently maintained by CIAL. An Airline Operator is better placed to manage this information as it has already recorded via their Baggage Reconciliation System – all bags and ULDs from a specific aircraft.

Additionally Transitional Facility Operators are required to have authority to receive, transfer or reship goods from New Zealand via permits to import, BACCs or transfer request certificates. This is not an activity that directly relates to CIAL as it does not manage or handle imported goods. This further supports CIAL's view an airport can be a Transitional Facility Provider but should not automatically be deemed to be a Transitional Facility Operator.

Process

In considering the process to be followed to meet the proposed standards, CIAL notes the Discussion Document under section 11, states:

"...a system is required that delivers clean containers without an onerous documentation or resourcing requirement. Any system must take into account the volume and frequency of the circulation of air containers

through the air container pathway...The proposed approach below is similar to that of the IHS for sea containers."

It is important in our view for MPI to take fully into account the air container pathway for baggage ULDs is vastly different to that of sea containers. Time is the key element in relation to the management of baggage ULDs. Aircraft turnaround, baggage and passenger processing are all inextricably linked. Delays in the baggage breakdown process have a flow on effect on aircraft turnaround and passenger processing.

- Aircraft Turn delays have a significant cost implication for Airline Operators and a negative impact on customer experience and airport resource utilisation and efficiency
- Delays to arriving passengers due to slower baggage delivery, has a direct impact on MPI Biosecurity Assessor processes post customs and the overall passenger experience.

The key differences between sea container or cargo handling and baggage ULDs are:

- There are significant time constraints on baggage ULD handling to meet Aircraft Operator on time performance standards and arriving Customer Service standards
- Baggage ULDs are frequently re□used the same day and within 60 minutes of arrival at an airport such as CHC airport
- Multiple baggage ULDs are unpacked simultaneously in a short time period therefore will require significant resource to inspect and clean before re□use if the goal of minimal time impact on the turn process is to be achieved. At peak times at CHC Airport, up to 16 ULDs may be being unloaded simultaneously.
- Based on our experience we estimate it will take, on average 2 minutes to properly inspect and where necessary, clean the internal and external faces of a ULD. This therefore, could add an average of 16 minutes to the unload process for a narrow□body and 24 minutes for a wide□body. Presently at CHC Airport, for narrow□body flights, the average unload time is 18 minutes and for wide□bodies it is 25 minutes. Incorporating additional compliance tasks into the unload process, could result in a doubling of the unload time for international flights.

  This would have a significant impact on: o Unload resourcing; o Aircraft turn times; Space requirements in International Baggage claim as pax wait longer for their bags; and

o Passenger processing through MPI as the arrivals process will take longer

- There are over 200 staff employed by Ground Handlers at CHC Airport who may be used on any given day to unload baggage ULDs. Using this resource pool for inspection and cleaning has the potential to introduce significant variability into any inspection process.

When taking all this into account, CIAL considers the proposed process requirements are contrary to the statement in section 11 of the Discussion Document "*...without an onerous documentation or resourcing requirement...*". In order to meet both the time constraints placed on baggage ULDs and the biosecurity standards, significant additional resource will be required across international airports within NZ and significant potential time penalties to the existing process, particularly at the busier ports.

Different physical and operational parameters and environments exist at AKL, WLG, CHC, ZQN and DUD. This lack of homogeneity makes it difficult to deliver a standardised "one size fits all" process for every port. In all likelihood each port will need to develop customised process that is efficient and effective for them, given their particular operational environment.

Recommendation:	To alleviate the time constraints associated with the arrival and unload process recommend a change to the Standard to allow for and enable the inspection and certification of baggage ULDs to occur at another location rather than the break□down location. This will have the added benefit of reducing the number of human resources deployed to complete the inspections thus increasing the quality and efficacy of the process. Take into account the likelihood each port will require its own customised MPI Approved System for dealing with baggage ULDs

Submission 4

SUBMISSION

To Ministry for Primary Industries

Review of the Import Health Standard for Air Containers from Any Country

Introduction

1. This submission is from the Customs Brokers and Freight Forwarders Federation of New Zealand Inc. (CBAFF)
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2. The Federation represents those companies and individuals who are involved in the business of border logistics facilitation. Membership representation is diverse, covering all facets of service provision for the facilitation of international trade – both import and export. Our nationally based membership is comprised of 120 business members, who make up 80 per cent of the industry. Included in the Federation's aims is the following statement: "To liaise, maintain and develop communication within the industry and between various stakeholders to ensure mutually beneficial strategic partnerships result".

General Comment

CBAFF has reviewed the Discussion Documentation relating to Import Health Standards for Air Containers from Any Country and in general we support MPI's proposed amendments to the import health standard (IHS) 152.07.01I: *Air Containers from Any Country*.

Specific Concerns:

Our membership is concerned about the definitions of the following items/processes proposed by MPI and feel these need further consideration and clarification:

- **Section 22**

  In this section it states air containers are able to be released once an accredited person confirms to MPI that an air container meets the requirements of Schedule 3 and is free from pests and contaminants. The process around how an accredited person confirms the requirements are met needs to be developed and communicated.

  We recommend that ATFs be required to maintain their own records for this purpose under a co-management arrangement with MPI.

- **Section 24**

  This section states that for air containers that are not unpacked by an accredited person or an MPI approved system, an inspector must clear air containers travelling 'long distances' between transitional facilities. Further clarification is required around what defines 'long distances'.

  We recommend that 'long distance' should be defined as over 5km.

- **Process of transporting air containers to TFs as outlined in Appendix 1, 6.1.2: Transportation of air containers to TFs.**

  This section states that containers need to be 'transported in a manner that secures the cargo within'. This implies that containers must be transported by enclosed vehicles which doesn't allow for the use of flat-bed trucks and does this limit the use of soft-sided vehicles? Further clarification is required about what defines 'secures cargo within'.

  We recommend that the air container is sufficiently secure to contain any pests or contaminants and that transportation on any type/class of vehicle to a TF for inspection will meet NZ's biosecurity requirements.

  This section also states that 'Transportation may only follow a designated route from the POFA to the TF taking note of written authorisation from MPI'. More clarification is required about what defines a 'designated route', when this needs to be submitted to MPI for authorisation, and a process about what to do if due to unforeseen circumstances this route is not able to be followed (detours etc).

CBAFF wishes to continue discussion with MPI on the issues that are raised in this submission and others that may arise in the future.

Submission 5

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26 February 2016

SUBMISSION ON THE DRAFT MPI IMPORT HEALTH STANDARD FOR AIR CONTAINERS FROM ALL COUNTRIES

Submitter: Horticulture New Zealand Incorporated

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References:

A. MPI Import Health Standard: Air Containers from All Countries, draft for consultation
B. MPI Discussion Document: IHS for Air Containers from All Countries, for consultation dated Nov 2015
C. MPI Import Health Standard: 152.07.01I Air Containers from Any Country
D. Draft Standard for Transitional Facilities for General Uncleared Risk Goods
E. Draft Guidance Document to the Standard for Transitional Facilities for General Uncleared Risk Goods

EXECUTIVE SUMMARY

1. Horticulture New Zealand (HortNZ) represents 5,500 commercial fruit, vegetable and berry fruit growers, providing strategic direction and focus; strong relationships with product groups and associations; and working at both a national and regional level across a range of interest areas, including biosecurity.

2. Goods imported into New Zealand present significant biosecurity risk to New Zealand horticulture, as amply demonstrated by numerous recent incursions of unwanted pests. As the Ministry for Primary Industries (MPI) moves to cost-sharing and cost-recovery for biosecurity readiness and response to unwanted organisms, it is timely to review where risks exist, and whether appropriate risk management procedures are in place. As Ref B notes;

"there are numerous examples where contaminated aircraft and air containers have been linked directly or indirectly to the introduction of a new pest in a country".

3. HortNZ supports changes to risk management that will mitigate risk of introduction of pests and diseases. The review of biosecurity risk from air containers, and the proposed changes to the Import Health Standard (IHS) for air containers is supported in-principle by HortNZ; thereby ensuring all air containers and associated packaging are appropriately managed and inspected to prevent entry of quarantine pests and diseases into New Zealand.

4. The changes broadly are:

   a. Container and packaging documentation

   b. Containers to be clean and free from pests and contaminants

   c. Methods to confirm freedom from pests and contaminants

   d. List of Pests and Contaminants

5. The intended changes recognise that air containers can be, and are, widely distributed for use after importation, and therefore all containers must be checked for biosecurity risks on arrival.

6. HortNZ recognises, and appreciates, the effort made by various parties involved in highlighting the existing biosecurity risks on the baggage air container pathway, and the immediate efforts taken to address these risks.

COMMENTS ON PROPOSED CHANGES

Containers and packaging to be free from Pests and Contaminants

7. HortNZ supports the intent for air containers and packaging to be free from biosecurity risk by requiring freedom from pests and contaminants on importation and, when this is not achieved, for remedial action to occur. For air containers received at a Transitional Facility (TF) this appears to present no major change, noting however that the requirements for TFs are being updated and the draft TF Standard and Guidance (Ref D and E) are undergoing review. HortNZ notes some uncertainty of requirements due to Ref D and E being in draft form, and referencing the extant IHS for Air Containers (Ref C). Until such time as Ref D is finalised and issued, the opportunity for final comments on the suitability of this proposed IHS for air containers should be left open.

8. Responsibility for the cleanliness, or remedial action to achieve cleanliness, of air containers, must be sheeted home to the parties that introduce the risk (exacerbators). From the consultation workshops HortNZ gained the impression that the exacerbators (airlines) have shown little interest in the consultation process to date, and judging by the comments made by the Board of Airline Representatives New Zealand (BARNZ), were taking little or no responsibility for the introduction of biosecurity risks.

9. HortNZ is concerned that despite the best intentions of this proposed IHS, unless there is clear responsibility and accountability for the pest freedom of air containers, the key biosecurity improvement, a change in culture by exacerbators, particularly on the baggage pathway, will remain elusive.

10. HortNZ is uneasy with the requirement that "*air containers and associated packaging covered by an animal standard must comply with that standard*" as this may create a gap in

requirements where the animal standard does not adequately address plant health/plant biosecurity risks. For the avoidance of doubt it is suggested that this requirement includes compliance with both the relevant animal standard, and Schedule 3 to the IHS.

11. Ref A, para 2.2 (4) states that "*air containers that an inspector considers of high regulatory interest will be subject to further intervention.*" HortNZ supports this clause enabling inspectors to act. However how does MPI anticipate recording the compliance (and/or non-compliance) of air containers in a manner that will enable appropriate determination of "high regulatory interest"? Does MPI intend to collect data on air container cleanliness that would enable MPI to target risk management action?

Movement of Air Containers from POFA to TF

12. Ref A does not specifically set out the requirements for movement from a Port of First Arrival (POFA) to a TF, as Ref C currently does. Ref D, the draft TF Standard, does not specify who authorises/oversees the movement from airside to a TF. HortNZ suggests greater clarity in the proposed IHS to ensure there is accountability between the various standards.

Method for Clearance of Air Containers

13. The IHS sets out three options for satisfying the freedom from pests and contaminants:

    a. Confirmation by an Accredited Person,

    b. Confirmation the container has been through a MPI approved system, or

    c. Inspection of the air container by an inspector

14. Accredited Person (AP) The first option, confirmation by an AP, is not described in Ref D and E, draft Standards and Guidance for TFs. Currently the wording is only for sea containers; "*TFs for sea containers should have an AP present at container unpacking*". Additionally the word "should" does not meet the guidance in Ref B, para 24, which requires air containers that not unpacked by an AP, must be cleared by an inspector. HortNZ proposes changing "should" to "must" to avoid doubt as to the expectation, and include air containers in the definition of Accredited Persons in Ref D, Schedule 1.

15. Supervision by AP. Ref B, para 21 provides for someone "supervised" by an AP to unpack an air container and provide confirmation of freedom from pests and contaminants. Whilst not wishing to create additional burden on operators, HortNZ is concerned no standard is expressed as to how this supervision might occur. Additionally where only exception reporting occurs, a specific AP may not be able to be held accountable for the failure of any supervised person, as there is no requirement to record the AP responsible for a particular air container's clearance.

16. AP Guidance. The guidance (yet to be written) supporting this proposed IHS should include further information on the role and expectations of the AP. HortNZ understands that specific training and accreditation of for air container clearance will occur from mid-2016.

17. Ref B, para 24 - this appears to exclude air containers being re-used on international flights. HortNZ's seeks confirmation that all air containers must be checked, including those re-used for international flights.

18. Declaration of Cleanliness. The proposed IHS does not set out how an AP (or other person under an MPI approved system) will declare container cleanliness. The consultation workshop discussion appeared to focus on exception reporting (only reporting unclean containers). In the airport baggage environment, with multi-party interface, maintaining

accountability for air container cleanliness, establishing useful biosecurity data may not be achieved without positive reporting. HortNZ's question is does/would MPI issue a Biosecurity Authority/Clearance Certificate (BACC) for onward movement of an air container from the passenger terminal on the basis of exception reporting?

19. MPI Approved System. The IHS provides for clearance by an AP outside a TF, but it is unclear who is ultimately accountable. Does MPI intend that this will be a system approved by MPI, with APs the recognised standard for personnel to be able to inspect and clear air containers? HortNZ supports the proposal for an MPI approved system, and recognises that some POFAs are facilities used by multiple parties and not operated as TF. To ensure confidence and accountability, the AP must be empowered to ensure the appropriate facilities are available, and actions are taken. In this regard Ref D and E appears specific to TFs, not an airside environment.

IHS Schedule 3

20. Some wording of the contaminant list is confusing. It currently reads; "Dead or dry plant material and soil that cannot be removed..." HortNZ suggests changing it to read "Dead or dry plant material and soil, which cannot be removed..." to ensure it refers to all matter that cannot be removed.

21. The threshold for treatment as a contaminant for '*Loose dead or dry plant material (e.g bark, fruit, leaves, sawdust, twigs)*' is currently five. HortNZ does not support this and suggests changing to simply 'Always treated as contaminant'. The current wording would allow for significant biosecurity risk goods to be acceptable – e.g. Four dried oranges would not be acceptable.

NON-COMPLIANCE

22. As has been expressed in relation to other pathways and IHS', HortNZ welcomes the opportunity to engage with MPI to realise the policies and procedures that encourage compliance and penalise non-compliance, in a consistent manner, across all risk pathways. Understanding and improving such policies will assist developing the confidence of the horticultural industry.

WORKSHOP FEEDBACK

23. HortNZ appreciated the opportunity to discuss with MPI and other stakeholders at workshops in Wellington and Auckland. As previously noted whilst airport company staff and ground handlers were involved there were no airline representatives present to discuss air containers for passenger baggage. Achieving better biosecurity outcomes for passenger baggage containers requires ownership of this issue by the airlines who bring in the risk. HortNZ is concerned that airlines are unprepared to meet their legal and moral obligations to all New Zealanders on biosecurity.

24. The costs of achieving the IHS, and the infrastructure necessary was raised at the Auckland workshop. Despite the growth in passenger numbers, and biosecurity risk, there appears little acceptance of the need for the supporting infrastructure to meet the outcomes sought under this IHS. Likewise the allocation of costs concerns stakeholders likely to be caught between exacerbators and MPI. HortNZ would support MPI taking further steps to socialise these proposed changes with airlines. HortNZ and its grower stakeholders cannot accept the direct and indirect costs of managing biosecurity incursions, because

CONCLUSION

25. HortNZ commends MPI for reviewing the IHS for air containers from all countries, and supports the intent. HortNZ welcomes the opportunity to engage further with MPI on the matters raised, together with other horticultural industry product groups.

26. HortNZ commends those airports, who have identified the biosecurity risks and taken actions to address these prior to these proposed IHS changes.

27. This submission is supported by New Zealand Avocado Growers Association Inc, Pipfruit New Zealand Inc, Vegetables New Zealand and Kiwifruit Vine Health.

28. HortNZ supports the comments made in the Kiwifruit Vine Health submission.

Submission 6

26 February 2016

standards@mpi.govt.nz
Ministry for Primary Industries
PO Box 2526
Wellington 6140

To whom it may concern,

Re: Kiwifruit industry comments on the draft Import Health Standard for Air Containers from All Countries

Thank you for the opportunity to make a submission on the draft Import Health Standard (IHS) for Air Containers from All Countries, and the associated discussion document.

Overall Comments

1. KVH support the proposed changes to the air container pathway to mitigate the risk, and associated impacts, of biosecurity incursions to New Zealand's primary industries.
2. The new format of the Standard is useful to simplify and streamline the Standard and clarify legal requirements.

Specific comments on the draft IHS for Air Containers

3. Schedule 3 sets out what is treated as a pest or contaminant for purposes of the IHS. We feel this table is unnecessarily pest focused, as opposed to pathogen, and would better manage risk by treating the presence of any material (plant, animal, soil, or observable micro-organism) as a potential contaminant. This approach would also address the following;
    a. The presence of any plant material, live or dead, should be treated as a contaminant. Separate measures for dead material as opposed to live are not useful as both forms have the potential to introduce biosecurity threats.
    b. The presence of any plant material, regardless of quantity should be treated as a contaminant. A single piece of shrivelled fruit has the potential to introduce unwanted biosecurity threats and it is unclear why a threshold of five pieces is required to be treated as a contaminant and if there is science to support this approach.
    c. Fungi and any other observable should be treated as a contaminant and not removed simply by "wiping" unless there is evidence to suggest this is an effective treatment for all visible and non-visible particles that are likely to be present in this instance.
    d. Any and all contaminants should be recorded. On this basis exception reporting is acceptable on basis that MPI is collecting activity information and is able to report on performance.
4. Discussion Document, Appendix 1, 6.1.1 (p6) states *"MPI-AIRCON-ALL requires that air container TFs must be in close proximity (<5km) from the POFA at which the air containers were landed"*. KVH support this measure to mitigate risk and agree that it should be included in MPI-AIRCON-ALL. However we are unable to see where this requirement is stated in the Standard.

Other comments

5. KVH seeks to better understand how compliance with this Standard would be measured, monitored and reported on. Will performance measures include compliance goals and triggers for subsequent actions should performance targets not be met? What are the consequences of non-compliance for individual operators and will such consequences, or incentives for compliance, encourage operators to work towards continuous improvement of biosecurity practice?

KVH welcomes opportunity to discuss any aspect of our submission with MPI, and we look forward to your careful consideration of these matters.

Yours sincerely,

Barry O'Neil

Submission 7

NZ AIRPORTS

SUBMISSION ON DRAFT IMPORT HEALTH STANDARD: AIR CONTAINERS FROM ALL COUNTRIES

26 FEBRUARY 2016

Introduction

1. This is the New Zealand Airports Association (NZ Airports) submission on the consultation document published by the Ministry of Primary Industries (MPI) on the proposed changes to the Import Health Standard: *Air Containers from All Countries* (the draft IHS).

2. The affected airports – Auckland International Airport Limited, Wellington International Airport Limited, Christchurch International Airport Limited, Dunedin International Airport Limited, and Queenstown Airport Corporation Limited – have been involved in the preparation of this submission, but may also be making their own submissions on matters specific to each.

3. NZ Airports' contact for this submission is:

Kevin Ward
Chief Executive
PO Box 11 369
Manners Street
Wellington 6011

DDI: (04) 384 3127
Mobile: 021 384 524

Email: kevin.ward@nzairports.co.nz

Executive Summary

4. NZ Airports encourage the adoption of measures to ensure biosecurity risks posed by the international movement of goods are managed swiftly and appropriately.

5. We acknowledge that, at present, the percentage of contaminated air containers is too high, and additional measures need to be adopted to reduce the risks posed by contamination. To that end we are committed to playing our role in putting in place measures to prevent pests and contaminants being introduced through our ports.

6. Our key submissions in relation to the draft IHS and its associated documentation[1] are:

   (a) We support clarity of responsibility for ensuring biosecurity measures are met.

   (b) To that end, we encourage consistency between all ports dealing with biosecurity issues, but recognise that a "one size fits all" approach is unlikely to be an efficient or effective method of achieving this.

(c) An important distinction needs to be clearly drawn between the entities that provide the infrastructure for transitional facilities, and the entities that use transitional facilities to process air containers. This distinction is fundamental to how the legal framework should allocate roles and responsibilities within the aviation industry.

(d) Terms used in the draft IHS and its associated documentation should be clearly and carefully defined, as well as used with consistency.

(e) Data collection and record maintenance processes should be fit for purpose, and the persons responsible for undertaking the processes should be those best placed to do so.

7. We discuss these themes in more detail below. However, we thought it useful to first provide some background to assist MPI's understanding of the nature and context of the business setting in which the biosecurity measures will operate.

Regulatory setting of air container biosecurity measures

Objectives

8. We understand that the proposed amendments to the draft IHS aim to provide specific biosecurity regulation for international air containers, as opposed to international containers more generally (encompassing both air and sea containers). To that end we are conscious that the proposed amendments to the draft IHS effectively contemplate regulation in a new area.

9. This being the case, in our view there is value in approaching this task with a clear understanding of the regulatory objectives to be fulfilled. Undoubtedly the high level objective of this process is to put in place policies and procedures to ensure biosecurity risks posed by international air containers are effectively and efficiently managed. However, we consider there are supplementary regulatory objectives that are critical to achieving this primary goal. These objectives are:

(a) clearly defined transitional facilities;

(b) clear infrastructure standards for transitional facilities that are efficient and effective;

(c) clear responsibility and accountability for meeting obligations to provide compliant transitional facilities;

(d) clear obligations in relation to each air container;

(e) clear responsibility and accountability for meeting obligations to ensure air containers meet the applicable biosecurity standards; and

(f) consistent allocation of roles and accountability nationwide as between MPI and those responsible for maintaining biosecurity measures.

10. Conversely, if these regulatory objectives are not sufficiently met we consider there is a real risk that the primary goal – effective biosecurity risk management – will be undermined.

with air cargo and air passenger baggage.

Table 1: Comparison of air cargo and air passage baggage processes

	Air Cargo	Air passenger baggage
Transitional facility provider (ie, the entity responsible for providing the infrastructure making the available space a transitional facility. If an airline leased airport premises to be used as a transitional facility, it would be the airline as leaseholder that is the transitional facility provider)	Usually the importer (though feasibly could be the airport)	Airport
Transitional facility user (ie, the entities using the transitional facility for the purpose of cleaning air containers, processing cargo/baggage, etc)	Importer (staff and/or agents)	Airline (staff and/or agents)
Transport arrangements (ie, those responsible for transporting air containers from the aircraft to the transitional facility)	Importer (staff and/or agents, eg, baggage handlers)	Airline (staff and/or agents, eg, baggage handlers)
Service expectations	Similar to sea cargo – unlikely to have pressing time sensitivities, unnecessary to process containers at the exact point of arrival, and the importer usually retains control of the air container from its arrival until it has been assessed for biosecurity hazards	Passenger baggage must be processed at point of arrival, the commercial requirements of scheduled airline timetables along with passenger expectations place tight time constraints upon all transitional facility users, turnaround time between unloading and loading of air containers is critical to an airline's operation, transitional facilities are often shared by a number of different domestic and international airlines simultaneously.

Key implications for regulation

14. Bearing the above distinctions in mind, it is critical that the draft IHS clearly distinguishes between the entities that provide the infrastructure for transitional facilities, and the

differences below:

Transitional facility providers

(a) In the case of air cargo, transitional facility providers tend to be airlines or other providers of importation services (ie, DHL). These entities lease airport land and/or buildings (or in some cases lease/own facilities nearby) and "fit out" the premises to ensure that the relevant standards – including biosecurity measures – are met. Often airports have no legal right to access these facilities.

(b) On the other hand, airports do provide the onsite transitional facilities used for processing air passenger baggage. This is because such facilities are frequently used by a variety of different airlines at the same time, in order to provide timely and efficient baggage services to travellers. However, as is the case with air cargo, airports do not own the air containers nor do they have the legal rights of access, expertise, or (currently) the credentials to assess the air containers carrying passenger baggage passing through their transitional facilities.

Transitional facility users

(c) As described briefly in the table above, transitional facility users are currently the entities with the legal rights of access, knowledge, expertise and credentials to carry out the required biosecurity assessment of all air containers. Regardless of whether the air container contains air cargo or passenger baggage, the transitional facility users are invariably the airline/importer and their agents, not the airport. The airport does not have the legal right to access, inspect, or interfere with an air container.

15. We consider that the allocation of the relevant biosecurity responsibilities should be based on the roles of the transitional facility providers and users respectively. As such, it is appropriate to hold transitional facility providers (typically airports) responsible for the infrastructure requirements relating to transitional facilities, while transitional facility users should have responsibility for ensuring biosecurity measures are fulfilled in line with the relevant regulations. We hold the view that that it is more appropriate for the airline and/or their agents to hold the required "Accredited Person" certification to assess air containers, primarily because these parties have access and control over the biosecurity process, whereas airports do not.

16. We consider the draft IHS also needs to draw a clear distinction between the biosecurity requirements for air cargo and air passenger baggage. In particular, the regulations should take account of the fact that air passenger baggage services must be provided in a manner that is intensely time (and often space) sensitive, and so implementing rigid biosecurity processes will necessarily impact on costs for airlines and parties providing border security services, as well as the associated customer service levels.

17. The regulations must also account for each airport having its own nuances, be they physical, or operational. Based on the proposed draft IHS, we have concerns that the new regulations will impact each airport differently, both in terms of passenger baggage and air cargo. In our view adopting rigid standards for infrastructure will imply materially different and potentially inefficient/wasteful expenditure for each airport. To resolve this issue, we propose that each airport works directly with MPI to agree individualised protocols that fulfil the relevant infrastructure requirements without unnecessary expenditure.

18. We provide our substantive comments on the draft IHS and its associated documents below.

Clarity of responsibility

19. In order to ensure that effective biosecurity measures are successfully implemented, it is imperative that:

(a) those best suited to putting the measures in place have the onus to do so; and

(b) those responsible for carrying out biosecurity measures have clearly defined roles and the associated accountability for meeting the appropriate standards.

Allocation of roles

20. Airports provide the facilities and infrastructure associated with the provision of air travel services. Conversely, the functions of hands-on handling of aircraft, passengers, cargo, and passenger baggage are performed by other parties, typically the responsible airline, importer, and/or their agents (such as ground handlers).

21. As these frontline service providers are responsible for carrying out the required biosecurity checks and fulfilling the relevant protocols, in our view the draft IHS should reflect that the onus of ensuring compliance is on the parties directly (or indirectly, via agents) providing the services.

22. At present, each airport holds a Place of First Arrival (POFA) certificate under which a number of biosecurity obligations exist. However, in some circumstances we consider this inappropriately allocates responsibility to airports, and in practice can lead to arbitrary results. For instance, we are aware of instances where non-compliance notices such as "Corrective Action Requests" have been issued to airports based on actions by ground handlers or airlines, and the airports have had no legal means to pass these notices on to those ultimately responsible.

23. We consider the draft IHS and the associated documentation do not clearly articulate who has responsibility and accountability for ensuring biosecurity requirements are met. For instance, the draft TFGEN-GD suggests that the Transitional Facility Operator has responsibility for ensuring that the risk management processes are undertaken, while in the draft IHS and its accompanying discussion document the airlines appears to be responsible.

24. We recommend clarifying the wording of the draft IHS and its associated documentation to clearly articulate that airlines/importers and their agents are responsible for fulfilling the relevant biosecurity measures, as opposed to airports. This will ensure that the draft IHS has the best chance of effective and efficient implementation, by allocating clearly roles to those best placed to perform them.

Auditing and compliance

25. Following this, we also consider auditing and compliance services should be provided by MPI, as it presently holds a strong understanding of, and familiarity with, the required biosecurity standards and processes. In our view airports should not have responsibility for auditing and/or ensuring compliance from those responsible for carrying out biosecurity measures. These functions do not fall within airports' core area of expertise as facility and infrastructure providers.

Cost allocation

dual-action insecticides, sealed biosecurity bins, and approved inspection benches (clause 6.1.6); and

(c) while not directly referenced in the draft TFGEN-GD, ground handlers are likely to require training to implement the proposals.

27. While it is not the place of the draft IHS or MPI to allocate the costs associated with these changes, providing clarity around the roles and responsibilities of the parties involved in the management of biosecurity risks will help the parties allocate these costs appropriately.

Acknowledgement of procedural differences

28. The discussion document notes at paragraph 11 that the process proposed in the draft IHS has been designed in a similar manner as the IHS for sea containers. We consider consistency between different biosecurity systems is a desirable outcome; however, we do not see consistency as a goal in itself if the ultimate outcome – effective biosecurity management – cannot be achieved.

29. As a general point there are significant differences between the handling processes for sea and air containers, and particularly in relation to air passenger baggage. For instance, air containers used for passenger baggage are frequently processed, unpacked, and reused within tight timeframes, while in the case of sea containers the timeframes are much more relaxed. The reason for this is likely to be that users of air travel services have higher expectations on the timeliness of the service, particularly in relation to personal baggage transported by aircraft.

30. Bearing this in mind, we consider that there is a real risk that the steps outlined in the draft IHS will put increasing pressure on timeframes to turn around air passenger baggage.

31. Aside from the differences between sea and air freight, there are also considerable differences between the physical and operational parameters of New Zealand's airports. We consider these differences will make it difficult to adopt a "one size fits all" approach to the management of biosecurity risks. In particular, the physical requirements of the transitional facilities set out in the draft TFGEN-GD are highly prescriptive, and may not recognise facilities where biosecurity risks are being effectively managed by alternative systems.

32. To achieve the most efficient and effective results, we think there is benefit in each airport working with MPI to develop their own customised transitional facilities with the appropriate biosecurity safeguards in place. This approach would ensure biosecurity measures are tailor-made to suit the physical parameters of the available space, while removing the costs associated with implementing impractical compliance measures.

Consistent and clearly defined terms

33. In order for the IHS to be implemented effectively, the definition of terms (and the links between various terms) should be clearly and consistently articulated to avoid misinterpretation.

34. We have concerns that some of the terms used in the draft IHS and its associated documents leave scope for confusion, or otherwise could be drafted in a more succinct manner. Definitions should be adopted to take into account the fact that parties can have different roles and responsibilities depending on the how the baggage handling process is structured.

35. For instance, in relation to the terms "Transitional Facility" and "Transitional Facility Operator", the IHS should account for the fact that the owner of the transitional facility and the party responsible for operating it may not be the same. Similarly, the use of the terms "Airline" and "Importer" should carefully applied, as in many instances an airline will also be the importer of air containers.

36. In our view MPI should ensure that the terms used in the IHS and its associated documents are sufficiently robust to cater for different scenarios without creating inconsistency and confusion. We ask that MPI carefully consider the definition and application of, and interplay between, the following terms:

(a) "Airline";

(b) "Importer";

(c) "Transitional Facility Provider";

(d) "Transitional Facility Operator"; and

(e) "Accredited Person".

37. In terms of the flexible three-option approach to air container clearances contained in 2.2(3) of the IHS, there is some confusion as to whether an "Accredited Person" must be present. We ask that MPI clarifies the proposed requirement to ensure those responsible for air container clearances fully understand their obligations.

38. Similarly, for the purposes of ensuring clarity that the IHS applies to both air passenger baggage and freight air containers, we consider there is merit in reversing the order of clauses 2.1 and 2.2 of the IHS. As presently drafted, it could be interpreted that the IHS applies to freight air cargo containers only.

39. In our view, the term "pigs", used in Schedule 1 of the IHS to describe air containers, should be deleted or redefined. This is because the term holds other meanings in the air industry, such as being used as a term for passenger inline guidance rather than a cargo holding item.

40. We also query the rationale behind "dead arthropods" being classed as non-contaminants under Schedule 3 of the IHS, particularly due to the risk that such contaminants may be dormant and therefore still a biosecurity risk.

Fit-for-purpose data collection

41. We believe that efficient and effective analysis of biosecurity data can be achieved by adopting consistent and straightforward processes for data collection.

42. Clause 6.1.4 of the draft TFGEN-GD sets out that "all air container checks completed by an [authorised person] where regulated contaminants or pests are found must be

43. We acknowledge that there is some merit in providing choice as to the type of system used. However, we think that it would be just as simple for MPI to adopt a basic web-based reporting tool to enable the relevant parties to record exception data consistently and quickly. In our view this would make the data easier and faster for MPI to analyse, as the data would not require cleaning or reformatting prior to use.

44. For clarity, we note that airports do not require, and do not want, access to all data collected across the country. Rather, we ask that MPI adopt a simple web-based template system which would standardise the manner in which data is collected, and would allow airports to access information relating only to their airport.

45. We also note that clause 6.1.7 of the draft TFGEN-GD recommends that information should be kept in relation to each air container sent to a transitional facility. The clause does not mention which party should be responsible. We consider this role is best fulfilled by airlines, primarily because this information is already recorded in their Baggage Reconciliation Systems. It would be repetitious and unnecessary for this information-gathering process to be duplicated by a different party.

Next steps

46. In our view, the next step is for MPI to allocate the various biosecurity responsibilities to the appropriate parties. As discussed above, we consider that the parties responsible for the day-to-day handling of biosecurity processes, and indeed with legal rights over the goods, are best allocated the accountability for adequately carrying out these processes. This is not a role best suited to airports.

47. Following this, we consider an industry-wide conversation with MPI should be commenced, in order to discuss and agree tailored measures that best reflect the physical and operational nuances of the respective airports, as well as meeting world-class biosecurity standards.

48. We are aware that other aviation industry participants, including airlines and ground handlers, have views on the biosecurity measures discussed in the draft IHS and the associated documentation. We consider MPI should ensure all aviation industry participants affected by the proposed biosecurity measures are appropriately consulted throughout this process. To that end, going forward we encourage MPI to maintain an open conversation with the relevant parties to ensure the best biosecurity outcomes are achieved.

Appendix 2 Workshop minutes

Noting attendees were provided with minutes and advised to reply by a certain deadline if any parts of the minutes did not reflect the workshop outcome.

Consultation workshop for IHS for Air Containers

MINUTES

Meeting date | time *1pm 11/2/2016* location *MPI Offices, Tom Pearce Drive, Auckland*

Facilitator	Jo-Anne Stokes (MPI)	**Attendees:** Traci Kirk (**Air NZ**) Colin Strevens (**Air NZ**) Roy Robertson (**Auckland International Airport (AIAL)**)
Attendees	Shamal Baldeo (MPI) Michael Braks (MPI) Doug Farr (MPI) Paul Gibb (MPI)	Dev Dhanjee (**Famous Pacific Shipping Ltd**) Richard Palmer (**Horticulture NZ**) Michael Stewart (**IVS**) Ian Jenner (**Jenners Worldwide Freight**) Fiona Scott (**Menzies**) Alan Barnett (**Toll Group**)

Topics

1. **DOCUMENTS**

Workshop participants agreed with the intent of the IHS, that the air container arriving into New Zealand should be clean and that the options[16] to clean were appropriate to the pathway.

2. **WHO HAS RESPONSIBILITY FOR THE IHS**

MPI noted that under the *MPI places of first arrival standard* the approved airport company is responsible for providing the arrangements, facilities and systems to manage the biosecurity risk imported. The airport company in turn can point to third parties or a system that meets the standard to receive a risk good such as air containers.
Airlines bring in the risk and their agents (baggage handlers and freight forwarders etc.) are required to comply with New Zealand's Rules and Regulations.
There are various areas of responsibility managing the freight, baggage and empties awaiting pick up. Within the environment at Auckland Airport the responsibility would depend on who (which airline agent or group of airline agents) has responsibility for the baggage hall.

The approach elsewhere has been as follows:

- Queenstown Airport Limited has a TF in the baggage area and 2 AP's assigned by the airport company to supervise unloading.
- Christchurch International Airport Limited has assigned responsibility to the various areas where air containers pass through. The process is voluntary until the IHS is implemented.

[16] There are 3 options to ensure air containers are clean of biosecurity contaminants:

- the Transitional Facility (TF) with an Accredited Person supervising or unpacking goods option (TF Option) under the standard General Transitional Facilities for uncleared goods. The draft standard includes air container facilities https://www.mpi.govt.nz/news-and-resources/consultations/draft-general-transitional-facilities-for-uncleared-risk-goods-standard-and-guidance-documents/;
- a MPI approved system. This could take various forms including an airline offshore system. (MPI Approved);
- an MPI inspector to check the air container (Inspector option);

Overall there was a need for airlines to take responsibility for the biosecurity contaminants in air containers. It was noted that airline charges may be affected depending on how the programme was implemented i.e. if airline agents bore the cost and passed it on to the importers or alternatively charged the airlines for the cost of a clean.

Action: Shamal Baldeo (MPI) will coordinate a discussion with airline representatives.

3. BAGGAGE/FREIGHT COMPARISON OF RISK

The response to 14% contamination of baggage air containers at Christchurch Airport was discussed along with the noted contaminant levels of 11% in 2011 and 17% in 2014 at Auckland Airport in the air can park[17].
It was noted that the freight survey in 2013 showed a .2 % contamination rate.
It was acknowledged that there is a biosecurity problem. The freight risk area is logistically able to meet the TF option as freight areas are currently required to have a TF , but do not require an AP[18]. For baggage handlers it was the timing of checking/cleaning in the logistics chain that will present challenges to meet the IHS.

4. SEGREGATION OF AIR CONTAINERS

To prevent contaminated air containers crossing into the domestic pathway all international air containers should be segregated from domestic. An international air container would need to be cleared or within a system of clearing before it could enter into the domestic pathway.
This would relate to airlines (Air New Zealand, Jetstar, and Virgin) who have international and domestic routes.
Airlines and their handlers may have a 'storage area' for international baggage air containers. The storage area should be under a transitional facility standard and air containers cleared from that area by the accredited person or a system that provides MPI with certainty that the air container is clean.

Transfer between TF's –an air container need not be 'cleared' until it leaves the TF system, although logically when it is first unloaded would be the time the container is checked as being clean.

5. ISSUES RELATED TO TRANSITIONAL FACILITY (TF) REQUIREMENTS

There was concern from AIAL that under the TF-Gen standard that TF's for air containers would require drain covers, 1000lux lights, a cleaning area, 3 m clearance around the container, 1 m between air containers etc. which they saw as unrealistic as sites with air can storage were open sites making such requirements difficult.
Air Freight facilities are already compliant to the TF-Gen standard noting that the lighting requirements were related to search benches and the average torch light (600lux) would comply. The freight areas were audited on a frequency related to compliance. Currently AP's were not required but under the new standard would be required. An AP per shift in an industry with historically high turnover may be an issue.
The airport had space constraints to accommodate any stored air containers.
TF Gen standard requirements are listed in guidance and local MPI would look at any proposed system to provide guidance in the TF space. The outcome being that MPI had assurance that any contaminated air containers were cleaned out (usually swept) and placed with other such cleaned air containers.

Actions

MPI Operations/Airport community to work together to devise a system that will work for Auckland airport

Note: Currently there are interim measures such as walls sprayed with residual in baggage halls to address some pest movement.
Note Training in baggage services to deal with paper and plastic, which are not biosecurity contaminants.

6. RECORDING

Under the TF option there is a requirement to differentiate between cleared and uncleared containers as well as recording the contaminants per air container/airline/origin.
AIAL propose to gather survey results specific to baggage to look at the severity of the risk.

[17] mix of baggage and freight air containers
[18] The draft TF-Gen standard requires air container freight forwarders to have AP's, as required for sea containers.

Recording systems (CEM) are in place that read the barcode of each air container to track the can through the logistics chain. The CEM system is being implemented for efficiencies so that the recording requirements could well become more mechanized in the future.

7. STATUS QUO

The cost of doing nothing was high with eradication efforts projected to be in the millions.
For example:

- MPI/Horticulture New Zealand[19] bore the cost (estimated to be in excess of $20M) of the latest eradication of fruit fly in Auckland 2014/2015;
- the current ant incursion at Christchurch airport (January 2016); and
- evidence suggesting that pests are capable of surviving and breeding in the air container pathway i.e. Glassy Winged Sharpshooter research suggests the pest can survive with a limited food source for in excess of 12 hours and that the temperature in aircraft holds is conducive to the pests' survival.

8. CONCLUSION

- In the long term airlines and airline handlers were the entities affected by the IHS;
- In the short term a process to address contaminants in baggage containers would need to be looked at by airports as part of their obligations under section 37 of the Biosecurity Act;
- Communication needed to occur between handlers as to what were domestic (non-risk) and International (risk) air containers;
- The TF option suited the freight area, but the location of a TF system in the baggage logistics chain would need careful consideration on an airport by airport basis;
- Reporting requirements are required to differentiate cleared and uncleared and to provide information on the source of contaminants;
- Submissions are due by 5pm Friday 26th February 2016.

Attachments

- Power point presentation 'Baggage handlers Guide to Biosecurity'
- Survey Template

[19] Horticulture NZ required to contribute to eradication of fruit fly under the Government Partnership Agreement

Consultation workshop for IHS for Air Containers

MINUTES

Meeting date | time *9:30am 10/12/2015* location *MPI Offices, Sir William Pickering Drive*

Facilitator	Jo-Anne Stokes (MPI)	**Attendees:** Richard Ireland (Agility) Graham Kawana (Air NZ) Rick Talbey (Air NZ) Stefan Anthony (Air NZ) Jill Jones (Biosecurity South) Mark Brooker (Biosecurity South) Stewart Gibbon (CIAL) Ian Kininmonth (DHL) Bruce McCoy (EWWC) Mike Tongue (FEDEX) Amy Williams (GVI) Mike Welch (GVI) Mikael Jones (NZ Customs) Chris Johnson (Queenstown Airport Limited) Stephen Roberts (United Arab Emirates) Jason Daniel Aeron Lioe
Attendees	Allan Thompson (MPI) David Rollinson (MPI) Mark Stuart (MPI) Andrew McKay (MPI) Chris Gumley (MPI) Hayden Mitchell (MPI)	

topics

Documents for Air Containers

Import Health Standard document. A suggestion from the Wellington Workshop was submitted to the Christchurch Workshop, namely:

- Reading 2.1 & 2.2 in isolation, without referring to the definitions, it appears that both sections relate to freight air containers only. *(Suggest to reverse 2.2 and 2.1 to clarify the intent is for the IHS to cover both baggage and freight)*
- Description of air container used the terms 'p1gs'. This term can also be used as a passenger guidance term as well as a cargo holding item. *(Suggest remove/clarify).*
- Contaminant list: It was queried why dead arthropods are not contaminants. (May have been fumigated/treated, need to check they are dead (not dormant) and no restrictions as for bees exist).

Discussion Document

- Point 22 talks about Accredited Persons. Is it envisaged that **airport companies** conduct some form of audit on freight pathways for air containers. (*No, auditing of Transitional Facilities is a MPI role or a role delegated to an agent of MPI to conduct objectively).*

Action: For information

1. WHO HAS RESPONSIBILITY FOR THE IHS

Discussion noted that under section 37 of the Biosecurity Act the approved airport company is responsible for providing the arrangements, facilities and systems to manage the biosecurity risk imported and needs to be able to point to a system to manage air containers.
Therefore the responsibility of the IHS falls on airlines and their contracted baggage handlers and freight forwarders to comply. There are 3 options to ensure air containers are clean of biosecurity contaminants:

- the Transitional Facility with an Accredited Person Option (TF/AP Option);
- an MPI approved system (offshore, onshore). This could take various forms including an airline offshore system. To gain equivalence to the IHS approval would need the MPI Chief Technical Officer (CTO) approval. (MPI Approved)
- an MPI inspector to check the air container.

Within the environment at Christchurch Airport the responsibility would depend on the logistics chain and the baggage make-up hall offered an option. In Queenstown the airport has a TF in the baggage area and 2 AP's assigned. Overall there was a need for airlines to take responsibility for the contaminants in air containers.

2. BIOSECURITY LEVY

BARNZ noted that there is a $22/person levy as at 1st January, is it not MPI's responsibility to take charge of the risk? The air container IHS relates to the risk associated with importing a good and not the risk the person carries on their person. The importer that brings in the risk needs to pay for the risk. In the passenger pathway MPI has been processing increasing numbers of passengers out of crown funding (i.e tax payer dollars) for a number of years and this is no longer sustainable. Noting that passenger numbers are set to increase in excess of 30% over the next 5 years according to Airports Association conference data on top of the current increase in excess of 20% from 2013.

3. BAGGAGE

The response to 14% contamination of baggage air containers at Christchurch Airport was discussed along with the noted contaminant levels of 11% in 2011 and 17% in 2014 at Auckland Airport in baggage. It was noted that the freight survey in 2013 showed a .2 % contamination rate.
It was acknowledged that there is a biosecurity problem. The consensus was that airlines should shoulder the burden rather than airports. In the interim some measures needed to be made regarding the high level of contamination of baggage air containers.
The freight risk area is logistically able to meet the TF/AP system option. For baggage handlers it was the timing of checking/cleaning in the logistics chain that will present challenges for the TF/AP system.

4. SEGREGATION OF CONTAINERS

To prevent contaminated air containers crossing into the domestic pathway all international air containers should be segregated from domestic. An international air container would need to be cleared or within a system of clearing before it could enter into the domestic pathway.
This would relate to airlines (Air New Zealand, Jetstar, Virgin) who have international and domestic routes.
Airlines and their handlers may have a 'storage area' for international baggage air containers. The storage area should be under a transitional facility standard or a system and air containers cleared from that area by the accredited person.

5. RECORDING

Under the AP/TF option there is a requirement to differentiate between cleared and uncleared containers as well as recording the percentage of contaminants per airline. Air NZ at Wellington Airport log finds for MPI inspection as a voluntary measure.

6. CONCLUSION

- In the long term airlines and airline handlers were the entities affected by the IHS;
- In the short term a process to address contaminants in baggage containers would need to be looked at i.e similar to Christchurch airport system;

- Communication needed to occur between handlers as to what were domestic (non-risk) and International (risk) air containers;
- The AP/TF option suited the freight area, but the location of an AP/TF system in the baggage logistics chain would need careful consideration;
- Reporting requirements are required to differentiate cleared and uncleared and to provide information on the source of contaminants;
- Minutes would be circulated to the next workshop in Auckland 11th February 2016.

Consultation workshop for IHS for Air Containers |MINUTES

Meeting date | time *9:30am 27/11/2015* location *Wellington Airport Operations room*

Facilitator Jo-Anne Stokes (MPI)

Attendees:
Richard Palmer(Hort NZ),
Eric Gimpel (MPI);
Lachlan Thurston (Wellington Airport Company); and
Dean Gillatt (Wellington Airport company)

Attendees invited but did not attend:
Rita Wallace (Aerocare), Bob Gardiner (Air NZ); Andrew Walker (Qantas); Trace Kirk (Air NZ); Graham Kawana (Air NZ); Charlie Pawa (DHL)

Topics

1. DOCUMENTS FOR AIR CONTAINERS

Import Health Standard document

Reading 2.1 & 2.2 in isolation, without referring to the definitions, it appears that both sections relate to freight air containers only. *(Suggest to reverse 2.2 and 2.1 to clarify the intent is for the IHS to cover both baggage and freight)*

- Description of air container used the terms 'pigs'. This term can also be used as a passenger guidance term as well as a cargo holding item. *(Suggest remove/clarify).*
- Contaminant list: It was queried why dead arthropods are not contaminants. (May have been fumigated/treated, need to check they are dead (dormancy) and no restrictions as for bees exist).

Discussion Document

- Point 22 talks about Accredited Persons. Is it envisaged that **airport companies** conduct some form of audit on freight pathways for air containers. (*No, auditing of Transitional Facilities is a MPI role or a role delegated to an agent of MPI to conduct objectively).*

2. WHO HAS RESPONSIBILITY FOR THE IHS

The responsibility of the IHS falls on baggage handlers, freight forwarders and airlines to comply. Direct communication is required to baggage handlers as the freight area in Wellington is largely compliant to the AP/TF option. The baggage hall is provided by Wellington Airport, but the airlines provide the service (contract to third parties). Wellington Airport is responsible for providing the arrangements, facilities and systems to manage the biosecurity risk imported and needs to be able to point to a system to manage air containers (under section 37 of the Biosecurity Act).

3. RECOGNITION OF BIOSECURITY CONTAMINANTS

NZ Customs approve ground handlers and perhaps there could be some education provided to those same approved ground handlers to recognise biosecurity contaminants through a joint MPI/Customs system.

4. WHAT IS THE SCALE OF THE PROBLEM

The response by Christchurch Airports to the 14% contamination of baggage air containers was discussed along with the noted contaminant levels of 11% in 2011 and 17% in 2014 at Auckland Airport in baggage. It was noted that the freight survey in 2013 showed a .2 % contamination rate.
It was acknowledged that there is a problem. The consensus was that airlines should shoulder the burden rather than airports. In the interim some measures needed to be made regarding the high level of contamination of baggage air containers.

5. OPTIONS TO RECEIVE AIR CONTAINERS

There are 3 options.

- the Transitional Facility with an Accredited Person Option;
- a MPI approved system (offshore, onshore). This could take various options as an airline offshore system; equivalence to the IHS that would need to be approved under CTO direction.
- an MPI inspector to check the air container.

Discussion on how each of the options fitted the Wellington Airport situation, but the baggage handlers and airlines were not present and this limited the discussion.

6. SEGREGATION OF CONTAINERS

To prevent contaminated air containers crossing into the domestic pathway all international air containers should be segregated from domestic. An international air container would need to be cleared or within a system of clearing before it could enter into the domestic pathway.
This would relate to airlines (Air New Zealand, Jetstar) who have international and domestic routes.
As Airlines unload the air containers and may have a 'storage area' for international baggage air containers. The storage area should be under a transitional facility standard or a system and air containers cleared from that area by the accredited person.

7. TARGETING THE LOGISTICS CHAIN AFFECTED BY THE IHS

The persons/companies affected by the IHS were not present.
Another workshop was proposed to be convened to talk with the appropriate people. (Air NZ, Qantas etc.)

PERSON RESPONSIBLE
Eric Gimpel

DEADLINE
26th Feb 2016

8. CONCLUSION

- Key comments were noted on '**who is responsible**" and feedback on the IHS itself
- Minutes of the meeting to be sent to attending participants for review and comment.
- Minutes would be circulated to the next workshop in Christchurch 10th December 2015

Appendix 3

Extract from General Transitional Facilities for Uncleared Goods Guidance

6.1 Air container TFs

(1) This section provides further guidance for TF Operators operating TFs for holding, inspecting and/or unpacking air containers and provides best practice recommendations on how TF Operators may meet the requirements of the standard. TF Operators for air container TFs should manage risks associated with them on arrival at the TF. They should mitigate risks for air containers transported to other TFs before biosecurity clearance for other approved purposes. Such management should also be in accordance with the TF Manual and other authorisation from an Inspector.

(2) TF Operators should be familiar with the IHS for importation of Air Containers from All Countries (MPI-AIRCON-ALL) to be aware of mandatory requirements. This standard may be found on the MPI website at: **http://www.mpi.govt.nz/importing/border-clearance/**. The outcome required is that uncleared air containers imported into New Zealand are compliant with the IHS (as above) and the standard and free from contaminants and pests.

6.1.1 Importation of air containers into NZ

(1) Air containers are imported into New Zealand for the purpose of holding containerised commercial air freight or passenger baggage (uncleared risk goods), and they are also covered under separate IHSs. MPI-AIRCON-ALL specifies that containerised risk goods such as passenger baggage may only be imported into an airport approved as a POFA. It also states that such uncleared risk goods must remain airside in the specified TF for holding passenger baggage until provided with biosecurity clearance via the passenger pathway. This standard is available at the MPI website at: **http://www.mpi.govt.nz/importing/border-clearance/places-of-first-arrival/**

(2) Under POFA requirements, commercial freight may only be imported into specified airports approved to receive commercial freight in air containers. Proposals for new importation proposals should be forwarded to an Inspector and are subject to consideration for approval by a Chief Technical Officer.

6.1.2 Transportation of air containers to TFs

(1) MPI recommends that transportation of air containers from the "airside" TF at the POFA to another "landside" TF should be conducted as described in the TF Manual. Transportation should only follow a specified route from the POFA to the TF taking note of written authorisation from an Inspector or authorisation under an approved system. In addition, any containers transported to a TF should be transported in a manner that secures the cargo and prevents any spillage of uncleared risk goods from occurring. Air containers that do not return to "airside" from "landside" TFs (such as being sent to non-TF premises to be loaded for export out of New Zealand) should receive clearance from and AP or receive a BACC from an Inspector before leaving the TF located at the POFA.

6.1.3 The physical operation of air container TFs

(1) A sealed hard stand area such as asphalt or concrete which can be easily cleaned and maintained should be provided by the TF Operator for placing air containers and to provide an unloading area. This area should be big enough to have a minimum of 3 metres clearance around the air containers or stacks of them, or use another effective method of segregation. This area should be kept completely clear of debris, rubbish or vegetation. The intent is to deny easy refuge for pests or organisms that may be in or on the container. Note: This area is unlikely to be approved if located on a public path or road.

(2) Where unchecked air containers (under authorisation from MPI) are delivered, unloaded or stored at a TF, there should be the ability to physically separate uncleared air containers from previously cleared containers or other non-risk goods. The distance for separation should be at least one metre on all sides for an air container (or stack of them) until the AP check has taken place. Unchecked air containers (empty or loaded) should be kept on the specified hard-stand area until they have been officially checked by an AP or an Inspector.

(3) Air containers that have been externally checked and cleaned (as required) can be removed from the sealed TF storage area (if immediate unpacking is not required) and can be stacked as close as

 required to other previously checked and cleared containers. Loaded air containers should go to a TF for

checking, inspection and unpacking and this should be conducted as soon as possible. Note: Any open drains within 5 metres of air containers at any TF should be covered during checking and unloading to prevent the possibility of any live pests from escaping.

6.1.4 Unpacking air containers at TFs

(1) All imported air containers should be unpacked at a TF in the presence of an AP or Inspector (for specific uncleared risk goods) as is required under MPI policy. APs should have completed and passed an MPI course for APs and they must meet all relevant requirements of the standard. Where regulated contaminants or pests are found the standard requires that an Inspector is notified, the finds are recorded and the records kept for MPI verification inspection purposes.

6.1.5 Unpacking air containers

(1) MPI policy requires that an AP is present on delivery or as soon as possible after air containers are delivered. This is to check the containers externally (the underside excluded) for contamination and pests after delivery to the TF, during unpacking (where internal surfaces, uncleared risk goods and any wood packaging are checked for compliance), and when empty (a final internal check should be conducted). TF Operator should have enough APs available to ensure biosecurity risks associated with air containers and uncleared risk goods are managed appropriately. APs do not need to be an employee at the TF but must be currently approved for checking and managing containers. An AP may work with more than one TF Operator or TF.