



Import Health Standard

Sea Containers from All Countries

SEACO

14 May 2020

Draft for
Consultation

TITLE

Import Health Standard: Sea Containers from All Countries

COMMENCEMENT

This Import Health Standard comes into force on

REVOCATION

This import health standard intends to revoke and replaces:

- Import Health Standard for Sea Containers, issued 19 July 2019.

ISSUING AUTHORITY

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

Dated at Wellington,

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(acting under delegated authority of the Director-General)

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Contents	Page
Introduction	3
Part 1: General Requirements	6
1.1 Application	6
1.2 Incorporation by reference	6
1.3 Definitions	6
Part 2: General Biosecurity Requirements	7
2.1 Information	7
2.2 Treatment Certificates	7
2.3 Requirement for freedom from regulated pests and biosecurity contaminants	7
Part 3: Specific Requirements	8
3.1 Sea containers from Italy	8
Schedule 1 – Definitions	10

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Introduction

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

Purpose

The purpose of this IHS is to set out the requirements that must be met when sea containers are imported into New Zealand (NZ) to manage the biosecurity risks associated with them.

Background

Imported risk goods have the potential to introduce pests and unwanted organisms into NZ. Sea containers are risk goods because pests and unwanted organisms may be associated with them when they arrive in NZ. The Biosecurity Act 1993 (the Act) prescribes requirements for the exclusion, eradication and effective management of pests and unwanted organisms in NZ. These organisms have the potential to cause harm to natural and physical resources and human health in NZ. MPI is responsible for enforcing the provisions of the Biosecurity Act 1993.

Under the Act, an IHS may be issued that sets out the requirements that must be met when importing risk goods in order to manage the risks associated with their importation including the risk from incidentally imported organisms. This IHS outlines the minimum requirements that must be met when importing sea containers into NZ to obtain biosecurity clearance.

Who should read this?

All importers of sea containers entering NZ (from any country) should be familiar with this IHS.

Why is this important?

- (1) Importers must take all reasonable steps to ensure that imported sea containers comply with this IHS (Section 16B of the Act).
- (2) Sea containers that do not comply with this IHS may be reshipped to origin or treated (if possible).
- (3) The importer will be liable for all relevant associated expenses.

Equivalence

While it is expected that all imported sea containers meet the requirements of this IHS, MPI will consider equivalence requests. A Chief Technical Officer (CTO) may issue guidelines or give directions on measures different to those in the standard to effectively manage biosecurity risks under Section 27(1)(d)(iii) of the Act. Goods that comply with those guidelines or directions may be provided with biosecurity clearance.

Document History

Version Date	Section Changed	Change(s) Description
28/08/2018	Section 2.2 and addition of Section 2.3	Removal of CTOD from S 2.2 and the addition of the urgent amendment for Italian sea containers in S 2.3.
17/10/2018	Throughout	Revision of grammatical errors and clarification of ambiguities.
30/06/2019	Revised Section 2.1	2.1 k) – Expansion of requirements for treatment certification (removed from Schedule 1 - Definitions).

Version Date	Section Changed	Change(s) Description
	Revised Section 2.3 Revised Section 3.1	Revised to provide more clarity and guidance (in two guidance boxes). Requirements now specified as two Options (A for treatment of sea containers and B for sea containers holding sensitive risk goods). New S 2.3.1 - Sea Containers transshipped through Italy. S 3.1 (1) The second sentence has been removed in order to help clarify the intent of the standard and not specify how MPI Inspectors have to conduct verification of MPI requirements.
May 2020	All Sections	Rewording of all sections. Removal of Part 3. Extension of the timeframes for BMSB requirements.

Other information

Guidance

The information contained within a “guidance box” throughout this IHS is for guidance only and is not part of the statutory requirements. These boxes are labelled as “Guidance”, and further guidance can be found on the [MPI sea containers web page](#). It is advised to seek assistance from MPI at standards@mpi.govt.nz if you are unclear on any part of this IHS prior to undertaking any activities relating to the importation of sea container.

Cargo

Cargo within sea containers must be managed in accordance with the Act, and any relevant IHSs. See MPI's website for the relevant IHS <https://www.mpi.govt.nz/importing/>

Sea containers carrying vehicle, machinery and parts must be managed under this IHS as well as the [IHS – Vehicles, Machinery and Parts](#).

Wood Packaging

All wood packaging must be managed in accordance with the IHS - *Wood Packaging Material from All Countries*. <http://www.mpi.govt.nz/importing/forest-products/wood-packaging/>. Other contaminated packaging must be secured, segregated and managed as per this IHS. Contact MPI if you are unclear about the management of such material.

Non-Compliance

A sea container that does not meet the requirements of this IHS will not be given biosecurity clearance under the Act. The sea container will be directed by an Inspector under Section 122 of the Act for further action as considered appropriate to manage the biosecurity risks. MPI may also deny the unloading of sea containers from arriving vessels where the risk is considered too great to allow discharge. Deliberate non-compliance with the requirements of this IHS or negligence leading to non-compliance will lead to increased intervention regimes (e.g. inspection or audit) or prosecution of liable parties under the Act.

Costs

Inspections and other functions undertaken by MPI pertaining to importing sea containers will be charged for as per the current Biosecurity (Costs) Regulations.

Other requirements of the Act and relevant standards

Movement of sea containers

- (1) In accordance with sections 25 of the Act sea containers can only be:
- discharged from a vessel at the port of first arrival (port of discharge) and
 - moved to or between transitional facility(s) or biosecurity control area(s)
- when authorised by an Inspector to do so.
- (2) All sea containers are required to be moved from the port of discharge in New Zealand to and between transitional facilities in accordance with:
- the authorisation by an Inspector,
 - any appropriate operational procedures of the receiving approved Transitional Facility; and
 - the requirements of any relevant IHS for the cargo.

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Part 1: General Requirements

1.1 Application

- (1) This Import Health Standard (IHS) applies to all sea containers that are imported into New Zealand from all countries; and
- (2) Part 3 of this IHS applies to all sea containers and their cargo that depart from Italy on or after 1 September and arrive in New Zealand on or before 30 April of any year until 30 April 2022.

1.2 Incorporation by reference

- (1) The following documents are incorporated by reference under Section 142M of the Biosecurity Act 1993:

- a) *MPI Treatment Requirements Standard: Approved Biosecurity Treatments*; and
- b) *International Standard for Phytosanitary Measures 23: Guidelines for Inspection (ISPM 23)*,
International Plant Protection Convention.

Under Section 142O(3) of the Biosecurity Act, it is declared that Section 142O(1) does not apply, that is, a notice under Section 142O(2) of the Biosecurity Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of those documents.

1.3 Definitions

- (1) Definitions of terms used in this IHS are set out in Schedule 1 of this document.
- (2) Terms used in this IHS that are defined in the Act have the meanings set out in the Act, unless a different meaning is given in Schedule 1. The Act is available at:
<http://www.legislation.govt.nz/act/public/1993/0095/latest/whole.html>

Part 2: General Biosecurity Requirements

2.1 Information

- (1) The following documented information for all sea containers must be sent by importers and received by MPI at least 12 hours prior to the arrival of the sea container (and cargo) in New Zealand:
 - a) Sea container number;
 - b) Sea container type;
 - c) Country of origin;
 - d) Port of loading;
 - e) Port of discharge;
 - f) Importer details;
 - g) Exporter details;
 - h) New Zealand specified transitional facility destination;
 - i) Quarantine declaration (see Schedule 2);
 - j) Complete and accurate description of the cargo or tariff code, including all packaging; and
 - k) Treatment certificate (where treated under Part 3 of this IHS).

2.2 Treatment Certificates

- (1) All Treatment Certificates must include all of the following:
 - (a) Treatment Provider's letterhead including name and physical address, except where an individual carries out residual treatment instead of a treatment provider;
 - (b) Certificate and registration number, except where an individual carries out residual treatment instead of a registered treatment provider;
 - (c) Description of the consignment – including quantity of containers and items;
 - (d) Name and address of exporter;
 - (e) Name and address of importer;
 - (f) Date upon which treatment was completed;
 - (g) Signature of the Treatment Provider;
 - (h) Address where the treatment occurred;
 - (i) Treatment details specified in Approved Biosecurity Treatments including the type of treatment and products (where applicable) used, achieved treatment rate, exposure time period, end point readings (where applicable) etc; and
 - (j) A declaration that the Treatment Provider has met all of the requirements specified in Approved Biosecurity Treatments.

2.3 Requirement for freedom from regulated pests and biosecurity contaminants

- (1) All sea containers imported into New Zealand must:
 - a) be clean and free of regulated pests and biosecurity contamination;
 - b) remained sealed until an inspector gives permission for the sea container to be unpacked at a Transitional Facility; and
 - c) be inspected or checked at a Transitional Facility by legally approved persons under the Act (for example, MPI Inspectors or Accredited Persons).

Part 3: Specific Requirements

3.1 Sea containers from Italy

The requirements of this section apply until 30 April 2022.

Guidance

Note 1: Italian sea containers that only contain cargo that have been treated or managed using a system for BMSB under the IHS for Vehicles, Machinery and Parts will be considered compliant with the treatment requirements of this IHS and will not be required to be “treated”. This is because the BMSB requirements in the IHS for Vehicles, Machinery and Parts (managed using a system or treated) are equivalent to the BMSB measures in this IHS,

Vehicles, machinery and parts that have been treated or managed using a system for BMSB under the IHS for Vehicles, Machinery and Parts, and are packed into FAK containers will be considered to be “treated” cargo under this IHS.

3.1.1 All Italian sea containers (other than transshipped)

- (1) All sea containers and their cargo that depart from Italy on or after 1 September and arrive in New Zealand on or before 30 April of any year must meet the requirements of clause 3.1.1 (2) or (3).

(2) **Treatment**

- a) Sea containers must be treated before arrival in New Zealand for BMSB:
- i) in accordance with [MPI Approved Biosecurity Treatments](#);
 - ii) by an [MPI-Approved Treatment Provider](#); and
 - iii) must be accompanied by a Treatment Certificate (clause 2.2).
- b) Treated sea containers can only be packed with cargo that have been treated for BMSB in accordance with [MPI Approved Biosecurity Treatments](#) by an [MPI-Approved Treatment Provider](#) and be accompanied by a Treatment Certificate (clause 2.2) or that meet the requirements of clause 3.1.1(3); and
- c) Must meet the following post treatment requirements:
- i) Treated **Fully enclosed sea containers (six sided metal sea containers)** must be sealed within 24 hours of treatment and remain sealed; or
 - ii) Treated **Non-fully enclosed sea containers (includes flat rack, open sided/topped and soft topped sea containers)** must be kept segregated from untreated goods or other sources of possible BMSB treatment until export; and must be exported from Italy within 120 hours of treatment.

Guidance

Note 1: To prevent live BMSB contaminating a sea container, MPI anticipates that all sea containers are treated once they are fully packed. Where a FAK container contains cargo determined to be sensitive, or would be damaged by approved treatments, MPI anticipates that the container is packed with the non-sensitive cargo and then treated, and within 24 hours of treatment the sensitive cargo is packed and the sea container sealed and remain sealed until it is exported from Italy.

Where the sea container and cargo are treated separately (including FAK), MPI anticipates that the treated sea container is packed with both treated and sensitive cargo and sealed within 24 hours of treatment of the container and non-sensitive cargo and remain sealed until it is exported from Italy.

Note 2: Segregation for non-fully sealed containers can be achieved through closing/covering of the open parts or side(s) of the sea container, physical distance or physical protection (nets).

Note 3: The sea container may be subject to MPI verification activities on arrival.

(3) Inspection

- a) Sea containers may be inspected by an MPI Inspector instead of treated where:
 - i) The importer has notified MPI prior to arrival in New Zealand that the sea container contains cargo that the importer considers is sensitive and would be damaged by the treatments for Brown Marmorated Stink Bug (BMSB) specified in the [MPI Approved Biosecurity Treatments](#); and
 - ii) A CTO has determined that treatment may damage the cargo.

Guidance

Note 1: If an importer considers their cargo to be sensitive to treatment, they should contact the local MPI office or refer to the MPI website at: <https://www.biosecurity.govt.nz/importing/border-clearance/containers-and-cargo/> for examples of goods that an MPI CTO generally considers to be sensitive to treatment.

Note 2: Should MPI inspection of sensitive cargo reveal biosecurity contamination, MPI may require these goods to be treated (if possible), reshipped or destroyed. All agreed treatments are at the risk of the importer.

Note 3: MPI is likely to deny all untreated sea containers or treated sea containers with untreated non-sensitive cargo from Italy from being discharged in New Zealand.

3.1.2 All sea containers transshipped through Italy

- (1) Fully enclosed sea containers originating from a country other than Italy and transhipped through an Italian port, must remain unopened during the transshipment period.
- (2) Non-fully enclosed sea containers originating from a country other than Italy and transhipped through an Italian port, must:
 - a) Be transhipped through an Italian port for no longer than 120 hours; and
 - b) Remain segregated from untreated cargo or other possible sources of BMSB during this period.
- (3) If requirements (1) or (2) are not met, the container must be treated before arrival in New Zealand in accordance with clause 3.1.1(2) as above.

Schedule 1 – Definitions

Terms used in this IHS that are also defined in the Act have the meanings set out there. The following specific definitions also apply and are defined for the purposes of this IHS as follows:

Biosecurity contaminant(s): Any organic material, thing or substance that (because of its nature, origin or other relevant factor) may contain a regulated pest (or parts thereof). Therefore, that organic material/thing/substance is not intended for biosecurity clearance under the Act.

Brown Marmorated Stink Bug (BMSB): *Halyomorpha halys*.

Check: A visual examination by an Accredited Person to detect the presence of biosecurity pests and contamination. Such a check is to be carried out during the routine handling and movement of sea containers and as per the Accredited Persons training.

Freight of all kinds (FAK): A sea container which includes individual consignments of different types of goods for multiple importers. A less-than-container-load (LCL) consignment is part of the contents of a FAK container.

Inspection: An inspection by an MPI Inspector to detect the presence of biosecurity contaminants and regulated pests, in accordance with the Act and ISPM 23.

MPI Approved Treatment Provider: A New Zealand (on-shore) based treatment provider that is approved by MPI or an international (off-shore) treatment provider that is jointly approved by MPI and the Department of Agriculture and Water Resources in Australia, to perform approved BMSB treatments, and is listed as part of the [Off-shore BMSB Treatment Provider Scheme](#).

Regulated pest(s): Any organism (of plant or animal origin) that may cause unwanted harm to natural and physical resources or human health in New Zealand; or may interfere with the diagnosis, management, or treatment, in New Zealand, of pests or unwanted organisms.

Sea Container Quarantine Declaration: An official declaration made in writing by an exporter or packer (as referred to in Section 2.1 (1i) of this Standard), that provides information to MPI regarding container compliance regarding cleanliness, restricted packing materials and wood packaging.

Schedule 2 – Quarantine Declaration

All quarantine declarations must be produced on company letterhead or stamped with company details and have the following box (the online word version is available [here](#)):

SEA CONTAINER QUARANTINE DECLARATION FOR NEW ZEALAND Cleanliness, Restricted Packaging and Wood Packaging Declaration	
Container Number(s) Vessel Name: Voyage Number(s):	
1. Cleanliness: At the time of packing, was the container(s) inspected internally and externally, and found to be clean and free from contamination with animal material, live organisms, plant material, soil and water?	Yes or No (delete option not applying)
2. Restricted Packaging Materials: Has any chaff, hay, moss, soil, peat, straw, used sacking material, used tyres, or any packing material contaminated with the above been used within the container/s listed above?	Yes or No (delete option not applying)
3. Wood Packaging: Has any wood packaging been used within the container/s such as cases, crates, pallets or wood, used to separate, brace, protect or secure the cargo?	Yes or No (delete option not applying)
3a. If the answer to Question 3 is "Yes" , has the wood been ISPM-15 treated/marked or is the packaging made from material exempt from these requirements (such as Plywood or Medium Density Fibreboard)? Note: Certification is not required for ISPM-15 treated/marked wood packaging.	Yes or No (delete option not applying)
3b. If the answer to Question 3a is "No" , has the wood been treated in another way and certified as per the Import Health Standard? If the wood was treated, how was this done? If a treatment certificate was provided, it must be attached to this form.	Yes, No or Not Applicable (delete option not applying)
Important Guidance Information for Containers that Require Treatment Containers that require treatment, either for the contents or the container itself, should be packed with sufficient space for the appropriate treatment to be effective and complaint, please contact your Treatment Provider to discuss packing requirements for the treatments.	
I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT Signed: Name and Position in Company: Address: Date:	
Note: Failure to supply this information, or supplying erroneous information may result biosecurity clearance being delayed; is likely to result in increased costs during MPI management processes in New Zealand.	