Consultation Discussion Document

**Import Health Standards:**

1. **Fertilisers and Growing Media of Plant Origin**
2. **Soil, Rock, Gravel, Sand, Clay and Water**

**FOR PUBLIC CONSULTATION**

May 2015

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# Submissions

The Ministry for Primary Industries (MPI) invites comment from interested parties on amendments to the import health standards (IHS) for Fertilisers and Growing Media of Plant Origin (FertGro) and Soil, Rock, Gravel, Sand, Clay and Water (SOWTR) which are supported by this discussion document.

An IHS “specifies requirements to be met for the effective management of risks associated with importing risk goods, including risks arising because importing the goods involves or might involve an incidentally imported new organism” (section 22(1) Biosecurity Act 1993).

MPI seeks comment on the proposed format and minor changes to the requirements in the proposed IHSs. Submitters may also like to comment separately on other aspects of the IHS and MPI will respond to these in due course.

The following points may be of assistance in preparing comments:

* Wherever possible, comments should be specific to a particular clause or question asked in this document by referencing section numbers or commodity names as applicable.
* Where possible, the reasons, data and/or supporting published references to support comments are requested.
* Where possible, the use of examples to illustrate particular points is encouraged.

MPI encourages respondents to forward comments electronically. Please include the following in your submission:

* The title of the consultation document in the subject line of your email;
* Your name and title (if applicable);
* Your organisation’s name (if applicable); and
* Your address.

Send submissions to: plantimports@mpi.govt.nz.

However, should you wish to forward submissions in writing, please send them to the following address to arrive by close of business on 12 June 2015.

Plant Imports
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PO Box 2526
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Submissions received by the closure date will be considered during the development of the final IHS. Submissions received after the closure date may be held on file for consideration when the issued IHS is next revised/reviewed.

## Official Information Act 1982

Please note that your submission is public information and it is MPI policy to publish submissions and the review of submissions on the MPI website. Submissions may also be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

# Introduction

## Purpose

The purpose of this document is to specify minor changes which have been made to the existing IHSs in the new MPI standards format.

1. MPI is seeking feedback on proposed changes to the two draft standards:
* Fertilisers and Growing Media of Plant Origin; and
* Soil, Rock, Gravel, Sand, Clay and Water.

## Context

1. Where possible, phytosanitary import requirements are aligned with international standards, guidelines, and recommendations as per New Zealand’s obligations under Article 3.1 of the World Trade Organisation (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) (WTO, 1995), and section 23(4)(c) of the Biosecurity Act 1993.

## International

1. The WTO and SPS Agreements set in place rules that protect each country’s sovereign right to take the measures necessary to protect the life or health of its people, animals, and plants while at the same time facilitating trade. It embodies and promotes the use of science-based risk assessments to manage the risks associated with the international movement of goods.
2. “The SPS Agreement will continue to guide how New Zealand sets standards and makes decisions related to biosecurity. In particular, it will be important to maintain the standards of transparency and scientific rigour required by the SPS Agreement, and to make decisions as quickly as possible. This will encourage other countries to comply with the rules of the SPS Agreement, and also demonstrate that New Zealand’s strict controls are justified to countries that challenge them.” *Balance in Trade [online reference ISBN 978-0-478-33881-2]*
3. In keeping with New Zealand‘s obligations under the WTO SPS Agreement, the Biosecurity Act, and the International Plant Protection Convention (IPPC), phytosanitary measures must:
* be justified and can only be for regulated pests. The strength of any phytosanitary measure will depend on the assessment of risk, with an emphasis on the consequences of the pest establishing in New Zealand;
* not discriminate unfairly between countries or between imported and domestically produced goods;
* be based on international standards wherever possible, but WTO members can adopt a measure that is more stringent than an international standard, provided the measure is scientifically justified.

Note that international standards, guidelines or recommendations referred to in the WTO agreement are those of Codex, OIE and the IPPC (including regional standards developed by Asia Pacific Plant Protection Commission).

## Domestic

1. The New Zealand biosecurity system is regulated through the Biosecurity Act 1993. Section 22 of the Act describes an import health standard (IHS) and requires all risk goods (including plants and plant products) entering New Zealand to be covered by one.
2. The Ministry for Primary Industries (MPI) is the government authority responsible for maintaining biosecurity standards for the effective management of risks associated with the importation of risk goods into New Zealand (Part 3, Biosecurity Act 1993).
3. MPI is committed to the principles of transparency and evidence-based technical justification for all phytosanitary measures, new and amended, imposed on importing pathways.

# Proposed changes to the Import Health Standards

## Soil, Rock, Gravel, Sand, Clay and Water:

1. Part 1 (pages 4-5) contain the general requirements which apply to all consignments of Soil, Rock, Gravel, Sand, Clay and Water. The wording in this part is consistent with the requirements found in the current standard.
2. Part 2 (pages 6-9) contains the specific requirements for Soil, Rock, Gravel, Sand, Clay and Water. These have been separated into 3 parts based on intended use:
* All samples for research purposes;
* Water for consumption and other purposes;
* Soil, rock, gravel, sand and clay for other purposes.

The requirements have been formatted into tables to make specific goods easier to find and the requirements easier to understand.

1. The following changes are proposed:
2. Changing the name of the IHS from BMG-STD-SOWTR Soil, Rock, Gravel, Sand, Clay, Peat and Water from Any Country to MPI.STD.SOWTR: Soil, Rock, Gravel, Sand, Clay and Water.
3. The removal of requirements for peat (section 5) which will be incorporated into the new MPI.STD.FERTGRO Fertilisers and Growing Media of Plant Origin Standard.
4. Part 1.1.1 Exclusions to this standard, now includes Ballast Water.
Ballast water is not imported under this standard and can be found in the IHS linked to in section 1.1.1(2) of the new standard.
5. Water that is a contaminant (found in section 6.3 of the previous IHS) has been removed. Contaminant water is not the good being imported therefore it is excluded from the new IHS.
6. Updated heat treatment requirement of soil (section 2.3) to include 40% relative humidity to align with MPI Approved Biosecurity Treatments Standard MPI-STD-ABTRT.
7. The definitions list has been updated to include new words and to better align with the Biosecurity Act and ISPM 5: Glossary of Phytosanitary Terms (2012). The definitions list is now found at the back of the new standard as Appendix 1.
8. Appendix 2 provides a place to record amendments to the IHS once it has been issued.

## Fertilisers and Growing Media of Plant Origin:

1. The following import health standards have been combined into a single IHS:
* BNZ- FERTGRO-IMPRT: Importation of Fertilisers and Growing Media of Plant Origin;
* BNZ-COFP-IMPRT: Importation of Coco peat and Coir fibre Products; and
* Section 5 of BMG-STD-SOWTR: Soil, Rock, Gravel, Sand, Clay, Peat and Water from any country.
1. Part 1 (pages 5-8) contains the general requirements which apply to all consignments of fertiliser and growing media of plant origin. The wording in this part is consistent with the requirements found in the current standard.
2. Part 2 (pages 9 -15) contain the specific requirements which apply to all consignments of fertiliser and growing media of plant origin. These have been separated into 5 parts based on commodity and include:
* Fertilisers, growing media and bioremediation products;
* Manufactured fertilisers and growing media in granular, fibrous, powder and liquid;
* Manufactured fertilisers and growing media which contain microorganisms;
* Coco peat (coir pith and coir peat) products; and
* Peat and processed peat products.

The requirements have been formatted into tables to make specific goods easier to find and the requirements easier to understand.

1. The following changes are proposed:
2. Changing the name of the IHS from BNZ-FERTGRO-IMPRT: Importation of Fertilisers and Growing Media of Plant Origin to MPI.STD.FERTGRO: Fertilisers and Growing Media of Plant Origin.
3. The IHS BNZ-COFP-IMPRT: Importation of Coco peat and Coir fibre Products is being revoked and incorporated into the new MPI.STD.FERTGRO standard.
4. The requirements for peat have been taken out of the former BMG-STD-SOWTR Soil, Rock, Gravel, Sand, Clay, Peat and Water from Any Country Standard and incorporated into the new MPI.STD.FERTGRO Fertilisers and Growing Media of Plant Origin Standard.
5. Excluded products are now found under section 1.1.1.
There are no changes to the current exclusions, however some have been added to a guidance box as they do not fall under the category of ‘fertilisers and growing media’.
These include:
* oil seed meals and other plant products intended for animal feeds;
* mats and fibres derived from plants for multiple uses; and
* coir fibre products made from large coir fibres for a variety of uses.
1. The autoclaving temperature has been amended to align with the MPI treatment standard which specifies autoclaving at 120°C for 30 minutes at 100kPa. This replaces the seed devitalisation autoclave temperature of 121°C in the existing IHS BNZ-FERTGRO-IMPRT and the autoclave temperature of 118°C in the IHS BNZ-COFP-IMPRT.
The new temperature of 120°C applies to all fertilisers and growing media of plant origin in MPI.STD.FERTGRO.
2. The definitions list has been updated to include new words and to better align with the Biosecurity Act and ISPM 5: Glossary of Phytosanitary Terms (2012). The definitions list is now found at the back of the new standard as Appendix 1.
3. Appendix 2 provides a place to record amendments to the IHS once it has been issued.

## Format changes

1. The Ministry for Primary Industries is converting all of its regulatory requirements into a more accessible format which is easier to understand. As part of this ‘Requirements & Guidance Programme’ (RGP), a standardised template has been developed, which clearly separates legal requirements from guidance and provides the reader with key information in a consistent layout.
2. Information that is not a legal requirement of the Biosecurity Act 1993 is given in Guidance boxes.
3. A navy blue box at the top corner of the spine indicates that this IHS is issued under the Biosecurity Act 1993.