Ministry for Primary Industries
Manatū Ahu Matua

Treatment Requirement

Treatment Provider Requirements

5 September 2024

Issued by the Ministry for Primary Industries

New Zealand Government

TITLE

Treatment Requirement: Treatment Provider Requirements

COMMENCEMENT

This Treatment Requirement is effective from 5 September 2024

REVOCATION

This Standard revoke and replace the Treatment Programme documents namely: Treatment Supplier Requirements and Treatment Programme Overview and General Requirements for the Supply of Official Treatments dated 25 June 2024.

ISSUING BODY

This Treatment Requirement is issued by the Ministry for Primary Industries.

Dated at Wellington, 5 September 2024

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Introduction

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

Purpose

The purposes of this standard are to:

a) provide the operational framework for the Ministry for Primary Industries (MPI) Treatment Programme in alignment with the Biosecurity Act 1993 and to meet New Zealand's international obligations in relation to provision of official treatments; and
b) specify the roles and responsibilities of the Treatment Programme participants and the requirements that a treatment provider must meet when providing official treatments for both import and export pathways.

Background

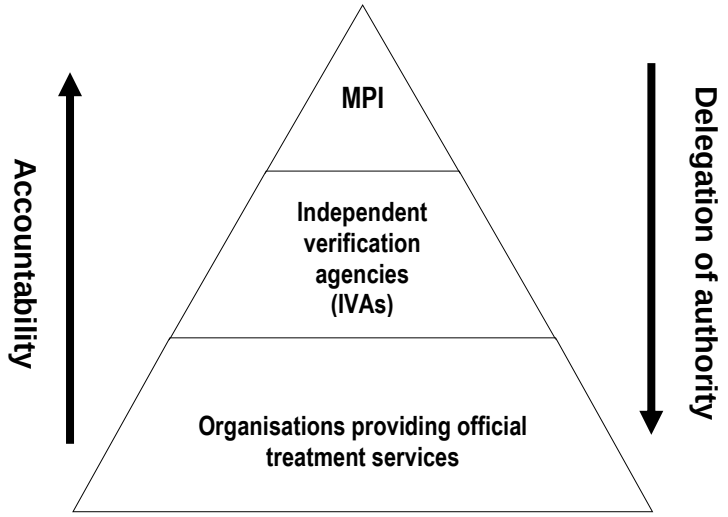
The Ministry for Primary Industries (MPI) operates a Treatment Programme which regulates the provision of official treatment services. The programme ensures that only competent MPI-approved treatment providers (MATPs) are involved in the delivery of services. Application of treatments to imported risk goods are expected to deliver the best practicable level of control, and treatments of export goods are expected to comply with the importing country requirements.

The programme is based on the internationally accepted and recognised model as shown in Figure 1. Under this model, MPI authorises independent verification agencies (IVAs) and approves treatment providers to become MATPs and provide official treatment services on MPI's behalf. We maintain our confidence that our regulatory model is working through a comprehensive audit process for both IVAs and MATPs. This model is used worldwide for conformity assessment processes and complies with the World Trade Organization Agreement on Technical Barriers to Trade (the TBT Agreement) and requirements for national plant protection organisations (NPPO) if authorising entities to perform phytosanitary actions (International Standards for Phytosanitary Measures [ISPM] 45).

The MATPs are required to demonstrate their ability to consistently provide treatment services that meet applicable regulatory requirements by operating a quality management system (QMS). MATPs must develop and implement a QMS in compliance with this standard and apply to an IVA for audit and to MPI for approval.

This standard is in addition to other MPI issued standards and all relevant legislative requirements administered by other government departments including the Hazardous Substances and New Organisms (HSNO) Act 1996 and Health and Safety at Work Act 2015 (HSWA). Biosecurity treatments often involve the use of hazardous substances or physical treatments that can cause harm to human health if not carefully managed. We expect that MATPs will achieve effective biosecurity outcomes while enacting all reasonable and practicable measures to ensure that their services are completed safely with minimal risk to MATP employees, the public, the environment, and employees of other businesses.

Figure 1. Simplified regulatory model for the Treatment Programme



Who should read this Treatment Requirement?

This Treatment Requirement applies to all treatment providers requesting MPI approval to become MATPs and provide official treatments, IVAs authorised by MPI, and MPI staff operating in accordance with the Treatment Programme.

Why is this important?

Official treatment measures on imports or exports must be properly and safely applied within New Zealand. Operating other than in accordance with this Treatment Requirement and other relevant legislation (see "References") could result in an MATP losing its MPI approval to provide official treatment services.

Document history

The MPI Treatments Programme documents namely: Treatment Supplier Requirements and Treatment Programme Overview was issued on 1 July 2013 and 2014 respectively. Both documents have been updated on 15 November 2018 and were revoked and replaced on 25 June 2024.

Version Date	Section changed	Change
5 September 2024	Table 2 (main document) and Table 1 of Appendix 2.	Minor amendment. Added the correct reference to MPI standards on the treatment services options.
21 August 2024	Section 4.5.10 (t)	Minor amendment. Clarified the requirements to allow flexibility when the treatment provider make a declaration statement.
25 June 2024	Entire document	Full review and reissuance of the document

Other information

Guidance versus requirements

The information in guidance boxes throughout this document is for guidance only and is not part of the requirements. The guidance offers supporting information to help understand and implement the requirements.

Guidance may include interpretative material or further explanation along with useful references to find more information or examples of acceptable or preferred ways of operating. MATPs are not required to demonstrate that they have followed the recommended information in the guidance boxes.

While every effort has been made to ensure the information in this guidance is accurate, MPI does not accept any responsibility or liability for any error of fact, omission, interpretation, or opinion that may be present, however it may have occurred.

In contrast, requirements of this standard are presented as numbered clauses and schedules. Requirements are mandatory and represent those statements that must be complied with and circumstances/procedures that may be approved, provided a set of conditions are met.

References

- Australia/New Zealand Standard (AS/NZS) International Organization for Standardization (ISO) 9000:2016 Quality management systems – Fundamentals and vocabulary
- AS/NZS ISO 9001:2016. Quality management systems – Requirements
- AS/NZS ISO 19011:2019 Guidelines for auditing management systems
- Biosecurity Act 1993
- Food and Agriculture Organization (FAO) Plant Production and Protection Paper 54: Manual of fumigation for Insect Control
- Hazardous Substances and New Organisms Act 1996 (HSNO)
- Health and Safety at Work Act 2015 (HSWA)
- Health and Safety at Work (Hazardous Substances) Regulation 2017
- International Plant Protection Convention (IPPC) 1992 and its associated International Standards for Phytosanitary Measures (ISPMs)
- International Cargo Cooperative Biosecurity Arrangement (ICCBA)
- ISO 19011:2018 Guidelines for auditing management systems
- ISO 9000:2015 Quality management systems – Fundamentals and vocabulary
- ISO 9001:2015 Quality Management Systems-Requirements
- ISO/International Electrotechnical Commission (IEC) 17020:2012 Conformity Assessment: Requirements for the operation of various types of bodies performing inspection
- ISO/IEC Guide 2:2004 Standardisation and related activities – General vocabulary
- MPI Certification Standard: Assurance System Framework
- MPI Certification Standard: IVA Requirements
- MPI Certification Standard: Organisation Requirements
- MPI Facility Standard: Post Entry Quarantine for Plants
- MPI Facility Standard: Standard for Transitional Facilities for General Uncleared Risk Goods
- MPI importing countries phytosanitary requirements (ICPR)
- MPI import health standards (IHSs)
- MPI Treatment Requirement: Approved Biosecurity Treatments (MPI-ABTRT)
- MPI Technical Standard: Certification Mark for Wood Packaging

Cost

All treatment providers applying to become an MATP must pay all the required fees. The list of fees is available on the MPI website.

MATPs must meet all costs associated with MPI's and the IVA's evaluation of the MATP's QMS, such as costs for auditing, travel time, communication and reporting.

Part 1: General Requirements

1.1 Application

(1) This standard specifies the requirements an MATPs must meet to become approved to carry out official treatments:

a) as directed by MPI for imported risk goods;
b) to meet plant export requirements (for additional declarations on phytosanitary certificates); and
c) to treat and apply the ISPM 15 mark to wood packaging material that is in accordance with the international ISPM 15 standards. See MPI's Technical Standard: Certification Mark for Wood Packaging.

1.2 Abbreviations and definitions

(1) Abbreviations and definitions of terms used in this standard are in Appendix 1.

(2) Terms used in this standard are defined in the Biosecurity Act 1993 unless a different meaning is given in Appendix 1 of this standard.

Part 2: The Treatment Programme

2.1 Scope of approvals

(1) An MATP must define the scope of their operations and describe the treatment services that they provide. Their ability to perform the activities described in their scope statements will be verified during audits.

(2) Scope of approvals in the programme are the following:

a) Treatment provider approved for provision of the full scope of official treatments;
b) Treatment provider supervised by an IVA; or
c) PEQ facility operator treating goods on arrival.

(3) A PEQ facility/TF operator may treat goods that were imported by another organisation at their own facilities. To do this, they must meet the requirements under the treatment provider approved for provision of the full scope of official treatments scope of approval of this standard.

Guidance

- Some treatment providers are also regulated by other MPI standards.
  - MPI-approved organisations (MAOs) who provide phytosanitary treatment services (kiln-drying/heat, freezing/cold, preservative, chemical dipping, etc.) for the export pathway in MAO facilities are regulated by MPI's Plant Export Certification and Technical Standards. See Table 1 in the MPI's Certification Standard: Organisation Requirements for the required sections in this standard that apply to MAOs.
  - Transitional facility (TF) operators who provide treatment services at transitional facilities for the import pathway. See clause 4.2.8 "Seed for Sowing Treatment TFs" in MPI's Standard for Transitional Facilities for General Uncleared Risk Goods for the required sections in this standard that apply to TF.

2.1.1 Treatment provider approved for provision of the full scope of official treatments

(1) A treatment provider may apply to become approved for provision of the full scope of official treatments, if the following criteria are met:

a) they establish a QMS;
b) undergo an evaluation and audit by an IVA;
c) all non-compliances have been addressed during the IVA supervision stage; and
d) recommended by their IVA to be approved by MPI.

(2) If MPI approves a treatment provider with full scope of official treatments, then they may operate without the direct supervision of an IVA for all treatment services within their scope of approval.

2.1.2 Treatment provider supervised by an IVA

(1) A treatment provider may apply to provide official treatment services under the supervision of their nominated IVA.

(2) A treatment provider may apply to operate under the following supervision categories:

a) **One-off or as an occasional treatment provider.** This applies when there is a low number of commodities to be treated.
b) **Provisional approval (transition phase to become an MATP).** This applies when the MATP is still developing their processes to become an MATP and is in the process of developing their QMS for MPI approval.

Guidance

- For the above categories, a prospective MATP must have an agreement with their IVA to operate before they can get full approval to provide official treatments.

c) **Remedial supervision**. This type of supervision automatically applies to an MATP. This occurs if the MATP fails to manage a critical non-compliance. Remedial supervision requires continuous IVA supervision until an agreed corrective action has been implemented and the non-compliance has been closed off.

(3) Every treatment service provided must be supervised by an IVA.

(4) Treatment certificates must be endorsed by the IVA after performing a successful treatment.

(5) While following this process, the supervised treatment provider must not use the MPI logo or the word "MPI" when certifying official treatments (as applicable).

(6) The supervision process must be undertaken as described in Table 1.

Table 1. Process of IVA supervision of treatment provider

Reqt. no.	Process stages	Treatment provider action	IVA action	MPI action
(1)	**Application**	• Contact their chosen IVA to apply under the IVA supervision of treatment provider scope of approval.	• Email the application forms along with the required fees to the applicant and mutually agree on the application processing time. • Check the completeness of the application and recommend for approval to MPI in writing. • Once MPI has approved the application, organise the schedule of the supervision.	• Acknowledge receipt of information. • Review the IVA recommendation and inform the IVA of the decision in writing. • Record the information. • Observe the supervision of treatment services at its own discretion.
(2)	**Before supervision**	• Meet all the requirements required by MPI and IVA prior to the provision of treatment services.	• Verify that – the treatment technician is qualified to undertake the treatment; – the treatment is the appropriate control measure as specified by MPI and importing country requirements; – the target goods to be treated meet the treatment suitability requirements. This includes ensuring that the goods are configured/presented in a	

Reqt. no.	Process stages	Treatment provider action	IVA action	MPI action
			manner to facilitate effective exposure; – the aspects of the treatment observed meet the specifications for the treatment required; – the required unique identification of the material being treated is in place; – all measuring and monitoring equipment used is suitable, correctly verified and calibrated; – the required records are being created; – the treatment certificate details are correct;. • Check that the treatment provider is not making claims of MPI authorisation that is not in compliance with its agreed scope and that it is not using the acronym MPI or MPI logo. • Ensure claims of approval are not used in such a way that they are misleading to any other parties.	
(3)	**During the supervision process**	• Perform the required treatment services as agreed with the IVA. • Work with the IVA to address concerns or any non-compliances in the case of an event, (e.g., failed treatment due to various reasons).	Note: You do not need to supervise the entire treatment, but you should supervise the treatment for long enough to verify a significant part of the process and collect the required information. • Address non-compliances. **For one-off or as an occasional and provisional approval treatment provider only:** • Do not endorse the treatment certificate if there are any pending non-compliances. Determining non-compliance is ultimately the sole decision of the IVA.	**For an MATP under remedial supervision only:** Review the event report and close out the non-compliances as necessary. If the corrective action is not sufficient, discuss this with the IVA.

Reqt. no.	Process stages	Treatment provider action	IVA action	MPI action
			For MATP under remedial supervision only: • If there are any non-compliances, hold a closing meeting to explain the non-compliance, obtain the MATP's acknowledgement of those non-compliances, and agree on a timeframe for resolving them. • After the closing meeting, send the MATP a written report identifying the non-compliances, and discuss how to resolve and prevent reoccurrence. • Invite the MATP to respond to any non-compliances and to take specific action within a defined time. • Once the MATP has advised that corrective action has been completed, verify that effective action has been taken to address the causes of non-compliance and to ensure that all critical and major non-compliances have been corrected within agreed and appropriate timeframes. • Submit an event report to MPI for approval.	
(4)	**After the supervision process**	• Prepare, submit to IVA and keep all the records of treatment services to be endorsed by the IVA. • Work with the IVA should there be any further event or non-compliances.	• Review, sign or otherwise endorse a treatment certificate verifying that you have observed the treatment (or parts of it) and that the treatment complied with MPI's Treatment Requirement: Treatment Provider Requirements. • Ensure the IVA's name, supervising person, and the date are in the treatment certificate. For all other information required in a treatment certificate please refer to clause 4.5.10 (4). • Submit any records of supervision when required by MPI.	File the records received from the IVAs.

2.1.3 PEQ facility operator treating goods on arrival

(1) The operator of an MPI-approved PEQ facility may apply to provide treatment of goods on arrival for their own imported nursery stock.

(2) All treatment services must be provided as stated on the issued Biosecurity Authority Clearance Certificate (BACC).

(3) The treatment certificate must be issued by an approved treatment technician under the approved QMS. The issued certificate must be provided to the quarantine officer as confirmation of action taken and/or evidence.

(4) All PEQ facility operators must update their QMS to include processes in managing treatment services at their facilities subject to this standard and the relevant standards they are approved for.

(5) All non-compliances identified must be addressed.

2.2 Roles and responsibilities

2.2.1 MPI

(1) MPI's primary responsibilities are:

a) preparing and publishing all standards and guidance documents;
b) regulating and coordinating the provision of treatments for both import and export consignments under the Biosecurity Act 1993 and other relevant legislation;
c) approving, suspending, or terminating treatment providers;
d) auditing and authorising IVAs carrying out supervision, evaluation and verification (audit) services of MATPs;
e) overseeing the verification process, which includes identification of imported risk goods requiring official treatment at MPI-approved facilities (TF and PEQ); directing goods for treatment; issuing a clearance following successful treatment when all biosecurity requirements are met;
f) consulting with industry to achieve efficient and effective new treatment methods, technology developments and funding mechanisms;
g) to act as a person conducting a business or undertaking (PCBU) within the meaning of section 17 of HSWA; and
h) maintaining databases of all IVAs, MATPs and treatment specifications.

(2) MPI may provide services such as treatment supervision if an IVA is not available. MPI will charge for these services on a full cost recovery basis.

2.2.2 Independent verification agencies (IVAs)

(1) An IVA providing services on behalf of MPI must be authorised by MPI. To gain authorisation, IVAs must meet the applicable plant export requirements in the MPI's *Certification Standard: IVA Requirements*.

(2) IVAs undertake services on behalf of MPI. IVAs are responsible for:

a) verifying treatment services carried out by treatment providers under supervision;
b) recommending applications for approval to become an MATP as set out in this standard;
c) auditing MATPs;
d) investigating non-compliances and recommending suspension or termination of an MATP's approval;
e) advising MPI of perceived or potential health and safety (H&S) issues relating to provision of treatment services;
f) ensuring their decisions are impartial; and
g) identifying and managing actual, potential and perceived conflicts of interest of all staff involved in delivering services.

(3) IVAs must also:

a) provide appropriate resources and documenting their IVA system based on their MPI authorisation (see MPI's *Certification Standard: IVA Requirements*);
b) operate in conformance with their MPI-authorised IVA system;
c) maintaining their IVA system to meet the requirements of the applicable MPI's certification and technical standards; and
d) ensure that their IVA system accurately verifies whether the risk goods comply with the importing country requirements (exports) and the Biosecurity Act 1993 (imports).

2.2.3 MATPs

(1) MATPs are responsible for carrying out treatments of products in a safe manner and in compliance with MPI specifications for imports or importing country requirements for exports including ISPM 15 and associated country requirements.

(2) MATPs are responsible for:

a) maintaining MPI approval to provide services under one or more treatment service options;
b) operating in compliance with their approved QMS and contract of approval (as applicable);
c) maintaining their QMS to meet the requirements of this standard and all the relevant MPI technical requirements or import health standards applicable to the scope of their MPI approval;
d) ensuring that the delivery of services complies with the applicable importing and exporting treatment requirements;
e) ensuring their decisions are impartial;
f) identifying and managing actual, potential and perceived conflicts of interest for all staff involved in delivering services; and
g) ensuring their service delivery complies with other applicable legislation, including but not limited to the HSWA.

2.3 Interaction of parties

2.3.1 Relationship between MPI, IVAs and MATPs

(1) The interaction of parties is dependent on the scope of approvals (see Part 2.1)

(2) An MATP must enter into an agreement with either the IVA or MPI or both.

(3) The contracts and approved application forms between the MATP and MPI must, among other things, establish the fees payable, relevant time frames, and the rights and responsibilities of all parties.

(4) IVAs must have a signed contract with MPI. See the MPI's *Certification Standard: IVA Requirements* for more information.

Guidance

- It is recommended for contractual parties to include H&S clauses in their contracts to manage risks, in line with the overlapping duties sections of HSWA.
- Figure 2 shows the high-level process for how to approve an MATP and PEQ facility operator treating goods on arrival.
- Figures 3 to 5 show the high-level processes for how official treatments are carried out by MATP, treatment providers supervised by an IVA and PEQ facility operator treating goods on arrival.

Figure 2. MPI's approval process for MATP and PEQ facility operator treating goods on arrival

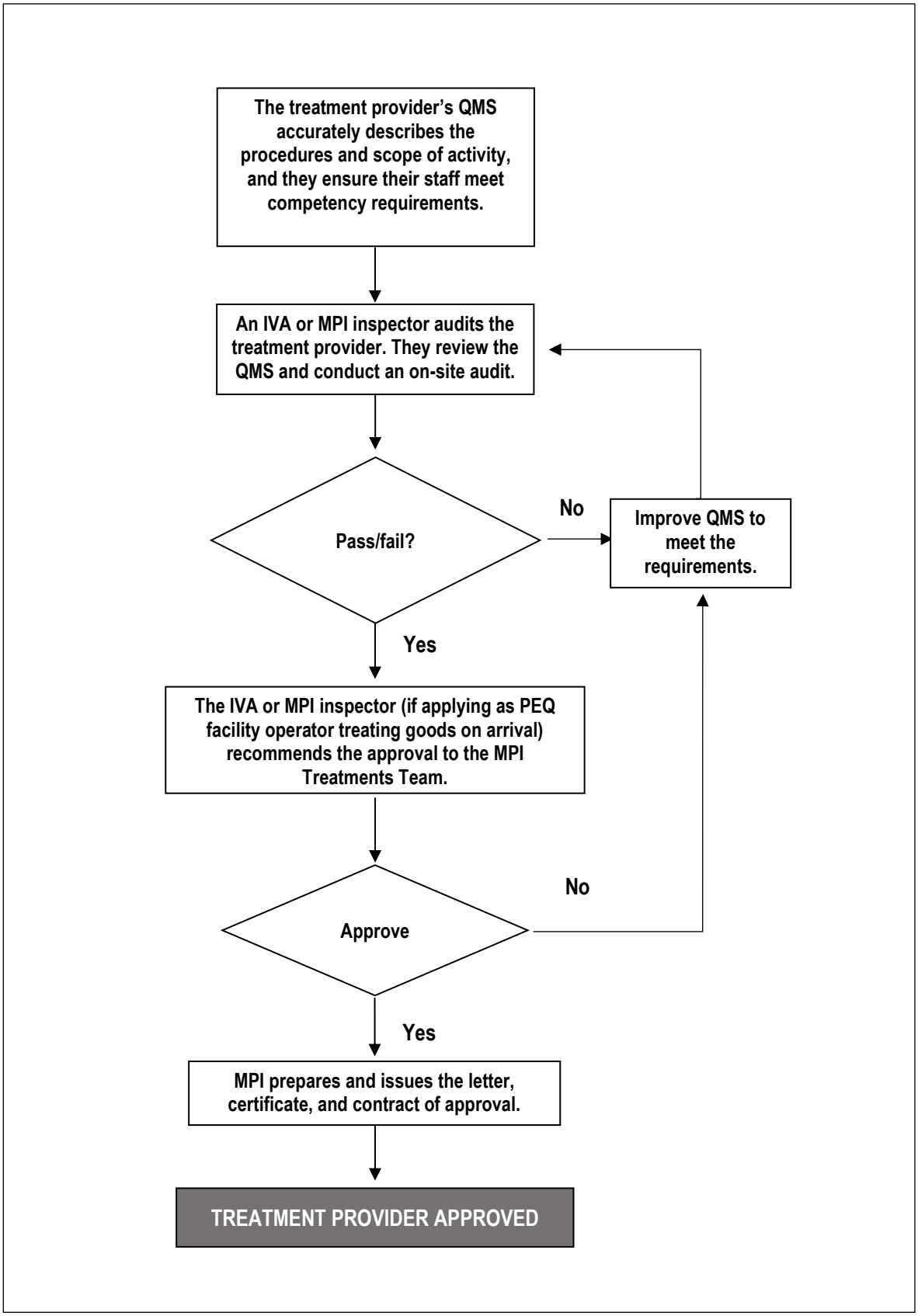


Figure 3. Process for an MATP to provide official treatment services

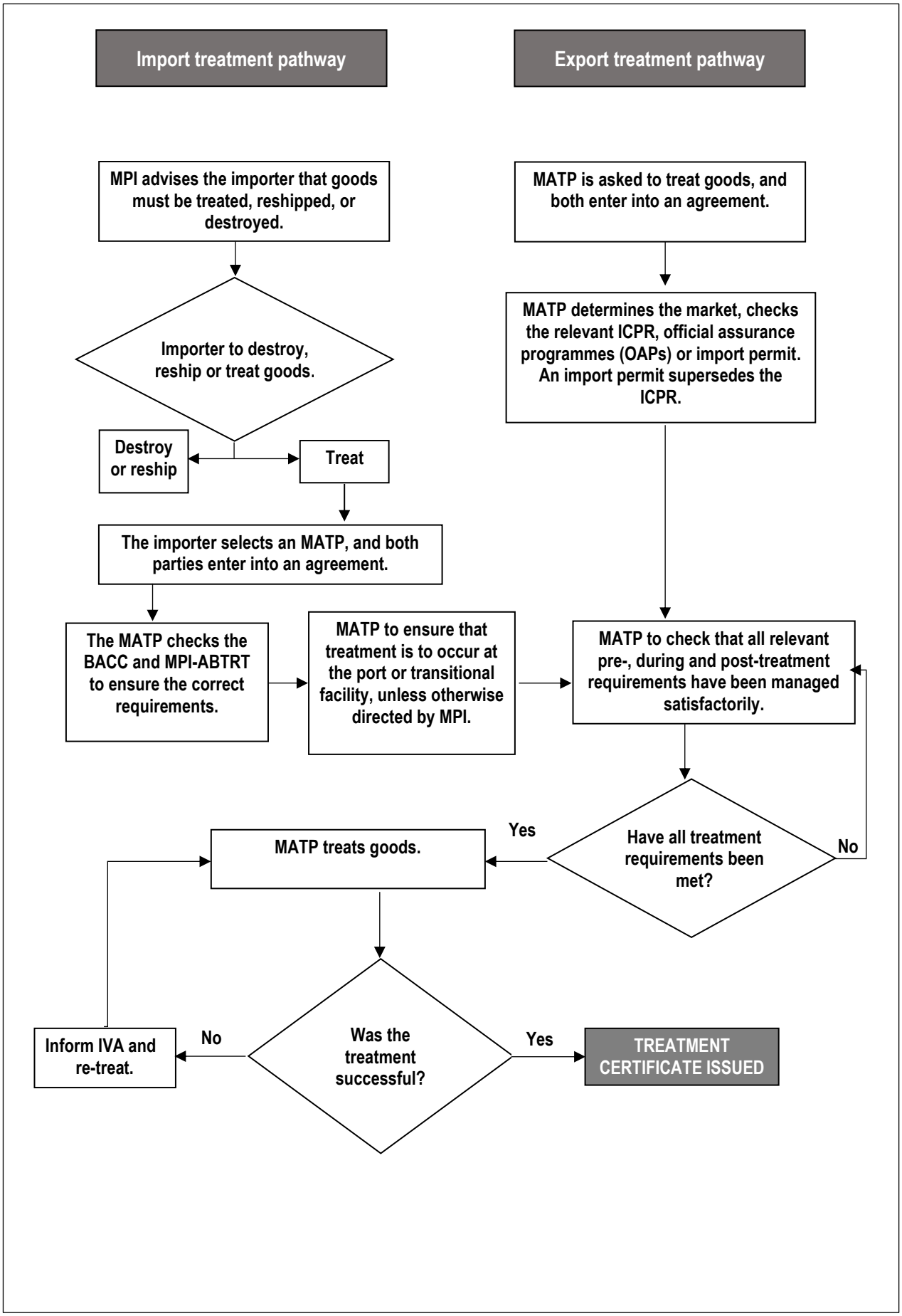


Figure 4. Process of providing official treatments for treatment provider supervised by an IVA

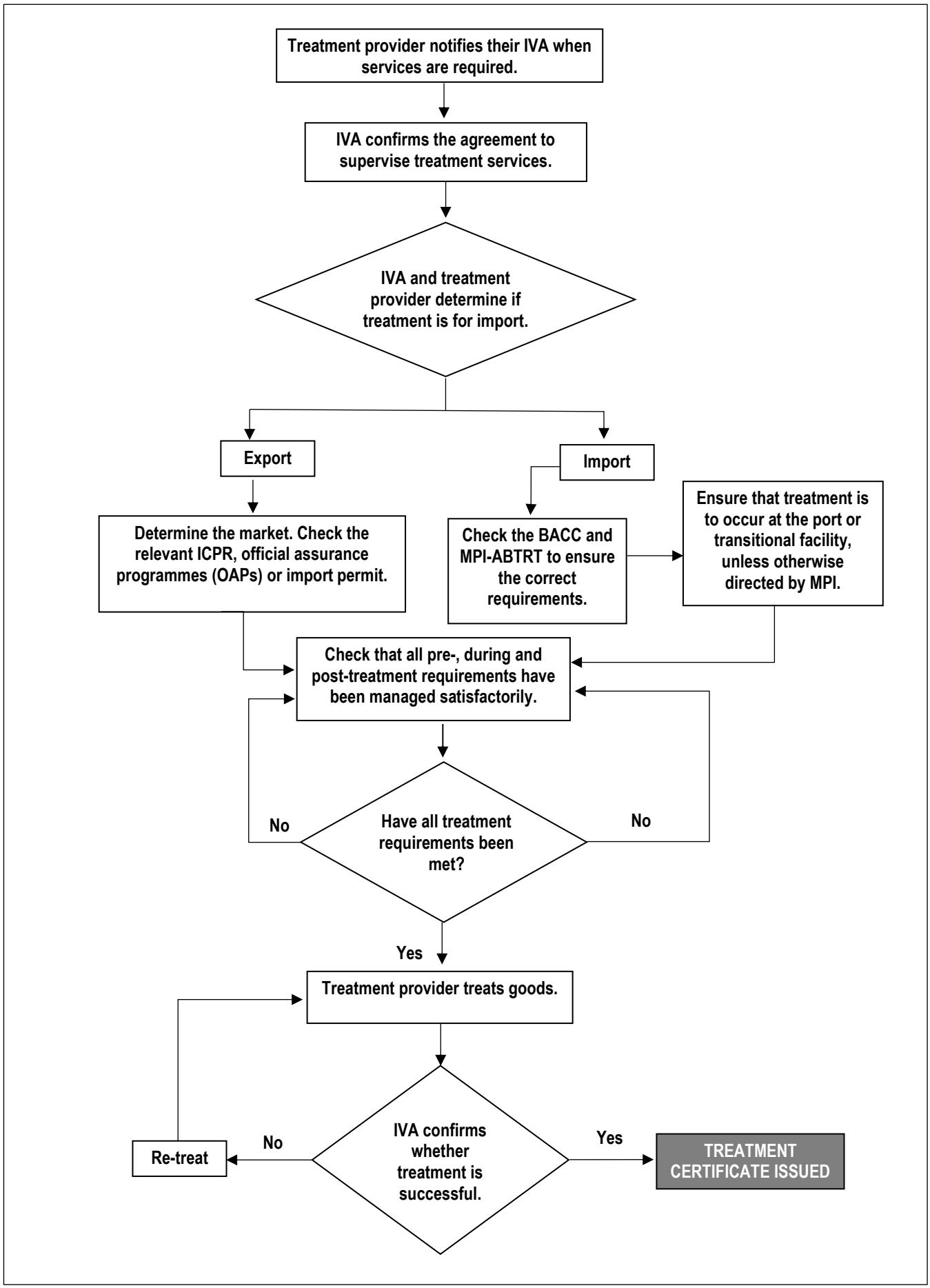
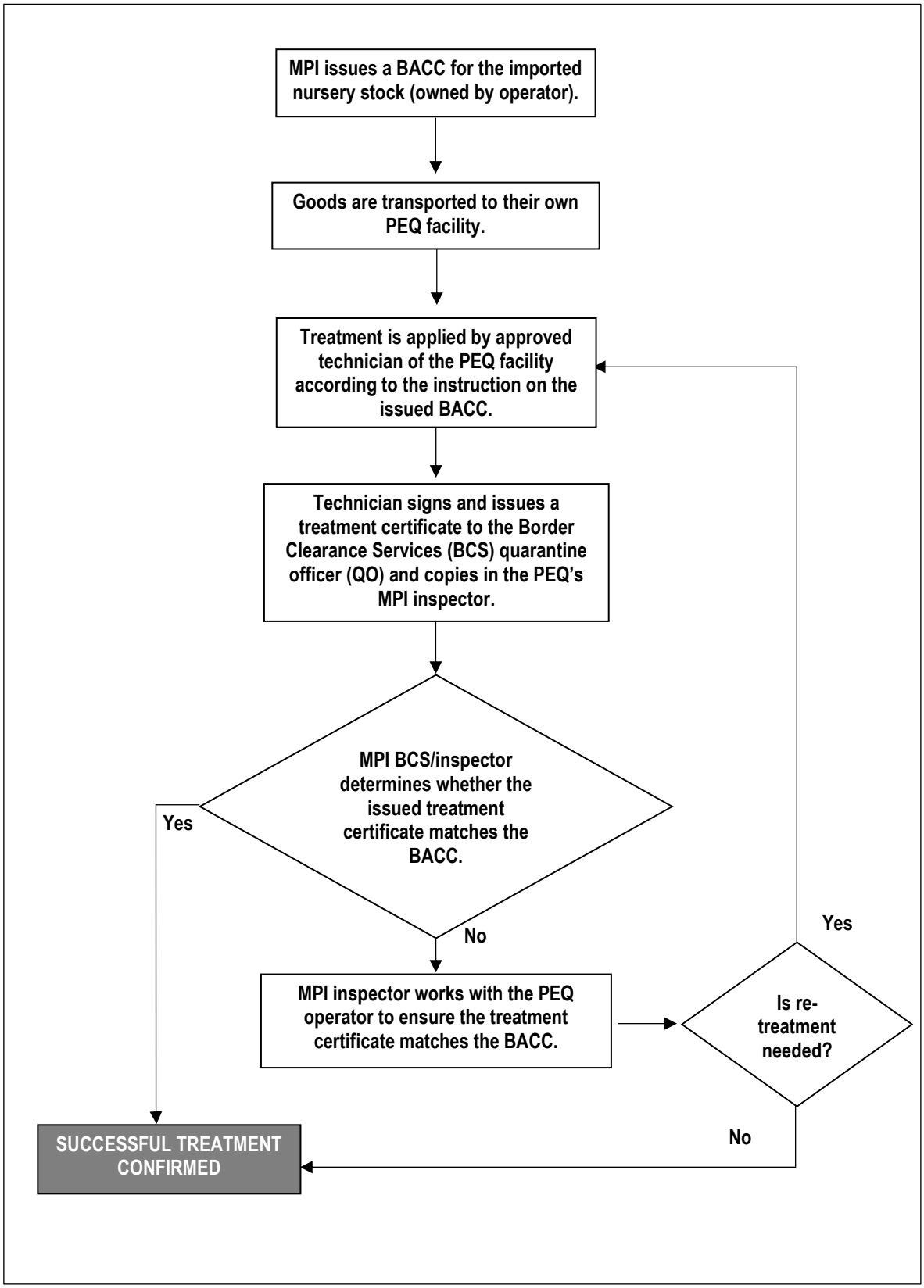


Figure 5. Process for treating goods on arrival at a PEQ facility



Part 3: MPI-Approved Treatment Provider (MATP) Approval Requirements

3.1 General requirements

3.1.1 Requirements to become an approved treatment provider for provision of the full scope of official treatments

(1) A treatment provider applying to become a treatment provider approved for provision of the full scope of official treatments must:

a) satisfy MPI that its company and its key personnel are appropriate to hold MPI approval status;
b) meet the conditions in "Application for Approval" (Appendix 2) as an MATP;
c) document and gain MPI approval of their QMS that addresses the requirements of this standard and other applicable MPI import health standards, MPI's *Technical Standard: Certification Mark for Wood Packaging*, importing country requirements and OAPs requirements;
d) meet the H&S requirements in Schedule 1 of "Contract of Approval" (Appendix 3);
e) meet any other requirements that MPI considers may be relevant to the applicant's application; and
f) ensure that both the operation and controls of the processes are effective.

Guidance

- MATPs and other treatment providers (i.e., MAOs who provide phytosanitary treatments and TF operators who provide treatment services at TFs) have the primary responsibility under HSWA for their workers carrying out treatment services. MPI also has influence over aspects of the biosecurity treatment process, and there are areas where MPI's and treatment providers' duties overlap.
- MATPs and other treatment provider's services may also introduce H&S risks to the workplaces or supply chains of other PCBUs. Treatment providers should understand and evaluate the duties they may have to other PCBUs, and ensure that these are managed appropriately, in line with the HSWA. This is particularly significant for treatments that involve application of hazardous goods to commodities.
- For clause 3.1.1(e), other requirements include any licences, trainings and resource consents as required by HSWA and local regulations.

3.1.2 Requirements to become treatment provider supervised by an IVA

(1) A treatment provider wanting to provide treatment services as a one-off or as an occasional treatment provider or provisional approval (transition phase to become a treatment provider approved for provision of the full scope of official treatments) categories (see clause 2.1.2 [2]) must:

a) have a contract with an IVA before operating; and
b) meet the requirements specified in this standard when providing treatment services.

3.1.3 Requirements to become PEQ facility operator treating goods on arrival

(1) A treatment provider wanting to treat goods on arrival at a PEQ facility must:

a) be an MPI-approved PEQ facility operator;
b) update their QMS by including procedures on treating goods on arrival at a PEQ facility;
c) have their updated QMS be recommended by their MPI inspector to the MPI Treatments Team for approval; and
d) meet the conditions in "Application for Post-Entry Quarantine (PEQ) Facility Operator Treating Goods on Arrival" (Appendix 4).

3.2 Treatment service options

(1) An MATP may gain MPI approval to provide one or more of the treatment services listed in Table 2.

(2) MATPs who intend to apply ISPM 15 mark must meet the requirements of MPI's *Certification Standard: Organisation Requirements* and *Technical Standard: Certification Mark for Wood Packaging*.

Table 2. Treatment service options and the associated MPI technical standards

Option	Treatment services	MPI standards
A	Fumigation	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Technical Standard: Certification Mark for Wood Packaging* *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
B	Irradiation	Facility standards Import health standards (IHSs) *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
C	Pesticide (e.g., acaricide, fungicide, insecticide, larvicide, miticide, nematicide etc.).	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
D	Temperature (e.g., cold or heat).	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Technical Standard: Certification Mark for Wood Packaging* *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
E	Other options (e.g., preservatives, formalin spraying, dipping, and washing).	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*

3.3 Process for approving treatment providers

(1) All prospective MATPs must follow the steps in Table 3 to gain MPI approval.

Guidance

- There is a list of authorised IVAs on the MPI website.

Table 3: The MATP approval process

Step	Treatment provider action	IVA action (applies to supervision and treatment provider approved for provision of the full scope of official treatments)	MPI inspector action (applies to PEQ facility operator treating goods on arrival)	MPI Treatments Team action
1	Determine the scope of approval you are applying for (i.e., treatment provider approved for provision of the full scope of official treatments, treatment provider supervised by an IVA and PEQ facility operator treating goods on arrival).			
2	Contact: • IVA for those applying under the supervision and treatment provider approved for provision of the full scope of official treatments. • MPI inspector if applying for PEQ facility operator treating goods on arrival.	Answer any queries from the applicant.	Answer any queries from the applicant.	
3	Complete the correct application form. If applying as a treatment provider approved for provision of the full scope of official treatments, fill out the application form in Appendix 2, and send it with the application fee to MPI Treatments Team. Note: You only need to pay an application fee if you are applying to become a treatment provider approved for provision of the full scope of official treatments. If applying for PEQ facility operator treating goods on arrival, fill out the application form in Appendix 4, and send it to the MPI inspector	Acknowledge receipt of the application and mutually agree on the timeframe for completing the application process. For application to supervise treatments, prepare the necessary documents to	Acknowledge receipt of the application and mutually agree on the timeframe for completing the application process.	Acknowledge receipt of the application and mutually agree on the timeframe for completing the application process.

Step	Treatment provider action	IVA action (applies to supervision and treatment provider approved for provision of the full scope of official treatments)	MPI inspector action (applies to PEQ facility operator treating goods on arrival)	MPI Treatments Team action
	assigned to your PEQ facility. If applying to become a treatment provider supervised by an IVA other than remedial supervision, you must enter into an agreement with an IVA before operating.	confirm agreement and inform MPI by email. Proceed to step 13.		
4	Prepare the QMS Note: All applications require QMS except those applying under the IVA supervision.	Answer any queries from the applicant.	Answer any queries from the applicant.	Answer any queries from the IVA, MPI inspector or applicant. All applications under the supervision approval, proceed to step 11.
5	Mutually agree on the timeframe for evaluating the QMS.			
6	Submit the QMS to your IVA or MPI inspector. Attach the following documents: For applications to become a treatment provider approved for provision of the full scope of official treatments: -Two (2) copies of the completed "Contract of Approval" (Appendix 3) of this standard.	Evaluate the QMS against the MPI standards. Request any additional information if needed.	Evaluate the QMS against the MPI standards. Request any additional information if needed.	
7	Provide additional information required.	Schedule and conduct an on-site system audit to validate that the actual operations correspond to the MATP treatment scope at each location where services will be conducted.	Refer to the relevant standards	
8		Notify the applicant of any non-	Notify the applicant of any amendments	

Step	Treatment provider action	IVA action (applies to supervision and treatment provider approved for provision of the full scope of official treatments)	MPI inspector action (applies to PEQ facility operator treating goods on arrival)	MPI Treatments Team action
		compliances and request corrective actions. Move to step 10 if there are no non-compliances.	to be made and request corrective actions. Move to step 10, if there are no amendments required.	
9	Review and amend the QMS. Implement any corrective actions.	Verify that any agreed corrective actions have been implemented.	Review the amendments and any corrective actions.	
10		Recommend the QMS for approval to MPI Treatments Team.	Recommend the QMS for approval to MPI Treatments Team.	Review the recommendations. Where criteria are met, approve the application by preparing the approval documents.
11				Forward to the IVA or MPI inspector the following documents. For **treatment provider approved for provision of the full scope of official treatments** applications: -a copy of the countersigned "Contract of Approval" (Appendix 3), MPI approval letter, MPI certificate of approval. For applications under PEQ facility operator treating goods on arrival: -approved PEQ facility operator treating goods on arrival form (Appendix 4)

Step	Treatment provider action	IVA action (applies to supervision and treatment provider approved for provision of the full scope of official treatments)	MPI inspector action (applies to PEQ facility operator treating goods on arrival)	MPI Treatments Team action
				Update the MATP register on the MPI website.
12		Notify the applicant of the approval.	Notify applicant of the approval.	
13	Operate services as per MPI requirements.			

3.4 Communication of MPI approval status

(1) All MATPs must only use the following phrase, or an equivalent phrase approved by MPI when referring to its approval status in all media forums, which states:

a) "approved by the Ministry for Primary Industries to provide [state the treatment service options for which the MATP holds the current approval]".

(2) MATPs under supervision must not use MPI logo when issuing treatment certificates. See clause 2.1.1 "Supervision". They are however, allowed to reflect their MPI approval number (if applicable).

(3) The MPI logo or acronym is not to be used (in any form), unless authorised by MPI.

Part 4: Quality Management System (QMS)

(1) Treatment providers applying to become approved for provision of the full scope of official treatments and PEQ facility operator treating goods on arrival must establish, document, implement and maintain a QMS and continually improve its effectiveness in accordance with the requirements of this standard.

(2) The QMS must be recommended by IVA or MPI inspector before it can be approved by the MPI Treatments Team.

4.1 Content of QMS

4.1.1 To become a treatment provider approved for provision of the full scope of official treatments

(1) The QMS documentation must include as a minimum:

a) An overview of information (see section 4.2).
b) Procedures describing how the following requirements are met:

i) the applicable facility standards, import health standards, importing country requirements and other relevant requirements;
ii) treatment service delivery requirements; and
iii) staff competency.

(2) The treatment provider must have processes to manage the following areas:

a) document control;
b) tracebacks and investigations;
c) management of resources and subcontracting;
d) maintenance of treatment records;
e) reporting; and
f) QMS review.

4.1.2 To become an approved PEQ facility operator treating goods on arrival

(1) The QMS documentation must include:

a) information as required under the *Facility Standard: Post-Entry Quarantine for Plants*; and
b) procedures for treating goods on arrival at a PEQ facility.

(2) Any amendment to the QMS relating to the procedures on post-border treatments must be recommended by MPI inspector to the Treatments Team for approval.

Guidance

- Only applicants seeking approval to become a treatment provider approved for provision of the full scope of official treatments and PEQ facility operator treating goods on arrival MATPs are required to submit a QMS (or operating manual under the Facility Standard: Post-Entry Quarantine for Plants).
- QMS documentation is comprised of an overview of information, work instructions for specific activities, and all referenced documents. Examples of referenced documents are treatment charge sheets and plots, loading forms, checklists, and treatment certificates.
- Documented procedures for the areas listed in clause 4.1.1(2) are not required. However, these areas are verified at audit. All treatment provider approved for provision of the full scope of official treatments MATPs should consider having documented procedures for these areas for their own internal use in their QMS. If an MATP decides not to document these as procedures, it may be beneficial to copy and paste the processes into the QMS, so operating requirements are not overlooked.

4.2 MATP overview

4.2.1 Organisation information

(1) The MATP must provide the details described in Table 4.

Table 4. MATP details

MATP Name	Legal entity		
Head office	Street address	Town/City	Region
Postal address	Street/box/RD no.	Town/City	Region
Office	Office phone no.	Alternate phone no.	
MATP contact details	**Contact person**	**Phone**	**Email address**
Contact for the owner of the organisation	Name Position	Mobile DDI	Email
Manager of the organisation's QMS	Name Position	Mobile DDI	Email
Alternative contact of the organisation's QMS	Name Position	Mobile DDI	Email
Contact person for IVA liaison or MPI	Name Position	Mobile DDI	Email
Site/facility name Repeat for each site	Name		
Facility type and number (e.g., transitional, PEQ, packhouse, sawmill, cool store, etc.)			
GPS coordinates (main entrance of the site)			
Physical address	Street address	Town/City	Region
Postal address	Street/box/RD no.	Town/City	Region
Office contacts	Office phone no.	Alternate	Fax no.
Site contact person	Name Position	Mobile DDI	Email
Scope of services (include specific treatments services options)	See Table 1.	See Table 1.	See Table 1.
Pathway and commodity type	See guidance information	Name of commodity See guidance information	

(2) The MATP must include an organisational structure/chart clearly identifying the person or people responsible for quality control activities. The titles/designations must align with those listed in procedures and staff competency registers. The MATP must define and document the services pathway and a site plan as applicable to the scope of services they are approved for.

(3) If for any reason an MATP intends a move to a new location or have changes to its site plans which may cause disruption to treatment services, they must inform MPI at least one month prior to this occurring. A business continuity plan must also be submitted to manage the disruptions (if there's any) in the provision of treatment services.

Guidance

- The pathway is either import or export.
- Examples of commodity types include seeds, nursery stock, seeds, wood products (timber, logs, poles).
- The services pathway may include many stages:
  - production site (forest, farm or orchard);
  - storage;
  - application of treatment;
  - application of registered certification mark;
  - dispatch of treated and stamped products; and
  - issuance of treatment certificate.
- MATPs should submit site plans for any treatment areas or sites that they use regularly.
- The deadline in the submission of the business continuity plan needs to be agreed with MPI.

4.2.2 Managing multiple operational locations

(1) The MATP QMS overview must clearly document the process on how multiple locations are managed and audited. Options are:

a) each site has a separate auditing scheme; or
b) all sites are audited as a group under one auditing scheme; or
c) multiple site groups are created, with an audit scheme applied to each group.

(2) If an MATP manages systems in multiple locations, they must conduct at least one annual internal audit to verify that practices comply with planned activities. The internal audit must include services provided through mobile treatment facilities. When non-compliances are identified, the MATP must take appropriate corrective and preventive actions.

Guidance

- If an MATP runs multiple operating sites, they must apply for and maintain approval for each site.
- If an MATP runs multiple sites approved under one audit scheme, the consequences for any non-compliance found at one site apply to all sites.

4.3 Document control

(1) The MATP must ensure that QMS documents have a unique version number or a date. Documentation can be electronic or hard copy.

(2) Changes made to the QMS must be highlighted or tracked to assist with efficient evaluation of changes.

(3) Amendments to the QMS are permitted to correct spelling mistakes provided the original wording is crossed out, initialled, and dated. Handwritten amendments must not be covered up using correction fluid or tape.

(4) Any alterations or amendments to the QMS that may affect compliance with the requirements of approval (other than to correct spelling mistakes) must be submitted to the MATP's IVA and/or MPI inspector and approved by MPI before they are implemented. A record of approval must be maintained.

(5) If the amendment in 4.3(4) is an update to the register of competent staff, this must be sent directly to MPI (copying in the IVA). The changes on the competency register can be implemented immediately.

(6) The QMS or relevant procedures/work instructions must be available for use by all employees that have a role or perform a function in the approved system. If the absence of documented instructions creates a risk to effective performance of a treatment, documented procedures and instructions must be provided.

Guidance

- If you are a treatment provider at a PEQ facility, see the *Facility Standard: Post-Entry Quarantine for Plants*. This standard has more requirements for document control.

4.4 Treatment service delivery procedures

4.4.1 Procedures for services

(1) The MATP must document procedures in the QMS relevant to the services which they are seeking MPI approval for (see Table 2).

(2) The documented procedure must describe:

a) the activities that are undertaken;
b) how activities are undertaken; and
c) who undertakes the activities.

(3) The MATP must document how the necessary checks on equipment, application and product handling will be done to ensure the treatment is successful.

4.4.2 Treatment plan

(1) The MATP must develop a treatment plan setting out the critical control points (CCP) for effective control of treatment before a treatment service is provided.

Guidance

- Procedures should be written in a concise and descriptive manner.
- Write in the present tense, not the future tense.
- Write the steps as command that begin with an action verb. For example:
  - Identify the packets to be treated;
  - Stack the timber in the kiln; and
  - Turn on fan and burners.
- ISPM 14 has more information on setting up a CCP system. A CCP system usually involves:
  - determining the hazards and the objectives for measures within a defined system;
  - identifying independent procedures that can be monitored and controlled;
  - establishing criteria or limits for the acceptance/failure of each independent procedure;
  - implementing the system with monitoring as required for the desired level of confidence;
  - taking corrective action when monitoring results indicate that criteria are not met;
  - reviewing or testing to validate system efficacy and confidence; and
  - maintaining adequate records and documentation.

4.5 Technical requirements of the QMS

4.5.1 Treatment specifications for export certification

(1) Treatments of export goods must be carried out following the importing country's requirements (ICRs) and MPI's Certification Standard: Organisation Requirements.

(2) MATPs must also assess the consignment suitability before applying the treatment.

(3) If the treatment specified by the importing country is not available, or the specific chemical is not currently approved for use in New Zealand, the MATP must refuse to provide services until such time MPI confirms the alternative and acceptable treatment specifications. See clause 4.7 "Request for dispensation and recognition of equivalence" in this standard.

Guidance

- Importing country requirements include the importing country's phytosanitary requirements (ICPRs), OAPs and import permits.
- For more information on export certification obligations, see MPI's *Certification Standard: Assurance System Framework*.
- For help with clause 4.5.1 (2), see the document *Guidance on Consignment Suitability for Treatment* on the MPI website.
- If unsure whether a treatment specification is official or MPI approved, confirm with your IVA before undertaking any treatment services.

4.5.2 Treatment specifications for import clearance

(1) Treatments being applied to imported plants, plant products, regulated articles and/or wood to obtain biosecurity clearance must be carried out following the issued BACC.

(2) If an MATP wants to use a new treatment that differs from the MPI-supplied specification, it must be approved by an MPI Chief Technical Officer before the goods are given biosecurity clearance (see clause 4.7.2).

4.5.3 Access to information

(1) The MATP must document how they access up-to-date specifications for each type of treatment to be applied, and these specifications must be readily available to treatment technicians, or IVA and an MPI inspector at the time of deciding to apply specific treatments.

4.5.4 Treatment facilities

(1) Facilities used for undertaking treatments of consignments must be capable of delivering the treatment to the required specifications.

(2) Facilities must allow the treatment technician to ascertain that the entire treatment achieved the required outcomes.

(3) Treatment of imported risk goods must take place at an MPI-approved facility or a place where an MPI inspector has authorised those goods to be treated.

Guidance

- For clause 4.5.4 (2), some ways to maximise the possibility of achieving a successful treatment include ensuring there are no leaks if fumigating, ensuring heat is maintained, and keeping spillages and risk goods contained, and ensuring monitoring/verification devices (for fumigation and temperature treatments) are calibrated and working as required.

4.5.5 Treatment chemicals

(1) The MATP must establish and maintain documented specifications for all treatment chemicals required.

(2) When purchasing chemicals, specifications of requirements for the purchase must be clearly stated on the purchase documents.

(3) When the chemicals are delivered, the MATP must verify that the chemicals delivered meet the purchase specifications.

(4) The H&S information, handling and application procedures must be obtained from chemical/treatment substance suppliers, and the manufacturer's stated requirements regarding storage, safety and use must be followed. If the manufacturer's stated requirements differ from MPI's specifications, MPI must be notified, and no treatment is to occur until the reason for the difference has been resolved by MPI.

(5) The MATP must maintain records of specifications and manufacturer's requirements.

4.5.6 Review of contract prior to treatment services delivery

(1) Before accepting an order to undertake a treatment, the MATP must review the order to ensure that:

a) the correct treatment is identified before application;
b) the treatment technician holds a current approval for that treatment to be provided;
c) treatment technicians qualified to undertake the treatment are available to perform or supervise the treatment;
d) the MATP has the ongoing capability to meet the treatment requirements;
e) the suitability of the consignment prior to treatment has been met; and
f) the exporter/owner of the goods is informed and is given the option of continuing with the treatment or not if there is any likelihood of damage to the goods being treated.

(2) The MATP must ensure that the service order is confirmed before providing the treatment services.

Guidance

- If you are a MATP, consider issuing a written notification to your clients with examples of potential damage to the goods that will be treated and any special safety measures that may need to be taken following the treatment. If your client is willing to take the risks, you could also ask them to sign a waiver document before you provide a treatment service.
- For help with clause 4.5.6 (1)(e), see the *Guidance on Consignment Suitability for Treatment* on the MPI website.

4.5.7 Measuring and monitoring equipment

(1) All measuring, test and inspection equipment used for measuring or monitoring treatment activities must be calibrated at least annually, and/or verified to levels of accuracy appropriate to its use.

(2) Measuring and monitoring equipment must be stored, transported, and used in a manner that protects it from loss of accuracy.

(3) All equipment and products used in treatment processes must be inspected before use. This is to ensure that the equipment can meet the specification for the treatment to be applied and suitable for use. Any equipment showing malfunction must be replaced.

(4) Should equipment calibration and/or verification show that equipment is not capable of the required accuracy of measurement, the MATP must review all measurements that have been made using that equipment since the last calibration and/or verification. The MATP must also determine what actions should be taken because of the inaccuracy. Appropriate actions, including re-treatment if required, must be taken.

4.5.8 Product identification

(1) The MATP must uniquely identify all products being treated by suitable means throughout the treatment process. This may be by individual item or batch identification.

(2) The processes used for product identification must be documented.

(3) The product's status, with respect to the stage of treatment (for example untreated, treated but not released, or treated and approved for release), must be clearly identified by label, location, or other suitable means.

(4) The product must be traceable from at least the point of entry into New Zealand to the point of biosecurity clearance (for imports) and at least from treatment (or to ISPM 15 marking for wood packaging) to the point of export (for exports).

(5) Treated and ISPM 15 marked goods must be identified, as per MPI's Certification Standard: Organisation Requirements and MPI's Technical Standard: Certification Mark for Wood Packaging.

4.5.9 Treatment monitoring

(1) Each critical control point identified in the treatment plan (see clause 4.4.2) must be monitored.

(2) The procedures for ensuring treatment have been applied to the required standard must be documented and results recorded by the MATP.

(3) Temperature monitoring and recording methods must be documented, and equipment used must be accurate.

(4) Where product is being treated, the product's temperature must be measured in accordance with the treatment specification for the pests of concern (if applicable).

(5) For application of fumigants, a method must be used to verify the correct concentration of gas, e.g., detector tubes, thermal conductivity analysers, interference refractometers/gas chromatography, fumiscope, control insects (only of a similar genus to the target insects). Halide lamps must not be used to measure concentration levels or leaks.

(6) For treatment using chemicals/fumigants, any enclosure must be aerated/ventilated until the required concentration of the chemical/fumigant within the enclosures falls to the established minimum levels (if applicable).

Guidance

- If a commodity is being treated for an easily discernible organism, it should be checked after treatment has been completed to verify pest mortality and that the treatment was effective. Such checking can be carried out by Accredited Persons or MPI inspectors for imports and by MAO or IVA inspectors for exports.
- Examples of suitable equipment are thermographs for kiln sterilisation, temperature data loggers for fumigants, temperature-sensitive bacteria in steam sterilisation. Mercury maximum/minimum thermometers are not acceptable as the prime method for monitoring temperature.
- Contingency plans include but are not limited to securing the goods in a confined space to contain the potential escape of the live organism, spraying of insecticide applicable to the organism, etc.
- Ventilation should be adequate to manage the H&S risks of treatment fumigation. Other requirements may apply depending on the type of consignment. See *Containers – inspection and unpacking | WorkSafe* for more information.

4.5.10 Issuance of treatment certificates

(1) An MPI-approved treatment technician must fill out the "certificate of treatment" with the information from clause 4.5.10 (4) (as required to obtain clearance or export certification) on completion of each treatment. All monitoring results must be recorded in the MATP's treatment register.

(2) If the MATP is under supervision, the treatment certificate must be verified and endorsed by their IVA.

(3) When a MATP is treating wood packaging material in accordance with MPI's *Technical Standard: Certification Mark for Wood Packaging*, where the wood is to be on-sold or transferred to a wood packaging manufacturer, and the MATP elects not to apply the certification mark directly to the treated wood, a treatment certificate must be supplied for each batch or lot of treated wood product that is on-sold or transferred to the wood packaging manufacturer.

(4) As a minimum the treatment certificate must contain the following:

a) the MATP's letterhead including name and physical address;
b) the MATP's approval number (where applicable);
c) treatment certificate number;
d) description of the consignment – including quantity;
e) target of the treatment (i.e., seed, timber, etc.);
f) consignment identification/link (if applicable) e.g., container number, bill of lading, lot number, ISPM 15 mark or other means to clearly identify the consignment;
g) pathway (export or import);
h) name and address of client;
i) type of treatment performed e.g., heat treatment;
j) date and time the treatment was commenced and completed;
k) date and time the ventilation was commenced and completed (if applicable)
l) treatment location;
m) exposure time period (if applicable);
n) details of treatment e.g., active ingredient, chemical labels, core temperature, duration of treatment, etc.;
o) description of wood packaging treated (if applicable) e.g., type of packaging, quantity, etc.;
p) concentration time (CT) achieved (if applicable);
q) lowest end point concentration if using a fumigant (if applicable);
r) final threshold limit value (TLV) time-weighted average (TWA) readings if using a fumigant;
s) declaration that "the consignment met all suitability requirements prior to treatment" (if applicable);
t) declaration that the product was treated in accordance with the requirements of the Treatment Provider Requirements standard (for their scope as referred to in clause 2.1); and
u) name and signature of the treatment technician in charge.

4.5.11 Product segregation and post-treatment product security

(1) The MATP must document their methods used to ensure product segregation while the products are under their control to ensure they are:

a) segregated from other untreated products. This is to avoid possible release of regulated organisms or cross contamination;
b) protected from possible release of unwanted organisms (imports) or contamination during storage and transport (exports); and
c) protected from possible product substitution.

(2) The MATP must document their method used to transfer the responsibility for the security of treated product to the facility operator.

(3) For MATPs treating products to be exported, post-treatment product security must be aligned with the maintenance of product security requirements in MPI's *Certification Standard: Organisation Requirements*.

4.6 Staff competency

4.6.1 General staff competency and training

(1) The MATP must ensure that its staff involved in the operation of the approved QMS are fully trained and competent, and that treatment technicians must meet the personnel qualification criteria in clause 4.6.2.

(2) All staff must also be competent in:

a) understanding and undertaking their role in accordance with the approved QMS;
b) carrying out their role in accordance with all the relevant H&S requirements;
c) accurately recording all findings, decisions and actions taken; and
d) exercising impartiality.

(3) The MATP must maintain an up-to-date register of treatment technicians, showing the treatments that they are qualified and competent to perform [see clause 4.6.1 (c)];

(4) Where necessary, staff must be provided with written work instructions setting out how critical jobs or tasks to be carried out;

(5) In-house training of staff must be carried out by competent treatment technicians;

(6) Training by other technical providers may be recognised as adequate for the purposes of this standard. Recognised training qualifications may include:

a) Grow Safe Programme (Application of chemicals);
b) Urban Pest Control Certification; or
c) a certified handler qualification, if applicable.

(7) The treatment provider must keep records of training. The management must review staff competence at least once a year to determine whether refresher or additional training is needed.

Guidance

- An MATP can review their staff competency more than once a year.

4.6.2 Treatment technician competency

(1) The treatment technician must be physically able to carry out the treatment process being undertaken and provide evidence that they can comply with any physical requirements necessary for the work they undertake (e.g., demonstrating full colour vision where colour recognition is required).

(2) The treatment technician must demonstrate the following competencies (measured during audits) relevant to the treatment being applied:

a) Sound understanding of the treatment processes;
b) Ability to determine which is the correct treatment to be provided and to obtain necessary up-to-date specifications for that treatment;
c) Knowledge of the treatment specifications being applied (e.g., calculations on dose rate/time/temperature relationships);
d) Facility and equipment operation and maintenance;
e) Equipment calibration procedures;
f) Security, segregation, and identification of treated product (goods);
g) Treatment efficacy methods;
h) Reaction properties on products (goods) for that type of treatment (if applicable);
i) Creation and filing of all required records;
j) Where required by the Health and Safety at Work (Hazardous Substances) Regulations 2017, hold certified handler compliance certificate, and a controlled substance license;
k) Understanding of relevant New Zealand's legislation and regulations;
l) Understanding of material safety data sheets of individual chemicals used (if applicable); and

m) Emergency response procedures.

(3) Other staff may be used for treatment work provided that:

a) Their duties are commensurate with their knowledge, experience and certification if required;
b) They are given adequate direction;
c) Their work is under direct supervision of a treatment technician; and
d) The treatment technician supervising their work is not involved in the application of the same treatment (the treatment technician is supervising only).

4.6.3 Competency assessment

(1) The MATP's documented procedures for staff competency assessment must describe:

a) how trainee staff are supervised when treating commodities (i.e., within line of sight) by an experienced staff member or a contracted staff member from another organisation. The maximum ratio for supervisory purposes is one supervisor (i.e., competent staff member) to three trainees;
b) the method used to assess staff competency to undertake specified MPI activities;
c) how the assessor of staff competency is involved in the observation of the trainees completing practical implementation tasks;
d) how competencies are confirmed annually;
e) actions undertaken because of competency assessment outcomes; and
f) record of the competency assessment.

Guidance

- The competency assessor should have been assessed as being competent in the competency that they are assessing. The frequency for assessing competencies can be discussed and agreed on with MPI.
- If the MATP does not have anyone who can assess competency, their IVA can assist in determining the level of competency of a staff member.
- A competency assessment may include observing the staff member in a real work situation. If it is not possible to assess competency by observing an activity being undertaken in real time, it may be appropriate to use other assessment methods such as hypothetical scenarios (e.g., "What would you do if…").

4.7 Request for dispensation and recognition of equivalence

4.7.1 Request for dispensation

(1) An MATP seeking a dispensation from any specification in this standard or the requirements in Table 5 must submit a formal request to the MPI Treatments Team, copying in their IVA or MPI inspector.

(2) When an MPI dispensation has been granted, the MATP must supply a copy of the MPI dispensation and the amended procedure to their IVA or MPI inspector.

4.7.2 Request for recognition of equivalent measures

(1) If an MATP has a risk management process that is not in this standard but achieves an equivalent outcome for the treated product, they must submit a formal request to use this process to MPI, copying in their IVA or MPI Inspector.

(2) If MPI recognises this process as an equivalent, the MATP must provide their IVA or MPI Inspector with a copy of MPI's notification of recognition and the MATP's amended procedures.

Table 5. Pathway for requesting dispensation or equivalence

Step	Requestor action	IVA action (supervision and MATP approvals only)	MPI inspector action (PEQ facility treating operator goods on arrival approvals only)	MPI Treatments Team action
1	Request a dispensation from MPI (copying in the IVA or MPI inspector) or recognition of equivalence. Include the technical justification and proposed changes to the requirements in the standards (Import Health Standards) or to QMS.	Advise the MPI Treatments Team of any concerns.	Advise the MPI Treatments Team of any concerns.	Review the request, decide, and inform the decision to requestor.
2	If request is conditionally approved, keep the MPI notification on file. Comply with all the conditions in the notice received from MPI.	Confirm that all conditions have been met before the dispensation or equivalent measure is used. Advise the MPI Treatments Team of any non-compliance with the conditions.	Confirm if all conditions have been met before the dispensation or equivalent measure is used. Advise the MPI Treatments Team of any non-compliances with the conditions.	Monitor compliance.

4.8 Tracebacks and investigations

4.8.1 Tracebacks

(1) The MATP must fully cooperate with their IVA or MPI inspector in providing information relevant to consignments where MPI has been notified of a potential non-compliance. Information that may be required include, but are not limited to:

a) treatment certificates;
b) treatment charge sheets;
c) loading forms; and
d) charge plots.

4.8.2 Investigations

(1) The MATP must fully cooperate with MPI and/or the IVA in providing information for the investigation.

(2) MPI decides who will be involved in the investigation.

Guidance

- MPI may initiate an investigation when an incident or number of events have been reported that compromise the MPI Treatment Programme.
- Example of MPI decision on who to be involved in the investigation includes directing specific staff within MPI and IVA to investigate.

4.9 Management of resources and subcontracting

4.9.1 Resources

(1) The MATP's management must ensure that they have sufficient equipment, appropriate staff, technical and financial resources, and be able to demonstrate that each treatment can be performed safely and effectively.

4.9.2 Subcontracting

(1) If any part of MATP service is subcontracted, the MATP must ensure, and be able to demonstrate, that their subcontractor's documented procedures are either part of the approved QMS or are independently approved by MPI.

4.10 QMS review

(1) The MATP must review the QMS at least annually to ensure its suitability and effectiveness continue to meet the requirements of this standard.

(2) The review must include:

a) results of internal and external audits;
b) communication from external parties, including complaints;
c) changes in this standard, regulation or legislation and their impact on treatments;
d) status of corrective and preventive actions; and
e) recommendations for improvements.

(3) A report must be prepared to record the results of the review.

4.11 Maintenance of treatment records

(1) The MATP must keep and maintain all records pertaining to the scope of services it provides. All records must be complete, accurate and readily accessible.

(2) The MATP must maintain the records in either hard copy or electronic format and make them available at the request of MPI or its agents.

Table 6. Records to be maintained

No.	Type of record	Duration to be held (year)
1	Complete copy of their QMS approved by MPI (including the report of reviews)	Current
2	Copy of dispensation and/or equivalence approved by MPI (if applicable)	Current
3	Register of competent staff including: • The name of competent staff; • Scope of activity undertaken by the specific person;	Current

No.	Type of record	Duration to be held (year)
	Identified conflicts of interest, including potential and perceived conflicts, and their ongoing management.	
4	• Register of certification numbers assigned to the facility by MPI.	Current
5	Individual staff competency assessments.	2
6	Copy of BACC issued by MPI to the owner of the goods to be treated (if applicable).	2
7	All other records relevant to the MATP's role including those impacting on, leading to or influencing decisions.	2
8	Interception records related to MPI certified export products which the MATP has been made aware of (if applicable).	2
9	New importing country requirements, from sources other than MPI, including import permits (if applicable).	2
10	Traceability records, retained to a level that allows the fate of all treated material to be traced from the treatment stage, right through to storage and despatch to clients.	2
11	Records of all audit (internal and external) and corrective and preventive actions.	2
12	Equipment calibration records	2
13	Register of treatment services per month including: • a unique product identification number; • treatment date; • treatment location; • treatment type (e.g., fumigation, active ingredient or physical action); • treatment parameters, dose rate (active ingredient), gas readings (if applicable), time, product temperature, and any specification or declaration is required by the importing country; • consignment description including the quantity (e.g., ISPM 15 certification mark); • name of the person who carried out the treatment (including signature, if applicable) at commencement and completion (if different person); • monitoring results (e.g., all concentration readings from each sampling tube and the time they were taken and ventilation, if applicable); • treatment certificate number (if issued); • other marks of identification on the product ; • client name and other details; and • reference to other biosecurity documents (e.g., biosecurity directive).	2

4.12 Reporting

(1) An MATP must provide reports to their IVA, their MPI inspector or the MPI Treatments Team (by email or hard copy), where applicable. The reports must contain the information in Table 7 and 8 (as applicable) where the treatments carried out are associated with the elevated H&S risks requiring mitigation.

Guidance

- MATPs and other treatment providers should send reports to their IVA (as required). PEQ facilities treating goods on arrival should send reports to their supervising MPI inspector.

Table 7. Reporting requirements

No.	Report type/content	Responsible	Report recipient	Time frame
1	Notification of changes to: • ownership; • company name; and • change in operational status.	MATP/other Treatment provider	MPI Treatments Team (copy in IVA or MPI inspector)	At least 5 working days before the change
2	Notification of changes to the register of competent staff.	MATP/other Treatment provider	MPI Treatments Team (copy in IVA or MPI inspector)	Within 5 working days of change
3	Notification of changes to key personnel as listed in Part 4.2.	MATP/other Treatment provider IVA or MPI Inspector	IVA or MPI inspector MPI Treatments Team	Within 1 working day before the change
4	Notification of critical non-compliances identified during audits and self-identified.	MATP/other Treatment provider IVA or MPI Inspector		Within 1 working day of event awareness
5	Written event report of critical non-compliance findings during audit of treatment provider or self-identified. Note: MPI does not impose penalties on the treatment provider for reported self-identified non-compliance findings. The report to include but are not limited to: • name of person who prepared report; • date of event finding; • details of the event and its implications; • initial actions taken; • corrective and preventive action taken; • IVA recommendations to MPI; and • review of previous critical non-compliances in the last 12 months.	MATP/other Treatment provider IVA or MPI inspector	MPI Treatments Team	Within 7 working days of event awareness

No.	Report type/content	Responsible	Report recipient	Time frame
6	Notification of intention to move to a new location or have changes to its site plans that may cause disruption to treatment services. Business continuity plan	MATP/other Treatment provider	IVA MPI Treatments Team	One month before occurrence As agreed with MPI
7	Investigation reports. Refer to event report content (item 5 of this table).	IVA or MPI inspector	MPI Treatments Team	Within 7 working days of MPI request
8	Report on QMS review	MATP/other Treatment provider	IVA MPI inspector MPI Treatments Team	Within 5 working days in writing
9	Notification of pest interceptions in treated goods by importing countries or after treatment in New Zealand. Provide a copy of any official communication issued by the importing country regarding the interception.	MATP/other Treatment provider IVA	IVA MPI Treatments Team	Within 5 working days on the receipt of interception notice
10	Notification of issues raised by importers or offshore organisations identifying risks relating to treatment provider's role.	MATP/other Treatment provider IVA	IVA MPI Treatments Team	Within 5 working days of receipt of issue
11	Notification of changes in importing countries requirements obtained from sources other than MPI.	MATP/other Treatment provider IVA	IVA MPI Treatments Team	Before undertaking export treatments
12	Notification of when treatments will occur.	MATP/other Treatment provider	IVA or MPI inspector	Before undertaking treatments
13	Notification if treatments will not take place (if applicable).	MATP/other Treatment provider	IVA or MPI inspector	As soon as practicable
14	Report on the number of official treatments carried out.	MATP/other Treatment provider IVA	IVA or MPI inspector MPI Treatments Team	Monthly
15	Report on the volume and identity of chemicals used (if applicable).	MATP/other Treatment provider IVA	IVA or MPI inspector MPI Treatments Team	Quarterly
16	Written report where treatment provider request for their MPI approval to be suspended or terminated in whole or in part, including:	MATP/other Treatment provider IVA	IVA or MPI inspector MPI Treatments Team	At least 30 days before the requested commencement date

No.	Report type/content	Responsible	Report recipient	Time frame
	• the reason for the suspension or termination; • the effectivity date and time of the suspension or termination; and • the service delivery options the suspension or termination covers.			
17	Report of H&S notifiable events relevant to the provision of biosecurity treatments.	MATP/other Treatment provider IVA	MPI Treatments Team	Within 1 working day of event awareness
18	Report of serious H&S incidents and any near misses that could have had serious outcomes, relevant to the provision of biosecurity treatments.	MATP/other Treatment provider or IVA	MPI Treatments Team and MPI's Safety and Wellbeing Team	Monthly
19	Written monthly report containing: • status of new/open/closed events reported in the last month, including: – date of event – event name/reference – status (open, closed, or overdue) • overdue MATP audits, including: – name of organisation – type of audit – reason for delay – likelihood of audit occurring • disputes and appeals, including: – dispute or appeals description – outcome (if known) – legal action status – description of settlements • register of new applicant organisations, including: – name of organisation – IVA evaluation stage – register of competent staff.	IVA		Due within 10 working days of end of previous month.

Table 8. Additional reporting requirements for MATPs approved for high H&S risk treatments

No.	Report type/content	Responsible	Report recipient	Time frame
1	Copies of Standard Operating Procedures (or equivalent documents) relevant to the high HSW risk treatments.	MATP/other Treatment provider	MPI Treatments Team (copy in IVA)	Upon signing of the contract or approval, and then within 5 working days of any significant update.
2	Emergency response plans	MATP/other Treatment provider IVA	MPI Treatments Team	Upon signing of the contract or approval, and then within 5 working days of any significant update.
3	Overview of all internal & external H&S assurance activities, by type and frequency	MATP/other Treatment provider or IVA	MPI Treatments Team and MPI's Safety and Wellbeing Team	Upon signing of the contract or approval, and then within 5 working days of any significant update.

Guidance

- High H&S risk treatments are those deemed to include a higher level of risk either to treatment technicians or to the public. High risk treatments include but are not limited to fumigations and radiation.
- The H&S reporting requirements applicable to each MATP will be determined by MPI as part of the application process and will be reviewed when the terms of approval change.
- Reportable health and safety events, incidents, and near misses are not limited to those that impact (or could impact) the H&S of MATP staff. They include those that impact (or could impact) the H&S of other workers, visitors, or members of the public, where relevant to the provision of biosecurity treatments.
- Notifiable events are defined under the HSWA and additional regulations. The MATP must follow the regulators' processes if a notifiable event occurs, as a priority, and must also report the event to MPI per Table 7.
- There is no set template for the H&S reports, as it is expected that the most suitable reporting will vary from provider to provider, depending on the MATP's business practices and stakeholders. High H&S risk reporting requirements are provided to MPI as a point of information and will not be used as a basis for approval. If a MATP chooses to incorporate aspects of the H&S reporting into holistic business documentation that forms part of their QMS, note that these sections will not be covered by QMS approval. MATPs should refer to contract terms to indicate how concerns with reporting will be managed.

Part 5: QMS amendments

5.1 Amendments to an existing QMS

(1) Amendments can be either major or minor amendments.

(2) Major amendments to a QMS must be submitted to IVA or MPI inspector who can then recommend that the MPI Treatments Team approves them.

(3) Minor amendments can be conditionally approved by the IVA or MPI inspector. All minor amendments must be incorporated in the QMS when submitting any major amendments to MPI Treatments Team.

(4) The process for the approval of amendments to an existing QMS must be undertaken as described in Table 9.

Guidance

- Minor amendments to QMS can be implemented immediately.
- Examples of minor amendments:
  - formatting changes and spelling corrections;
  - changes to staff and organisational structure that do not have an impact on MPI approval (excludes key staff); and
  - phrases or word changes or additions that improves the clarity of the procedure but do not have an impact on treatment outcomes.
- Examples of major amendments:
  - changes related to scope or treatment outcomes;
  - changes to key personnel or location of operation;
  - changes that affect the management of critical control point system;
  - changes on correcting systems failures identified during audits or investigations; and
  - additional conditions that may be imposed by MPI.
- When submitting amendments to an existing QMS, the following applies:
  - MATPs to their IVA; and
  - PEQ facility operator treating goods on arrival to their MPI inspector.

Table 9. Process for approving QMS amendments

Step	MATP action	IVA/MPI inspector action	MPI Treatments Team action
1	Submit the amendments to your IVA/MPI inspector and agree on an acceptable time frame for the amendments to be evaluated. If the amendments are minor (see clause 5.1), forward a copy to the IVA or MPI inspector for conditional approval. These changes can be implemented immediately.	Review and evaluate the amendments. If the amendments are minor, conditionally approve the QMS.	Refer to step 4 and action as appropriate.
2		Evaluate the amendments against the appropriate MPI standards and requirements,	

Step	MATP action	IVA/MPI inspector action	MPI Treatments Team action
		and ask for any additional information needed.	
3	Provide additional information if needed.	Inform MPI's Treatments Team if further evaluation is needed. This could be risk assessment through an on-site visit or other actions.	Respond to queries as necessary.
4		Recommend the amendments to MPI for approval, along with the documents for review.	Evaluate the recommendation and review the documents. Where appropriate, approve the amendment. Notify the IVA or MPI inspector by email. Respond within 10 working days unless a new time frame has been agreed on.
5		Notify the MATP that the amendment has been approved.	
6	Implement the approved amendment.		

5.2 Change of MATP name and ownership

(1) An MATP must notify its IVA and/or MPI inspector of any changes to its legal name at least five working days before the change takes effect.

(2) An MATP must notify its IVA and MPI of any material change in the legal or beneficial ownership of any of its shares and of any change to the composition of its board of directors (as defined in section 127 of the Companies Act 1993) at least 5 working days before the change takes effect.

(3) An MATP must amend its QMS with its new name and any potential amendments relevant to the change of name and ownership in accordance with the process for approval of QMS amendments in clause 5.1.

(4) An MATP that has a material change in ownership must immediately (and in any case no later than 5 working days after the change takes effect):

a) return the contract of approval to MPI;
b) complete a new application form (Appendix 2);
c) sign two copies of the contract of approval (Appendix 3); and
d) submit a copy of the signed contract to the IVA or MPI inspector.

(5) A new application form and contract of approval must be issued if there is a change in company number or NZBN.

5.3 Transferring to another IVA

(1) An MATP may transfer to another IVA. The MATP must:

a) continue with the existing IVA until all non-compliance findings have been closed out by the existing IVA;
b) gain an agreement with the new IVA to transfer and notify the existing IVA of their decision to transfer to a new IVA;
c) continue with the existing IVA until the new IVA has formalised the transfer; and
d) recognise that the newly selected IVA will undertake a system audit within one month of accepting the transfer and that this system audit will be regarded as the annual system audit.

Guidance

- The requirements for IVAs managing transfers of MATPs to another IVA are in MPI's *Certification Standard: IVA Requirements*, clause 2.11 "Transfer of organisation between IVAs".

Part 6: Audit

(1) The MATP QMS is subject to audit by either an IVA or, in the case of PEQ facility operator treating goods on arrival, an MPI inspector for ongoing compliance. Table 10 shows the pathway, the auditor and the standard to refer to.

Table 10. Pathways, audit and standard

Pathway	Auditor	MPI standard
Export	MPI IVA	*Certification Standard: Organisation Requirements* *Treatment Requirement: Treatment Provider Requirements*
Import	MPI IVA	*Treatment Requirement: Treatment Provider Requirements* *Facility Standard: Standard for Transitional Facilities for Uncleared Risk Goods*; and *Facility Standard: Post Entry Quarantine for Plants*
Both	MPI IVA	*Certification Standard: Organisation Requirements* *Treatment Requirement: Treatment Provider Requirements* *Facility Standard: Standard for Transitional Facilities for Uncleared Risk Goods*; and *Facility Standard: Post Entry Quarantine for Plants*

(2) The auditing scheme must consist of an annual system audit, followed by a variable number of surveillance audits to monitor compliance.

(3) The audit frequency and scope applied (as per Table 11) is determined by the level of:

a) confidence in the verification of the treatment; and
b) confidence attained through previous audits.

(4) The MATP must be audited on each separate treatment under the approved scope.

(5) The MATP's technicians must be audited at least once a year.

Guidance

- For IVA auditing requirements, see MPI's *Technical Standard: Audit*.
- MAOs providing phytosanitary treatments are audited under MPI's *Technical Standard: Audit*.
- Transitional facility operators providing seed treatments at transitional facility are audited under MPI's *Facility Standard: Standard for Transitional Facilities for Uncleared Risk Goods*.
- PEQ facility operator treating goods on arrival are audited by an MPI inspector under the MPI's *Facility Standard: Post Entry Quarantine for Plants.*
- Audit and verification of treatments at a PEQ facility are solely managed by MPI.
- If a TF or PEQ operator becomes an MATP to treat another organisation's imported products, they are subject to their IVA's verification process.
- MPI reserves the right to audit the MATP and IVA as necessary.

6.1 Systems audits

6.1.1 Audits of treatment providers supervised by an IVAs (provisional approval only)

(1) When a treatment provider that is under supervision applies to become an MATP, the IVA must evaluate and audit their QMS documents:

a) against the requirements of the appropriate MPI standards; and
b) to confirm that the applicant's QMS accurately reflects its method of operating.

(2) All non-compliance findings discovered during the audit must be resolved before the IVA can recommend the treatment provider's QMS for approval as meeting the requirements for an MATP.

6.1.2 Ongoing systems audits

(1) An audit of an MATP or treatment provider at a PEQ facility must, as a minimum, consist of:

a) an evaluation of the QMS against the requirements of the appropriate MPI standards; and
b) an on-site systems audit to confirm that treatment provider's QMS accurately reflects their method of operation.

(2) Any non-compliances discovered during an audit must be recorded and reported, as applicable.

6.2 Surveillance audits

(1) Surveillance audits by IVAs must:

a) be undertaken unannounced, where possible;
b) be undertaken when reasonable to verify treatments in action; and
c) verify the treatments for each treatment services option identified in the MATP's scope of approval.

(2) MPI may allow offsite surveillance audits, but they must not be done consecutively. If consecutive offsite audits need to occur, the IVA must have prior approval from MPI.

(3) Any non-compliances discovered during the audit must be recorded and reported to MPI, as applicable.

Guidance

- MPI prefers IVAs to do unannounced surveillance audits. However, some sites require prior notification to access the site for H&S reasons. In such cases, notify the site before undertaking the surveillance audit.
- Audits should also include services provided through mobile treatment facilities.
- Offsite surveillance audits should only be used when auditors are confident in the MATP's ability and willingness to comply with the requirements of this standard. The report should state that the audit was done offsite and the reason for this.
- A desktop review of procedures and records can be considered an offsite surveillance audit.

6.3 Audit frequency

(1) All MATPs must be audited at the rate in Table 11. The audit frequency is based on the number of treatments undertaken per year (n).

(2) The qualifying criteria for reduction in audit frequency are also shown in Table 11.

Table 11. Audit frequencies

System audit	Entry level surveillance audit frequency	Criteria to reduce frequency	Medium reduced surveillance audit frequency	Criteria to reduce frequency	Low reduced surveillance audit frequency
1 per year (on going)	1.5 √n	Six months and 3 surveillance audits without a critical or major non-compliance	1.0 √n	Three months without a critical or major non-compliance	0.5 √n

6.4 Changes in audit frequency

(1) If a critical non-compliance is identified during any audit, the audit frequency is immediately increased to daily surveillance audits for a maximum of three working days. During this time, the MATP must have identified and implemented the corrective actions that they have agreed on with their IVA, and the IVA must have verified the actions.

(2) If an MATP fails to address the critical non-compliance in three working days, the MATP's QMS immediately reverts to remedial supervision until agreed corrective and preventive actions are implemented (see clause 2.1.2 "Supervision").

(3) Following a satisfactory completion of the above corrective action process, the MATP's QMS resumes at the entry-level audit frequency.

(4) If a major non-compliance is identified, the MATP's audit schedule moves up one frequency.

(5) MPI reserves the right to adjust the audit frequency upon written application by an IVA to MPI. Such a change is at the sole discretion of MPI and on a case-by-case basis.

6.5 Audit records

(1) Auditors must:

a) capture their audit findings on an audit and/or inspection record; and
b) ensure their audit records are immediately available to the MPI and the MATP being audited, as required.

(2) Audit records must include the following minimum information:

a) name of auditee;
b) date of audit;
c) product type(s) and/or target(s);
d) audit location;
e) name of staff audited;
f) audit scope;
g) non-compliance identified and their classification;
h) agreed corrective, preventative actions and their implementation date;
i) future audit status and frequency; and
j) auditor name and signature (manual or electronic).

Part 7: Non-compliances

7.1 Classification of non-compliances

(1) Non-compliance categories are defined in Appendix 1. Depending on the effect, the IVA must classify any non-compliance found as critical, major, minor and/or self-identified.

(2) Non-compliance findings must be managed according to the area the finding relates to, the scope of the MATP's approval and the standard they are subjected to, as in Table 12.

Table 12. Standard to refer to when managing non-compliances

Non-compliance findings related to:	Treatment provider type	MPI Standard
Treatment provision.	Treatment provider approved for provision of the full scope of official treatments, Treatment provider supervised by an IVA	*Treatment Requirement: Treatment Provider Requirements*
	PEQ facility operator treating goods on arrival	*Facility Standard: Post-Entry Quarantine for Plants*
Activities associated with the use of certification mark for wood packaging (ISPM 15 marking).	Treatment provider approved for provision of the full scope of official treatments, Treatment provider supervised by an IVA	*Certification Standard: Organisation Requirements*
Health and safety (H&S).	Treatment provider approved for provision of the full scope of official treatments, Treatment provider supervised by an IVA, PEQ facility operator treating goods on arrival	*Treatment Requirement: Treatment Provider Requirements*

Guidance

- MPI reserves the right to review and amend the non-compliance recommendation by the IVAs (escalate or decrease the classification).

7.2 Self-identified non-compliances

(1) The MATP must report all non-compliances it identifies to the IVA or MPI inspector (see clause 4.12 "Reporting") then to MPI Treatments Team.

(2) Self-identified non-compliances will not have an impact on the IVA audit frequency provided that corrective actions have been implemented and verified as effective. However, if an investigation reveals further non-compliances, the audit frequency may be affected.

(3) All corrective actions implemented must be verified as effective by an IVA or MPI inspector.

Guidance

- MATPs are to plan, coordinate with their IVA and implement the appropriate corrective and preventive actions.

- MPI will evaluate all self-reported non-compliances. If MPI believes a non-compliance is a serious incident, MPI will investigate the case.

7.3 Minor non-compliances

(1) Minor non-compliances are actions or inactions that do not result in significant loss of MPI's confidence in the MATP's quality management system, or that that do not lead to treatments not complying with specifications.

(2) Minor non-compliances must be addressed within one month of the event occurring.

Guidance

- Minor H&S non-compliances are situations or scenarios that the IVA does not believe indicate a systemic failure of H&S controls, but which still need to be addressed.

7.4 Major non-compliances

(1) A major non-compliance will be caused by actions or inactions that, if not attended to urgently, could lead to the significant loss of MPI confidence in the MATP's compliance with the requirements of its approved quality management system, or that will lead to treatments not complying with specifications.

(2) Major non-compliances must be addressed as soon as practicable and within one week of the event occurring.

(3) Where a major non-compliance finding is not listed in clauses 7.4(3)a to 7.4(3)j, the IVA and MPI must agree that the non-compliance is major before it is confirmed. Examples of major non-compliance findings include but are not limited to:

a) auditee fails to identify, classify or record defects correctly;
b) amendments to MATP's QMS not notified to the IVA;
c) failure to apply document control procedures;
d) actions taken following treatments not recorded;
e) failure to follow approved procedures that are not immediately impacting on the effectiveness of the treatment, but if left unattended will reduce confidence in the MATP's operational system;
f) treatment specifications (when specified) not available to treatment technicians.
g) corrective action for a minor non-compliance not implemented within the agreed timeframe;
h) significant deviations from H&S controls;
i) three to five minor non-compliance in one audit; and
j) failure to notify start or recommencing of seasonal operations (where applicable).

Guidance

- Major H&S non-compliances are those that represent a significant deviation from the MATP's H&S controls and has the potential to impact on safety, either in terms of seriousness or number of occurrences.

7.5 Critical non-compliances

(1) A critical non-compliance will be caused by actions or inactions that lead to the significant loss of confidence in the MATP's compliance with the requirements of its approved quality management system, or that will lead to treatments not complying with specifications.

(2) Any critical non-compliances must be addressed as soon as practical and within three days of the event occurring.

(3) If a critical non-compliance finding is not listed in clauses 7.5(3)a to 7.5(3)o, the IVA and MPI must agree that the non-compliance is critical before MPI confirms that the non-compliance is critical. Examples of critical non-compliance findings include but are not limited to:

a) incorrect treatment applied despite clear instructions from MPI-specified treatment schedules (e.g., BACC or ICPR);
b) failure to follow approved procedures that will impact the effectiveness of a treatment or the H&S of personnel;
c) registered treatment technicians not meeting the competency criteria;
d) undertaking a treatment without the required level of competency to and/or not having the appropriate certification required to undertake the treatment;
e) required treatment monitoring not been undertaken;
f) required treatment facilities and/or equipment not used;
g) equipment calibration not carried out and/or not done within the required timeframe;
h) equipment not working to specification;
i) live target pests (above the allowable maximum pest limits) found during inspection of the treated product (once the required mortality time has elapsed);
j) product being certified without being treated;
k) incorrect information on treatment certificates;
l) untreated product not segregated, or separately identified, from treated product;
m) situations posing imminent and serious danger to workers or the public;
n) three or more major non-compliance faults detected in the current and immediate past audit; and
o) agreed actions to address major non-compliances not being completed within agreed timeframes without justification.

(4) Presence of live target pests (above the allowable maximum pest limits) found during inspection of the treated product must be investigated. See clause 4.12 “Reporting requirements”.

(5) If an MATP is found to be knowingly operating in non-compliance with the requirements of the applicable MPI Standards or Requirements, clause 6 of the Contract of Approval (Appendix 3) will come into effect immediately.

Guidance

- Presence of live pests on the treated product could have several reasons. Reasons may include failure to follow the approved procedures that impacted the effectiveness of the treatment, due to an ineffective or no longer applicable, or inappropriate treatment specific for the target pests. An investigation will help determine if a non-compliance should be raised or not against the MATP.
- Critical H&S non-compliances are situations that require immediate corrective action because they pose an imminent and serious danger to workers. This includes situations where relevant legislation has been breached (in which case non-compliance management would be in line with the actions taken by the relevant regulator).

7.6 Managing non-compliances

(1) All non-compliance findings must be managed as described in Table 13.

Table 13. Process in managing non-compliance findings

Step	Auditor (IVA) actions	Auditee (MATP or MATP’s subcontractor) actions
1	Classify the non-compliance findings as either critical, major, minor or self-identified non-compliances.	Agree on the classification of the non-compliance findings.

Step	Auditor (IVA) actions	Auditee (MATP or MATP's subcontractor) actions
	Propose the classification to the auditee and discuss.	Identify the corrective and preventive actions.
2	Agree on the corrective and preventive actions.	Plan out the implementation approaches for the agreed corrective and preventive actions.
3	Schedule a time to discuss and agree on the implementation of the corrective and preventive actions. Follow up on the effectiveness of the corrective and preventive actions, as necessary. Self-identified critical non-compliances must be reported as per clause 4.12 "Reporting". Go to step 4 to manage critical non-compliances.	
4	Move the MATP to daily audits for a maximum of three working days where all services are supervised by an IVA.	Cooperate with the IVA.
5	Notify and report as per the reporting requirements of clause 4.12 of this standard or clause 2.10 of the IVA Requirements standard, as appropriate.	Implement the agreed corrective and preventative actions and monitor effectiveness prior to the follow up audit.
6	Complete the follow up audit and confirm if the actions are effectively implemented. If yes, go to step 7. If no, return to step 2.	Confirm and agree to follow up audit findings. Agree to any additional non-compliances findings and the classification.
7	Review the number of non-compliances in the last 12 months. See clause 7.7 to manage multiple non-compliance findings.	Discuss and agree with IVA.
8	Provide MPI Treatments Team with a written report within 7 working days (see clause 4.12 "Reporting").	

7.7 Multiple non-compliances

(1) In cases where multiple non-compliances are found within an audit, the following must be applied:

a) Five minor non-compliance findings make one major;
b) Three major non-compliance findings make one critical; and
c) More than two critical non-compliance findings will result for MPI formally reviewing the provider's approval. The review will likely result in suspension or termination.

(2) When escalating multiple non-compliances, all factors must be thoroughly considered before finalising the decision.

Guidance

- If IVA is unsure on how to manage multiple non-compliances, discuss the case with MPI Treatments Team.

7.8 Unaddressed non-compliances

(1) Any non-compliance not satisfactorily addressed within the agreed timeframe will be upgraded to the next level of classification, i.e., minor to major, major to critical.

(2) An MATP may (as necessary) request for an extension to the agreed timeframe through written applications to MPI. Granting approval of the extension is at the sole discretion of MPI.

Guidance

- For IVAs that are uncertain of non-compliance classification, discuss your findings with MPI's Treatments Team. They will help you get a clearer idea of the categorisation.

Part 8: Suspension or termination of MPI approval

(1) An MATP's approval may be suspended or terminated in accordance with this standard, a provision in the Contract of Approval (Appendix 3).

(2) MPI may suspend or terminate entirely or selected part of an MATP's approval (e.g., locations, approved treatment services).

(3) Where an MATP claims a treatment to be official and it is not or claims to be MPI-approved for treatments outside of the authorised or approved treatment services MPI will immediately suspend their approval pending further investigation.

Guidance

- An MATP can request MPI to voluntary suspend or terminate their approval.
- The effective date of the suspension or termination is agreed with MPI. Where the reason for the MATP's suspension or termination is a result of a breach of the standard, it is at the sole discretion of MPI as to whether the treatment certification will be provided for the product treated between the date of the last successful IVA or MPI inspector audit and the date of the suspension or termination.
- A suspended or terminated MATP may be permitted to apply to operate under supervision approval of this standard at MPI's sole discretion.
- MPI may consider any relevant information or documentation, including in relation to regulatory compliance performance outside of this standard, in determining the MATP's suitability to maintain active registration, such as failure to comply with the HSWA or the HSNO.

8.1 Suspension of MATP approval

(1) An MATP may be suspended by MPI in full or for a specified period, where one or more of the following occurs:

a) The MATP's QMS has not been active for more than 12 months;
b) The MATP has not contracted the services of an IVA or MPI inspector;
c) The MATP fails to make full payment of fees to MPI, unless in dispute;
d) The MATP requested a suspension (voluntary); and/or
e) The MATP fails to comply with this standard.

(2) MPI's approval may be suspended for a maximum of 12 consecutive months, after which time the approval will be terminated.

(3) During the period of the suspension, the MATP must not offer or perform any official treatments.

(4) Reinstatement of an MATP's approval to perform official treatments following suspension must only occur when all conditions prescribed by MPI and/or its representatives have been met. This includes a full system audit carried out by the IVA with a recommendation to MPI.

Guidance

- MPI will advise the MATP of the suspension and processes for reinstatement.

8.2 Termination of MATP approval

(1) Termination of an MATP's approval may occur:

a) where falsification of any record is found;
b) where the treatment provider (not currently an MATP) is wrongfully claiming that they are approved (such as after suspension);

c) where more than two critical non-compliances are identified within any 12-month period;
d) if the conditions for reinstatement in the suspension notice are not met within the specified time;
e) if considered to be acting disreputably or illegally;
f) where MPI has lost confidence in the MATP's ability to operate compliantly; or
g) at the request of the MATP.

(2) MPI's contract of approval must be returned to MPI directly (or through the IVA) within five working days of the approval being terminated. In addition, any equipment for applying certification marks or material advertising MPI approval status must be disposed of, and MPI must have verification of this disposal.

Guidance

- MPI will notify the MATP of its decision of termination.
- The list of activities that may result in termination [in clause 8.2 (1)] is not exhaustive. MPI may evaluate the MATPs on a case-by-case basis.

8.3 Process for suspension and termination

(1) The process of suspending and terminating an MATP's approval must be undertaken as described in Table 14. Either step 1a or 1b could trigger the process of suspension and termination.

Table 14. Process of suspending or terminating MPI approval

Step	MATP responsibility	IVA responsibility	MPI inspector responsibility	MPI Treatments Team responsibility
1a		If an IVA determines that an MATP must be suspended or terminated, email the MPI Treatments Team: treatments@mpi.govt.nz. Proceed to step 2 to notify MPI.	If an MPI inspector determines that the treatment provider at a PEQ facility must be suspended or terminated, email the MPI Treatments Team. Proceed to step 2.	Review and evaluate the request. Organise a meeting to discuss the case, if necessary. Proceed to step 2.
1b	Ask the IVA or MPI inspector to suspend or terminate the MPI approval.	Review and evaluate the request.	Review and evaluate the request.	
2		Send a written report to MPI Treatments team at treatments@mpi.govt.nz within 5 working days of initial notification containing: (a) a heading; (b) name of the person who prepared the report; (c) the reasons for the suspension or termination; and (d) a recommendation.	Prepare the letter of suspension/termination and update the records and register. Notify the MPI Treatments Team of the decision to update the register.	Review the report/information provided.

Step	MATP responsibility	IVA responsibility	MPI inspector responsibility	MPI Treatments Team responsibility
3				Prepare the letter of suspension/termination and update records and register. Notify the MATP of the decision by email, copying in the IVA or MPI inspector.
4	Comply with MPI instructions.	Update all the records on file.	Update all the records on file.	

8.4 Complaints

(1) Complaints about the operation of this standard should be directed to the appropriate party, as set out in Table 15.

Table 15. Filing complaints and responsible party

	Types of complaint	Body responsible for first response	MPI Treatments Team follow up needed?
1	Client complaint about the performance of an MATP relating to the quality of service provided.	MATP/other treatment provider	No
2	Client complaint about the performance of a treatment provider relating to the apparent non-compliance with this standard.	IVA	Yes, after IVA has investigated
3	Client complaint about the ineffective treatment provided by the treatment provider.	MPI Treatments Team	Yes, with IVA or MPI inspector
4	An MATP complaint about and IVA or MPI inspector's quality of service.	IVA or MPI inspector	Yes
5	An MATP complaint about audit requirements not being followed by an IVA.	IVA	Yes, at the next scheduled audit of IVA
6	An MATP complaint about MPI decision-making processes and outcomes.	MPI Treatments Team	Yes

8.5 Disputes and appeals

(1) An MATP or other treatment provider may appeal an IVA decision (or MPI inspector's regarding PEQ) decision in the following manner.

a) The MATP formally notifies the IVA of their request to appeal.
b) The MATP and IVA (or MPI inspector) must cooperatively attempt to resolve the appeal.

c) If a mutually satisfactory resolution cannot be achieved, the MATP and the IVA or MPI inspector must jointly meet with MPI Treatments Team manager to resolve the appeal.

(2) MPI has procedures to address appeals made by IVAs and MATP regarding granting or not granting of authorisation or approval. Appeals will only be considered once the complaint procedure process has been tried and has proven ineffective in addressing the problems.

(3) Appeals should be sent to the MPI Treatments Team Manager.

(4) MPI costs associated with mediation of appeals must be borne equally by the MATP and the IVA.

(5) If a mutually satisfactory resolution is not possible, follow the disputes resolution procedure in clause 11 of the "Contract of Approval" (Appendix 3).

Guidance

- If considering an appeal, discuss your concerns with your IVA or assigned MPI inspector first.

Appendix 1: Abbreviations and definitions

All definitions are as per the Biosecurity Act, unless described below:

ABTRT (MPI-ABTRT)
Approved Biosecurity Treatments for Risks Goods.

approved (see also MATP)
A treatment provider that has been formally recognised by MPI as competent to act on behalf of MPI to provide specific treatment services in accordance with the requirements specified in the relevant MPI standards.

audit
A systematic and independent process for obtaining information and examining it objectively to determine the degree of conformity with prescribed criteria.

a) A **system audit** is a comprehensive evaluation of the entire QMS and compliance with that system. A full system audit usually has two stages, a desk audit or desk review, and an on-site audit.
b) A **surveillance audit** is an evaluation of specific parts of the treatment provider's QMS to confirm that the product or service meets the required specifications. These audits are unannounced.

auditor
A person with the competence to carry out an audit to determine the degree of conformity with prescribed criteria.

authorised
An independent verification agency that has been formally recognised by MPI as competent to provide a specific service as an agent of MPI in accordance with the requirements specified in the relevant MPI standards.

BACC
Biosecurity Authority Clearance Certificate.

certificate
An official document that attests to the status of any consignment affected by regulations.

certification
All activities leading to, but not including, the issuance of certificates.

competence
Demonstrated ability to apply knowledge and skills.

consignment
A quantity of plants, plant products or other regulated articles being moved from one country to another and covered by a single certificate (a consignment may be composed of one or more lots).

critical control point system (CCP system)
A system that is useful to identify and evaluate points in a pathway where specified risks can be reduced and monitored.

CT
Concentration over time. It is expressed as g.hr/m³ or grams x hours per m³ = the sum of the fumigant concentration readings over time. E.g., 20g/m³ x 10 hours = 200g.h/m³ CT can be estimated using the following calculation:

$CT_{n,n+1} = (T_{n+1} - T_n) \times \sqrt{C_n} \times C_{n+1}$

where Tn is the time the first reading was taken, in hours Tn+1 is the time the second reading was taken, in hours Cn is the concentration reading at Tn, in g/m³ Cn+1 is the concentration reading at Tn+1, and in g/m³ CTn,n+1 is the calculated CT between Tn and Tn+1, in g·h/m³.

For example, 20g/m³ @ 0 hour, 14g/m³ @ 12 hours; 200g.h/m³ = 14 - 0 × SQR (20×14).

event report
A written report submitted to MPI by an IVA or MATP in response to specific situations defined in the standard being followed.

equivalence
Treatment services or measures to manage risks which are not identical but have the same effect.

HSWA
Health and Safety at Work Act 2015.

HSNO
Hazardous Substances and New Organisms Act 1996.

H&S
Health and safety.

ICRs
Importing Country Requirements.

ICPR
Importing countries phytosanitary requirements, available at: https://www.mpi.govt.nz/law-and-policy/requirements/importing-countries-phytosanitary-requirements/.

independent
Not having a commercial interest in the operation and not depending on another body for its validity.

independent verification agency (IVA)
An organisation accredited as meeting ISO 17020 or 17065 and its independence criteria type A, and MPI supplementary technical requirements, and authorised by MPI to carry out services associated with import and plant export certification.

inspection
An official visual examination of plant products or other regulated articles to determine compliance with regulations or, for phytosanitary regulations, to determine if pests are present.

location
An operational site, within an MATP QMS, where phytosanitary activities are undertaken or where reference documents, records or fixed equipment are kept or, if the phytosanitary activity involves a mobile facility, then that mobile facility.

MPI-approved organisation (MAO)
The legal entity, be it an individual, partnership, company or other form of legal entity, responsible for the performance of their risk management system approved by MPI.

MPI-approved treatment provider (MATP)
The legally identifiable organisation responsible for performance of the QMS. An MATP can work under three different scopes of authority or approval: treatment provider approved for provision of the full scope of official treatments treatment provider supervised by an IVA or PEQ facility operator treating goods on arrival.

MPI Border Clearance Services (BCS)
The MPI group that manages the clearance of all uncleared and risk goods at the border. If biosecurity risk has been identified, BCS can direct goods for treatment through a BACC to mitigate the risk. BCS also manages all the Transitional Facilities required for the clearance of risk goods. This includes oversight of all aspects of seed treatment facilities as well as oversight of the seed treatment process.

MPI inspector
A person who is appointed as an inspector under section 103 of the Biosecurity Act 1993 that evaluates the operating manual of the PEQ facility operators.

MPI Plant Exports Group
The group that is responsible for the implementation of the plant export technical standards and programmes and manages all applications for organisations to become an MAO with phytosanitary treatments and

activities on their scope of approval, including the use of the certification mark for wood packaging service delivery option.

MPI Treatments Team
The team that manages the approval of a treatment provider under the MPI Treatments Requirements, and regulates and coordinates the provision of treatments for import goods under the Biosecurity Act 1993 and for export goods under the Plant Exports Requirements.

MPI Verification Team
The team that manages the administration of all post-border treatments at a PEQ facility and recommends approval to the Treatments Team.

non-compliance
An action or inaction by an IVA or treatment provider that results in them not complying with requirements specified in this Standard or in treatment specifications.

Non-compliances are classified into one of three categories:

a) **critical non-compliance**
Actions or inactions that lead to the significant loss of MPI's confidence in the IVA's or treatment provider's compliance with the requirements of its approved QMS, or that will lead to treatments not complying with specifications oversee, through direct observation, predetermined activities being undertaken by another party, to confirm compliance with specifications and/or procedures.

b) **major non-compliance**
Actions or inactions that, if not attended to urgently, will lead to the significant loss of MPI's confidence in the IVA's or treatment provider's compliance with the requirements of its approved or authorised QMS, or that will lead to treatments not complying with specifications

c) **minor non-compliance**
Actions or inactions that are do not comply with the requirements in this standard but do not lead to a significant loss of MPI's confidence in the IVA's or treatment provider's QMS, or that do not lead to the MATP not complying with specifications.

official
Established, authorised or performed by MPI.

OAP
Official Assurance Programme.

official treatments
Treatments required by MPI for import risk goods or for export goods to comply with importing countries phytosanitary requirements (ICPRs).

In all MPI documents where the term "treatment" is noted, it means "official treatments" and does not include treatments that may be provided outside the scope of the treatment programme.

organisation
The legal entity, be it an individual, partnership, company or other form of legal entity, responsible for the performance of the system approved by MPI.

person conducting a business or undertaking (PCBU)
A legal entity that has a duty of care toward workers. PCBUs are defined in HSWA (2015) and are an essential concept for workplace H&S. Most New Zealand businesses are PCBUs.

pest
Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants, plant products or animals.

phytosanitary certificate
A certificate patterned after the model certificates of the International Plant Protection Convention (IPPC).

plant products
Any material of plant origin.

post-entry quarantine (PEQ)
Post-entry quarantine.

post-entry quarantine (PEQ) facility

A facility that is approved by MPI to effectively manage organisms that may be associated with imported plant material.

post-entry quarantine (PEQ) operator
Operator of the PEQ facility who is the QMS manager of that facility.

procedure
A description of the purpose and scope of an activity; what must be done and by whom; when, where, and how it must be done; what materials, equipment, and documentation must be used; and how it must be controlled and recorded.

quality management system (QMS)
A set of interrelated or interacting elements (procedures and/or processes) within an organisation to establish policy and objectives and to achieve those objectives, used to direct and control an organisation with regard to fulfilling requirements.

a) It contains the organisational structure, responsibilities, operational procedures, processes and resources for implementing activities associated with the application of treatments.

regulated article
Any plant, forest or plant product, storage place, packaging, conveyance, container, soil or any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved.

scope of approval or authorisation
The specific tasks for which approval or authorisation is sought or has been granted.

Treatment provider scope includes:

a) Treatment provider approved for provision of the full scope of official treatments;
b) Treatment provider supervised by an IVA; and
c) PEQ facility operator treating goods on arrival.

specification
A prescription of the requirements to which the product or service has to conform/meet.

supervision
The act of overseeing, through direct observation, predetermined activities being undertaken by another party, to confirm compliance with specifications and/or procedures.

A treatment provider may apply to, or be required to, operate under the following categories in the supervision:

a) **One-off or as an occasional treatment provider.** This applies when there is a low number of commodities to be treated.
b) **Provisional approval (transition phase to become an MATP).** This applies when the treatment provider is still developing their processes to become an MATP and is in the process of developing their QMS for approval.

For the above categories, a prospective MATP must have an agreement with their IVA before they can get full approval to provide official treatments.

c) **Remedial supervision**. This automatically applies to an MATP. This occurs if the treatment provider fails to manage a critical non-compliance. Remedial supervision requires continuous IVA supervision until an agreed corrective action has been implemented and the non-compliance has been closed off.

transitional facility (TF)
Any place approved as a transitional facility or a part of a port declared to be a transitional facility in

accordance with section 39 of the Biosecurity Act 1993 for the purpose of inspection, storage, treatment, quarantine, holding, or of uncleared risk goods.

TF operating manual
A document that specifies all relevant information about the facility regarding the function and purpose of operation and how it will be operated to meet the requirements of MPI's *Facility Standard: Standard for Transitional Facilities for General Uncleared Risk Goods.*

treatment
Officially authorised procedure for killing or removing pests or rendering them infertile; and also, for the purposes of this standard, rendering non-viable or devitalising a consignment of plants, forest or plant products, and animals.

treatment technician
A person familiar with the treatment methods and procedures, the objectives of the treatment and the audit of the treatment results but operate under effective oversight by the treatment provider.

treatment certificate
A uniquely numbered certificate issued by the treatment provider verifying that an approved treatment has been completed in accordance with this standard and describing the treatment.

ventilation
The process of aerating, extracting or releasing the fumigant (or for chemical, dust, excess moisture) from a treatment chamber following the treatment services to the established minimum levels. This can be achieved by using a passive process or by facilitated means.

Appendix 2: Application for Approval of an MPI-Approved Treatment Provider (MATP)

New Zealand business number (NZBN) and company number			
Name of Treatment provider			
Business address			
Location of operation			
Scope of approval	☐ Treatment provider approved for provision of the full scope of official treatments ☐ Treatment provider supervised by an IVA		
Treatment pathway	☐ Imports ☐ Exports	**Applying the ISPM 15 certification mark?**	☐ Yes ☐ No
Phone			
Email			
Contact name			
Name and title of person responsible for applicant's QMS			

for the provision of official treatment services on import risk goods and export goods.

Applicant's statement

I wish to apply for approval to operate as an MPI-approved treatment provider (MATP) under the Ministry for Primary Industries (MPI) treatment standard *Treatment Provider Requirements* associated with the following treatment services I have selected:

Table 1. Treatment services options and the associated MPI technical standard or requirement

Option	Treatment services	MPI standards
A	Fumigation	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Technical Standard: Certification Mark for Wood Packaging* *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
B	Irradiation	Facility standards

Option	Treatment services	MPI standards
		Import health standards (IHSs) *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
C	Pesticide (e.g., acaricide, fungicide, insecticide, larvicide, miticide, nematicide etc.)	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
D	Temperature (e.g., cold or heat)	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Technical Standard: Certification Mark for Wood Packaging* *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*
E	Other options (e.g., preservatives, formalin spraying, dipping and washing)	*Certification Standard: Organisation Requirements* Facility standards Import health standards (IHSs) *Treatment Requirement: Approved Biosecurity Treatments* *Treatment Requirement: Treatment Provider Requirements*

(1) I agree to meet the requirements of *MPI Treatment Standard: Treatment Provider Requirements* and the requirements on the standards as appropriate to my chosen service options.

(2) If I opted to apply ISPM 15 mark, I agree to meet the requirements of MPI's *Technical Standard: Certification Mark for Wood Packaging*.

(3) If I opted to become a MATP, I agree to document my quality management system (QMS) meeting the requirements specified in the *MPI Treatment Standard: Treatment Provider Requirements*.

(4) I agree to operate to the above QMS and procedures approved by MPI.

(5) I agree to MPI making enquiries and using the information supplied by me, in connection with this application or any contract entered into as a result of this application, for the following purposes:

(6) To ensure that I, the treatment provider and key personnel are fit and proper to hold the MPI approval status conferred by the contract;

(7) To ensure that I have appropriate consents, permits, licences and authorities in respect of my business operations and my business premises that are required; and

(8) To notify the public of my MPI approval status.

(9) I consent to such enquiries being made to or by the Ministry of Justice, Police, Customs Department, New Zealand Horticultural Export Authority and any statutory board involved in import and export of products. I consent to publication of my MPI approval status in any publication available to the public.

(10) I agree to afford MPI or MPI's representatives reasonable co-operation and access necessary to carry out audits.

(11) I understand that my application will not be processed until the non-refundable application fee (see "MPI service charge" below) is received.

(12) I understand that amendments to my QMS will incur a non-refundable processing fee.

(13) I understand that if I fail to provide all or any of the information requested in connection with this application, I may be denied MPI approval.

(14) I understand that under the information privacy principles of the Privacy Act 2020, I have rights of access to, and correction of, personal information held in connection with this application.

NOTE TO APPLICANT

- MPI means any officer or agent of MPI including MPI's representative.
- This application does not in itself entitle the applicant to provide treatment services for MPI Biosecurity. Approval may be given by MPI once the requirements of *MPI Treatment Standard: Treatment Provider Requirements* have been met. This application does not in itself entitle the applicant to provide any service delivery options (as per the table above) for MPI. This application will be considered by MPI, and whether or not approval is granted by MPI is at MPI's absolute discretion.

MPI service charge

ON PAYMENT THIS BECOMES A TAX INVOICE

MINISTRY FOR PRIMARY INDUSTRIES

GST REG NO: 64-558-838

- Application for approval as an MPI-approved treatment provider.
- Application fee: NZ$552.00 (incl GST)
- Payment date: _____
- Payment options are direct debit or credit card. MPI does not accept cash. Tick the appropriate section:

☐ **Direct debit**

Bank account name:	Ministry for Primary Industries
Bank account held with:	Westpac Banking Corporation, NZ Government Branch, Wellington
Bank account number:	03-0049-0001709-02
Reference:	**Application as MATP**
Code:	**1942**

Once payment has been made, please email treatments@mpi.govt.nz to confirm.

☐ **Credit card**

To pay by credit card (Visa or MasterCard) contact one of the advisers of the Treatments Team. See below for contact details.

State below the independent verification agency (IVA) you are contracting with to undertake the pre-approval evaluation and initial audits of your QMS.

……...
(IVA)

……... ……..
(Signature of treatment provider) (Date)

……..…….. ……..
(Printed name) (Title)

Scan and return the completed application to treatments@mpi.govt.nz.

OR

Post this application to:

Treatments Team - Te Tira Āta Patu
Animal and Plant Health Directorate
Ministry for Primary Industries
PO Box 2526
Wellington 6140

Appendix 3: Treatment Provider Contract of Approval

for the provision of Official Treatment Services on Import Risk Goods and Export Goods

CONTRACT OF APPROVAL

Made this ____ day of _____

BETWEEN: "**THE SOVEREIGN IN RIGHT OF NEW ZEALAND** acting by and through the Ministry for Primary Industries (MPI)"

AND:

_____**, Company No.** _____ ("the Treatment Provider")

WHEREAS:

A. Background

MPI is responsible for ensuring that treatments being applied to imported risk goods provide the best practicable level of control, and that treatments being applied to export goods comply with importing country requirements. MPI is also responsible for ensuring that only competent Treatment Providers and individuals are involved with the delivery of treatment activities.

The Treatment Provider has demonstrated procedural ability and proficiency in the provision of Treatment services in relation to import risk goods and export goods.

MPI desires to approve the Treatment Provider for the purpose of allowing him/her/it to provide Treatment services in relation to import risk goods and export goods.

The Treatment Provider desires to be approved by MPI in order to provide Treatment services in relation to import risk goods and export goods.

The Treatment Provider acknowledges that the Treatment Provider has been advised by MPI to obtain legal advice before signing this contract, and to obtain appropriate and sufficient insurance to meet the Treatment Provider's potential liabilities (including liabilities to MPI), whether under this Contract or otherwise.

B. Purpose of this Contract

This Contract sets out the legally binding arrangement entered into by MPI and the Treatment Provider for the approval of the Treatment Provider by MPI under the named subsidiaries at the noted locations.

DEFINITIONS

"Treatment services" means the services that are provided by Providers under the attached Standard.

"Contract" means this Contract, including the Standard and any other documents and requirements incorporated by reference.

"MPI" means the Ministry for Primary Industries.

"Treatment Provider Quality Management System" refers to the "Treatment Provider Quality Management System" defined in Appendix 1 of the Standard entitled "Treatment Requirements: Treatment Provider Requirements".

"Standard" means the attached documents entitled "Treatment Requirements: Treatment Provider Requirements", subject to any changes to the documents (for example, following periodic review).

PRINCIPAL TERMS AND CONDITIONS

1 Term

1.1 This Contract commences on the date it is signed by the authorised representatives of both parties and will, subject to clauses 6, 7 and 9.3, terminate as per Part 8 of the part of the Standard entitled "Treatment Requirement: Treatment Provider Requirements".

2 Correctness of Information

2.1 The Treatment Provider warrants that the following information (including written and oral information) supplied by the Treatment Provider to MPI is correct and adequate in all respects:

2.1.1 all information supplied in or in connection with the application form entitled "Application for approval of treatment provider for the provision of treatment services for import risk goods and export goods";

2.1.2 all other information supplied in connection with the approval of the Treatment Provider under this Contract; and

2.1.3 all information required to be supplied under the Standard.

3 Treatment Provider's Other Warranties

3.1 The Treatment Provider warrants that throughout the term of this Contract the Treatment Provider will maintain its Treatment Provider Quality Management System at each separate subsidiary and location and all other relevant practices to substantially correspond with all the information referred to in clause 2.1, except to the extent that any changes made are approved by MPI in accordance with the Standard.

3.2 The Treatment Provider (including subsidiaries to the Treatment Provider) warrants to notify MPI of any change to the Treatment Provider's name.

3.3 The Treatment Provider warrants that where it is an unlisted company, it will notify MPI as soon as reasonably practicable of any:

3.3.1 material change in the legal or beneficial ownership of any of its shares; or

3.3.2 issue of new capital; or

3.3.3 material change in the rights and powers attaching to any of its shares; or

3.3.4 change to the composition of the board of directors (as this term is defined in section 127 of the Companies Act 1993).

3.4 The Treatment Provider warrants to fully comply with all the requirements, and other specifications set out in the Standard.

3.5 The Treatment Provider warrants to take all reasonable steps to enable and facilitate MPI, and any persons acting for or otherwise associated with MPI, to perform their tasks and functions as envisaged in, or otherwise in connection with, the Standard.

3.6 The Treatment Provider warrants to conduct all official biosecurity treatments in accordance with the terms of this Contract.

4 MPI's Obligation

4.1 MPI hereby approves the Treatment Provider for the term of this Contract for the purpose of enabling the Treatment Provider to provide Treatment services in relation to import risk goods and export goods.

4.2 The Treatment Provider accepts that nothing in this Contract or in any dealings of any kind between the Treatment Provider and MPI, Crown officers, or agents of or other persons associated with MPI or Crown officers, represents to the Treatment Provider or otherwise creates any kind of expectation on the Treatment Provider's part that:

4.2.1 any other approval or any certification of any kind will be granted by MPI or will be granted within a certain time period; or

4.2.2 any plant products, or other things that are accompanied by, or otherwise reliant on any Treatment services provided by the Treatment Provider will be accepted by an importing country's official control authorities or will be accepted within a certain time period.

4.3 MPI Biosecurity will, and MPI will ensure that independent verification agencies, only accept valid treatment certificates.

5 Exclusion of Liability

5.1 The Treatment Provider accepts that under no circumstances will MPI, Crown Officers, or agents of or other persons associated with MPI or Crown Officers, be liable under the law of tort, contract, or otherwise for any loss, claim, action, demand, expense, inquiry, harm, or damage, however caused, arising directly or indirectly from or connected in any way to:

5.1.1 The performance, or as the case may be, non-performance of the Treatment Provider (or any of its contractors, sub-contractors, agents or employees that are not party to this contract) of any of its obligations in respect of this contract: or

5.1.2 The provision or non-provision of any treatment services by the Treatment Provider.

6 Suspension and Termination by MPI

6.1 MPI may at any time suspend approval of the Treatment Provider (or a particular subsidiary or location of the Treatment Provider) in accordance with Part 8 of the part of the Standard entitled "Treatment Requirement: Treatment Provider Requirements", in addition to any other rights of suspension provided by law.

6.2 MPI may at any time terminate approval of the Treatment Provider in accordance with Part 8 of the Standard entitled "Treatment Provider Requirements", in addition to any other rights of termination provided by law.

6.3 MPI may at any time suspend or terminate approval of the Treatment Provider for breach of the Standard relating to payment of fees in accordance with Part 8.1 of the part of the Standard entitled "Treatment Requirement: Treatment Provider Requirements".

6.4 Where a change of a kind that is specified in clause 3.3 occurs, MPI may terminate the approval of the Treatment Provider.

7 Extension following Audit of Treatment Provider

7.1 Where the results of audits of compliance with the Standard indicate the requirements of the Standard are being complied with, the Contract will be deemed extended, subject to section 6 and 9.3, beyond the last audit date.

8 Indemnity and Insurance

8.1 The Treatment Provider will **INDEMNIFY AND KEEP INDEMNIFIED** MPI from and against any liability, loss, damage, costs and expenses (including legal costs and any expenses of going to arbitration), which MPI may suffer or incur arising directly or indirectly from:

8.1.1 the performance, or as the case may be, non-performance of the Treatment Provider (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract) of any of its obligations in respect of this Contract;

8.1.2 negligent acts or omissions on the part of the Treatment Provider (or any of its contractors, sub-contractors, agents, or employees that are not a party to this Contract);

8.1.3 suspension or termination of the Treatment Provider 's approval in accordance with Part 6 and 8; or

8.1.4 the provision or non-provision of Treatment services for MPI by the Treatment Provider .

8.2 The Treatment Provider will maintain public liability insurance with a minimum sum insured of $1,000,000 (1 million).

9 Force Majeure

9.1 Notwithstanding any other provision of this Contract, neither party must be liable to the other for any act or omission, or any failure to comply with any warranty or to perform any of its obligations under this Contract, where such, act, omission, or failure is caused by fire, flood, storm, earthquake, civil disturbance, war, act of God, or any other event or circumstances reasonably beyond its control (called "Force Majeure"), **provided that** the party alleging Force Majeure has taken all reasonable precautions to avoid or mitigate the consequences of such occurrence.

9.2 The party unable to fulfil its obligations due to Force Majeure will immediately:

9.2.1 notify the other in writing of the reasons for its failure to comply with the warranty or to perform the obligation, and the effect of such failure; and

9.2.2 use all responsible endeavours to avoid or remove the cause and comply with the warranty or perform the obligation.

9.3 Upon receiving notice pursuant to clause 9.2, or upon otherwise being made aware of any Force Majeure circumstances affecting the Treatment Provider, MPI may at its absolute discretion suspend approval of the Treatment Provider until such time as the circumstances have been avoided, removed or abated sufficiently to enable the Treatment Provider to comply with the warranty or perform the obligation.

10 Assignment

10.1 Neither party must assign all or any of its rights, obligations, or liabilities under this Contract. In the event of a purported assignment in breach of this clause, this Contract must terminate.

11 Disputes

11.1 The parties agree to use their best efforts to resolve any dispute which may arise under the Contract through good faith negotiations. Except as provided in clause 11.4, no party must commence any arbitration or litigation in relation to this Contract unless it has first invited the chief executive of the other party to meet with its own chief executive for the purpose of endeavouring to resolve the dispute on mutually acceptable terms.

11.2 Should resolution of the dispute not be achieved at chief executive level, the dispute will be submitted to mediation before any litigation is commenced. Any party may initiate mediation by giving written notice to the other party of their intent to do so. Should the parties be unable to agree on a mediator within two (2) working days of receipt of notice of intent to seek mediation, then the mediator will be selected by the President for the time being of the Lawyers Engaged in Alternative Dispute Resolution (LEADR) or its successor.

11.3 Any dispute arising under this Contract which cannot be settled by negotiation or mediation between the parties or their respective representatives must be submitted to arbitration in accordance with the Arbitration Act 1996.

11.4 In the absence of agreement concerning the appointment of an arbitrator, either party may request the President of the New Zealand Law Society to appoint a suitably qualified independent arbitrator to hear and determine the dispute.

11.5 Nothing in this clause must preclude either party from taking immediate steps to seek urgent equitable relief before a New Zealand Court.

12 Application of Biosecurity Act

12.1 Nothing in this Contract overrides any obligations of MPI and the Treatment Provider under the Biosecurity Act 1993.

13 Health and Safety

13.1 Health and Safety requirements for this Contract are set out in Schedule One.

14 Entire Agreement

14.1 This Contract sets out the entire agreement between the parties.

Signed for and on behalf of MPI by the person named below,
being a person duly authorised to enter obligations on behalf of MPI

Name: _____

Address: _____

Signature: _____

Position:

Date:

WITNESS:

Name: _____

Position: _____

Address: _____

Signature: _____

Date: _____

Signed for and on behalf of the Treatment Provider)

)

)

Name: _____

Position: _____

Address: _____

Signature: _____

Date: _____

WITNESS:

Name: _____

Occupation: _____

Address: _____

Signature: _____

Date: _____

SCHEDULE ONE

HEALTH AND SAFETY TERMS

1. DEFINITIONS AND INTERPRETATION

1.1. In this Schedule, unless the context requires otherwise:

"Agreement" means this agreement including all schedules and attachments, and (if this is a master or panel agreement) includes all Statements of Work entered into under this agreement;

"Contractor" means [NAME OF TREATMENT PROVIDER];

"Subcontractor" means a person, business, company or organisation contracted by the Contractor to deliver or perform part of the Contractor's obligations under this Agreement.

"Term" if an individual agreement means the term of the agreement, and if a master or panel agreement, means the Term of that master or panel agreement.

"Control Measures" has the same meaning as in regulation 3 of the HSW (GRWM) Regulations 2016;

"HSWA" means the Health and Safety at Work Act 2015;

"HSWA Legislation" means the HSWA and includes all regulations made under that Act (including but not limited to the HSW (GRWM) Regulations 2016), and any other health and safety-related legislation relevant to the Contractor's supply of services to MPI;

"HSW (GRWM) Regulations 2016" means the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016;

"MPI's Critical Controls for Health and Safety Critical Risks" means the document MPI's Critical Controls for Health and Safety Critical Risks

"Notifiable Event" has the same meaning as in section 25 of the HSWA;

"PCBU" means a person conducting a business or undertaking within the meaning of section 17 of the HSWA. For the purposes of this Agreement, both MPI and the Contractor are PCBUs and are required to consult, cooperate and coordinate their activities to meet their health and safety obligations to workers and others affected by the work in the provision of official biosecurity treatments;

"Worker" has the same meaning as in section 19 of the HSWA;

1.2. Other terms used but not defined in this Agreement or this Schedule have the same meaning as in the HSWA.

2. COMPLIANCE WITH HEALTH AND SAFETY LEGISLATION AND DIRECTIONS

2.1. During the Term the Contractor will:

a) Consult, cooperate and coordinate with MPI to ensure that the Parties comply with their respective obligations under the HSWA Legislation as they relate to this Agreement;
b) Perform its, and ensure that its Workers perform their obligations under this Agreement in compliance with the HSWA Legislation, including but not limited to:
    i) Duties of a PCBU under ss36–43 of HSWA;
    ii) Duties relating to the identification of hazards and implementation of Control Measures under the HSW (GRWM) Regulations;
    iii) Duties relating to the keeping of records under s57 of HSWA.
c) Comply with all reasonable directions of MPI relating to health and safety, as notified to the Contractor from time to time on any matters:
    i) not addressed in the Contractor's health and safety policy and procedures and
    ii) that are reasonably required to enable MPI to manage its PCBU duties.

3. HEALTH AND SAFETY RISK MANAGEMENT

3.1. During the Term the Contractor will:

a) Maintain a general health and safety policy and practices that are appropriate to the nature of the Services provided to MPI;
b) Comply with its health and safety policy and practices, and ensure its Workers so comply.
c) Identify, control, and regularly review all risks to health and safety
d) Keep and regularly update a register of all health and safety risks the Contractor has identified concerning its provision of Services from commencement of this Agreement. The register must identify all relevant risks, and include Control Measures for these. Risks to health and safety must be clearly identified and mitigated.

   A copy of the register must be provided to MPI on request.

e) Provide suitable assurance to MPI that risks to health and safety in subcontracted activities are being appropriately identified, controlled, and reviewed. Risks to health and safety must be clearly identified and mitigated.

4. NOTIFYING EVENTS TO WORKSAFE OR OTHER RELEVANT REGULATOR

4.1. During the Term the Contractor will ensure that all Notifiable Events occurring during delivery of the Services are duly notified to WorkSafe NZ or other relevant regulator in accordance with the requirements of HSWA.

4.2 Where the Contractor or Subcontractor notifies WorkSafe NZ or other relevant regulator of a Notifible event in relation to the delivery of the Services the Contractor must report the event to MPI within one Business Day of becoming aware of the event, and in addition, provide to MPI a written summary of the Notifiable Event and corrective actions identified.

5. HEALTH AND SAFETY REPORTING TO MPI

Regular health and safety reporting

5.1. During the Term the Contractor will comply with any health and safety reporting requirements outlined in the Treatment Provider Requirements Standard.

5.2. The Contractor must provide suitable, ongoing assurance that risks to health and safety are being adequately controlled at all times.

6. SUBCONTRACTORS

6.1. This clause applies in addition to any other clauses in this Agreement relating to Subcontractors.

6.2. The Contractor will conduct a safety pre-qualification or assurance process for all Subcontractors the Contractor proposes to use to deliver the Services.

6.3. The Contractor, when using a Subcontractor for Services, must ensure the Subcontractor is familiar with the Contractor's health and safety policy and procedures, is managing risks to health and safety at all times, and complying with any health and safety directions given by MPI to the Contractor under clause [2.1(c)].

7. HEALTH AND SAFETY AUDIT AND INSPECTION

7.1. MPI may, at any time during the Term:

7.2. Require information or documentation from the Contractor in relation to any matter concerning the Contractor's health and safety performance or compliance in relation to the Agreement, or relating to a health and safety incident or risk; or

7.3. Carry out a paper-based audit of the Contractor's health and safety system as it relates to the Agreement.

7.4. At any reasonable time during Business Hours, MPI may carry out a physical inspection of any place of work that the Contractor is using or intends to use in connection with the supply of Services to MPI.

Appendix 4: Application for Post-Entry Quarantine (PEQ) Facility Operator Treating Goods On Arrival

Required Information	Details
Organisation/Facility name:	
Approved Facility number:	
Operator Name:	
Treatment location (address of containment facility or transitional facility and location of the designated treatment area):	
Type of treatment: Note: Treatment services will be carried out by the approved treatment technician at the PEQ facility according to the instruction of the Biosecurity Authority Clearance Certificate (BACC) issued by the Border Clearance Services (BCS) Quarantine Officer. A treatment certificate will be issued with the treatment details, signed and to be sent to the BCS Quarantine Officer and copy the PEQ MPI Inspector.	☐ Fungicide Method of application: _____
	☐ Insecticide Method of application: _____
Note: MPI is committed to a proactive culture of health, safety and wellbeing that underpins all MPI activities. All Persons Conducting a Business or Undertaking conducting agrichemical application activities on behalf of MPI must ensure compliance with the Health and Safety at Work Act 2015 and associated Health and Safety at Work (Hazardous Substances) Regulations 2017 to mitigate the possibility of negative effects on worker's health or the environment throughout the entire life cycle of the chemical being used.	
Name of Treatment technician:	
Treatment technician qualifications/registration (copies of certification must be attached to this form):	
PEQ manual, updated and approved by MPI Inspector (a copy of the manual must be attached to this form):	
I certify that the above information is true and correct and that MPI approved treatments will be conducted in accordance with MPI's Post-Entry Quarantine for Plants, MPI's Treatments Requirements: Treatment Provider Requirements and the MPI's Treatment Requirement Approved Biosecurity Treatments (MPI-ABTRT). **Signed and dated:** **Name and position in organisation:** **Address:**	