Ministry for Primary Industries
Manatū Ahu Matua

Review of Submissions:

DRAFT Standard for Transitional Facilities for General Uncleared Risk Goods - MPI-STD-TFGEN and Guidance Document to the DRAFT Standard

June 2016

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REVIEW OF SUBMISSIONS ON:

DRAFT Standard for Transitional Facilities for General Uncleared Risk Goods - MPI-STD-TFGEN and Guidance Document to the DRAFT Standard

June 2016

Approved for general release

Peter Thomson

Director Plants, Food & Environment
Ministry for Primary Industries

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Introduction

The Ministry for Primary Industries (MPI) consulted with interested parties external to MPI from 22 June 2015 to 27 July 2015, on the DRAFT Standard for Transitional Facilities for General Uncleared Risk Goods - MPI-STD-TFGEN and the Guidance Document to the Draft Standard. This was in accordance with Section 23 of the Biosecurity Act 1993 (the Act) and MPI's consultation policy. The draft standard (TFGEN) and Guidance Document (GD) have been revised in line with MPI's Regulation and Guidance Programme. The general intent of the documents remains the same as previously. That is, to provide the mandatory requirements for the compliant operation of Transitional Facilities (TFs) by Transitional Facility Operators (TFOs). The revisions provide clarity, simplify language where possible and provide a clear distinction between mandatory requirements and guidance information in TFGEN. The GD provides in-depth best practise guidance on how to meet the requirements of TFGEN.

MPI received the following submissions from the following external stakeholders on the draft documents:

1	Simon Baker, Jane McEntee and Andrew Phillips	Auckland Regional Public Health Service	24/07/2015
2	Mark Brooker	EC Quality Ltd	02/07/2015
3 & 4	Stan Bunting & Melanie Chong (2 submissions)	Fonterra Co-operative Group Ltd	24/07/2015
5	Ian Cardno	i4 Independent Inspection & Advisory Services	21/07/2015
6	Dave Cookson	Land Power Ltd	24/06/2015
7	Paul Craddock	Transprotect LP	24/06/2015
8	Rosemarie Dawson	Customs Brokers & Freight Forwarders Federation of NZ Inc.	24/07/2015
9	Lisa Dobbie	Plant Research (NZ) Ltd	16/07/2015
10	Verity Forbes	Department of Conservation	23/07/2015
11	Carole Grasso	Malaghan Institute of Medical Research	09/07/2015
12	Martyn Freer	Tapper Transport	15/07/2015
13	Howard Henderson	TechKing Tyres	21/07/2015
14	James Hitchon	Hitchon International Ltd	29/06/2015
15	Les Howard	Horticentre Limited	21/07/2015
16	David Jenkins	University of Auckland	24/07/2015
17	Jill Jones	Biosecurity & Training South Ltd	24/07/2015
18	Greg Jorey	DEPCO Ltd. Seat Warehouse	03/07/2015
19	Lawrence Kent	Premier Beehive NZ Ltd	09/07/2015
20	Andrew Lawes	Red Stag Timber Ltd.	22/07/2015
21	Anson Li	New Bright Trading LTD	25/06/2015
22	Mark Lythe	Stellar International Ltd.	01/07/2015
23	Rachel Madden	First Global Logistics	24/06/2015
24	Stephen Mansfield	4C Assessment Ltd	23/07/2015
25	Rodger Matheson	New Zealand Gourmet	30/06/2015
26	Trent McCarroll	Miraka Limited	24/07/2015
27	Terrence McGeough	New Zealand Defence Force	24/06/2015
28	Shane McNamara	Lenker Music Ltd.	24/06/2015
29	Mike Moriarty	Pomona Group Ltd	24/06/2015
30	Geoff Nieuwelaar	Springtime Trampolines	11/07/2015
31	Don O'Connor	Eurobike Wholesale Ltd	16/07/2015
32	Lee Osborn	Biosecurity & Training South Ltd	23/07/2015
33	Chris Presto	Solvay NZ Ltd	25/06/2015
34	Doug Stewart	Lakeland Steel Ltd	24/06/2015
35	Brett Whalley	Arch Wood Protection (NZ) Limited	24/06/2015
36	Debbie Woods	The AgriChain Centre	23/07/2015
37	Bill Xu	Bill Xu	23/06/2015

This document summarises the comments/points raised in the submissions and presents MPI's responses. MPI appreciates all the feedback provided and wishes to thank the respondents.

Acronyms or abbreviations used in the document

Act (the Act)	The Biosecurity Act 1993 (and amendments)
APs	Accredited Persons
BACC	Biosecurity Authority Clearance Certificate
DG	Director-General of the Ministry for Primary Industries
GD	Guidance Document to the Draft TFGEN
MPI	Ministry for Primary Industries
TF	Transitional Facility
TFGEN	Draft Standard for Transitional Facilities for General Uncleared Risk Goods - MPI-STD-TFGEN
TF Manual	Transitional Facility Operating Manual
TFO	Transitional Facility Operator
URGs	Uncleared Risk Goods

Review of submissions

Submitter 1: ***Simon Baker, Jane McEntee and Andrew Phillips*****,** ***Auckland Regional Public Health Service***

Comments pertaining to the TFGEN

Submission point 1. MANAGEMENT OF HABITATS I PEST MANAGEMENT PLAN
When responding to an interception at a TF site, our heath protection officers sometimes notice that there are mosquito habitats at the TF. Section 3.7 of the revised Standard states that: 'TF Operators must ensure that pests are effectively managed in and around the TF'. Under section 3.1 of the Standard a TF Manual must be prepared for each TF, and where applicable, should contain procedures identifying management and exclusion of pests, vermin and weeds, in and around the TF (i.e. pest control plan). Section 5.10 of the Guidance document goes on to provide examples of how pests may be effectively managed, and explains that it is important that vegetation is managed so that regulated pests do not have any nearby places to hide. ARPHS fully supports these sections in the standard and guidance documents, but believes further detail can be provided in both documents to strengthen a TFs requirement to adequately manage mosquito breeding habitats, and other pest habitats. Apart from our suggested amendment outlined in the table below, we consider section 3.7 of the Standard should clearly stipulate that TF operators are not only responsible for effectively managing pests, but also their potential breeding habitats in and around the TF. Furthermore, we believe the Guidance document should explicitly outline the auditing and enforcement role of MPI in this regard.

AFTER HOURS ACCESS: *At times when our health protection officers arrive at a TF afterhours, they are unable to gain access. Accordingly, we believe TF operators should have a process in place to ensure that the TF is accessible outside of business hours for public health unit staff to respond to potential mosquito interceptions, and other public health issues. We consider it important that MPI send a clear message to TF operators that they need to be available to meet our officers at the TF afterhours, if required. While beyond the scope of this consultation, it would also be helpful for MPI to provide us with afterhours contact details at the time of notification (as a means to back-up TF operators' after-hours procedures).*

SUGGESTED AMENDMENTS: *To address the identified issues we have recommended a number of minor amendments to the standard and the guidance document. This information is outlined in the table below.*
Clause 3.1.1 Manual Structure and Information. Suggested amendment(s). Under the title 'TF Procedures for compliance and ongoing TF management', amend clause (f) to read: "(f) Procedures identifying management and exclusion of pests, vermin and weeds in and around the TF, including treatment of the inspection area by physical means or with pesticide. This should include the elimination of all breeding habitats in and around the TF, and regular inspection to ensure no habitat regenerates. Where potential breeding habitat cannot be physically removed, regular monitoring and treatment should occur."

MPI response 1: To provide clarity, the following wording is included in the GD under section 5.10, "TF Operators should also ensure possible breeding sites for exotic mosquitoes are regularly checked, controlled appropriately or eliminated". MPI will highlight that, "In regard to exotic mosquito control, TFOs should also make themselves available for regional public health officers on demand".

Submission point 2: Section 3.1.1 TF Manual Structure and Information. Page 10. Insert a new clause 0) under the title 'TF Procedures for compliance and ongoing TF management': (j) Procedures for ensuring that the TF is accessible outside of business hours for public health unit staff to respond to potential mosquito interceptions, and any other public health issue.

MPI response 2: MPI does not believe that it is appropriate to arrange or require after-hours access to TFOs for public health purposes within the TF Manual. However, MPI will hold this information and it will be provided as necessary.

Submission point 3: Section 3.5 Record keeping. Page 11. Clause 3 under section 3.5 lists what

records (including dates and times) TF operators must keep. Insert a new sub-clause (f), stating: (f) An up-to-date pest management plan.

MPI response 3: Having a comprehensive pest management plan is already an existing requirement for all TF manuals. TF Operators are also required to review the TF Manual at least annually to ensure its continuing suitability and effectiveness to meet the requirements of TFGEN and make any necessary changes required; see section 3.8 (3) of TFGEN. In addition, MPI specifies in TFGEN and the GD that TFOs must contact an MPI Inspector or use the 0800 number where live pests and significant contamination is found. This ensures that pest management plans and actions remain up-to-date and MPI does not consider it necessary to include the suggested statement.

Comment pertaining to the GD to TFGEN.

Submission point 4: Section 5.8 TF documents and records. Page 9. Section 5.8 (1) lists the type of documents that should be kept securely by the TF operator for MPI external audit purposes. ARPHS considers the following item should be added to the list under TF and TF operator approval documents: "Copies of pest management plans".

MPI response 4: See Response 3 as above.

Submission point 5: Section 5.10 Pest, vermin and weed control. Page 10. Section 5.10 should specifically make reference to 'mosquitoes'. For example: (3)… to control pests such as mosquitoes, birds and rodents. For example, the positioning of exclusion devices, removal of all mosquito habitats, the laying of poison ..."

MPI response 5: See Response 1 as above.

Submission point 6: Section 5.13 Official signage. Page 11. Section 5.13 discusses official signage at a TF, and states that "TF Operator or Deputy TF Operator contact details may also be added to the sign information". ARPHS considers the guidance document should place stronger emphasis on including the operators contact details on the signage. We recommend the following be inserted: "TF Operator or Deputy TF Operator contact details (including afterhours contact details) should be included in the sign information". To make it explicitly clear to those operators referring to the guidance document, we believe this information should also be shown on the example 'sign' provided below the text.
For example:

These premises are a TRANSITIONAL FACILITY
Approved under the Biosecurity Act 1993
ACCESS IS RESTRICTED TO
AUTHORISED PEOPLE ONLY
[TF Operator: Joe Bloggs Opening hours: Afterhours contact: 02x xxx xxxx]

MPI response 6: Please refer to MPI response 2. The signage requirements specified are appropriate for TF purposes.

Submitter 2: Mark Brooker, EC Quality Ltd.

Comments pertaining to TFGEN

Submission point 1. Section: 2.1a (Requirements for TF approval). "Inspectors requirements" must be followed along with documented requirements in TFGEN, IHS's, CTO Authorisations and Permits. Suggestion/Comment: In an outcome based standard, it is hard to imagine any situation where MPI would want an inspector to "create" a requirement which is not specified in the four docs mentioned. For prevention of biosecurity risk, there are provisions in the Act that compel people to follow all reasonable directions of an inspector – but I don't think these stretch as far as setting up a TF. Surely if they can't meet documented requirements they won't be approved and conversely where they do meet all documented requirements (including prescribed outcomes) then they will be approved. Concerned this provision could lead to inconsistency.

MPI response 1: Section 2.1 has been restructured and the wording, "An authorisation or directions from an Inspector" has been added to a guidance box that holds this information.

Submission point 2. Section 2.1.1(1) – Changes to a facility. Issue: "Depending on the extent of the change, a new approval may be required". Comment: I can't think of any situation where a structural change would lead to a new approval. Probably an inspection but not a new approval.

MPI response 2: A structural change that was required to accommodate a new type of URG that was not previously imported into the TF could necessitate a new approval. However, this would be linked to the approval for the new type of risk good and this would be managed by the MPI Inspector.

Submission point 3. Section 2.3(1) Issue: - Facility location must be within metro areas. Comment: This contradicts the GD which allows provisions for non-metro sites (dependant on risks). It is to be noted that some high risk sites are currently located outside these areas due to their operations (e.g. Landfills).

MPI response 3: MPI has changed the wording in the standard under Section 2.2 and in the GD to reflect this.

Submission point 4. Section 2.4: Signage: Not sure the purpose of stating the name of the TF on the sign? Will the cost to industry of doing this be outweighed by the benefit to biosecurity?

MPI response 4: MPI has now adjusted the requirements and TFO names, contact information and TF numbers are not required on TF signs. The signs only need to state that the TFs are approved under the Act. Also see responses to submitter 1 above.

Submission point 5: Section 3.1.1 Manual. An amendment register is a key part of being able to track changes that were made more than one version before the latest version and could be added as a requirement?

MPI response 5: Section 3.1 states that, "A TF Manual must have the following components as set out in clauses 3.1.1.1 to 3.1.1.4". In this regard, 3.1.1.1 (b) Manual Structure, now reads, "An amendment register for tracking changes made to the TF Manual".

Submission point 6: Section 3.1.1(f) Manual – Internal audits. I would recommend not being so specific on who conducts the internal audits. The quality of the audit (and the competence of the auditor) is more important than stating who. I would prefer this said "the procedures and regime for internal auditing and the competencies required of the person who conducts them" (note that the operator is not always the most skilled person within the company when it comes to compliance.

MPI response 6: This is now included under Section 3.1.1.2 (e) and this reads as, "The procedures and regime for internal auditing of the TF and the competencies required of the person who conducts them".

Submission point 7: Section 3.1.1. Scope has been changed to TF Function and Purpose. Not sure why this change has been made but it no longer aligns with the text later in the standard and the GD which discusses "scope".

MPI response 7: The function and purpose statements in the draft of TFGEN align with MPI's revisions to requirements and guidance programme for all standards. The GD and TFGEN have been amended to reflect this function and purpose.

Submission point 8: Section 3.1.1. 3.1.1 TF Procedures (e) – transport to the TF. Comment: Everything in the manual must be able to be verified by the TF and the auditor somehow. I'm not sure how the receiving TF will verify (and document) how goods are to be transported to their facility from the POFA or other TF and wonder if this effort could be better used in other areas. Agreed that for goods travelling from the TF, there needs to be clear processes to ensure they are transported securely.

MPI response 8: It is the TFOs responsibility to work with the MPI Inspector to ensure that the

transfer or transportation of URGs to TF is conducted as compliantly as possible. In addition, a BACC provided to transport operators with the URGs explicitly provide directions and contact details. However, TFOs are usually aware of most URGs that will turn up and the method by which this occurs. It is the responsibility of the TFO to operate TF systems that inform and help manage this area. For example, if a TFO has repeated issues with a transport service operator not providing adequate security or management of consignments then MPI should be notified.

Submission point 9: Section 3.2.1 (1) Risks "eliminated or mitigated" Comment: Wonder if these two things means the same thing?

MPI response 9: Section 3.2.1 (1) has been changed to read, "The TF Operator must ensure that uncleared risk goods are controlled at TFs in such a way that the biosecurity risks arising from the uncleared risk goods are appropriately managed".

Submission point 10: Section 3.2.3 (2) Unclaimed risk goods being held under an inspectors authorisation for 90 days. Comment: Can a provision be added here for goods contaminated with live animals or not properly contained? It seems 90 days is far too long but if it's in the standard, someone might try and test it.

MPI response 10: MPI believes that it is appropriate to be notified as soon as possible about unclaimed URGs as MPI believe these could pose an additional biosecurity risk.

Submission point 11: Section 3.3 (1)d Access at "any reasonable time or when provided 24 hours of advanced warning. Comment: Suggest clarifying who gets to choose the option of "24 hours or any reasonable time?" (i.e. whichever comes first).

MPI response 11: Section 3.3 (1e) now reads, "The TF Operator must provide access to the TF for an Inspector at any reasonable time".

Submission point 12: Section 3.7 (1) "TF must ensure that non-reg pests (such as arthropods). Comment: Text suggests that all arthropods are non-risk – perhaps this could be reworded?

MPI response 12: Section 3.7 (1) has been reworded to read, "The TF Operator must ensure that non-regulated pests (those occurring in New Zealand), regulated pests (not occurring in New Zealand), vermin and weeds are effectively managed in and around the TF. The TF Manual must describe the processes that will be undertaken to manage them. Other organisms, animals (such as pets) and decorative plants that are not part of a consignment being imported into New Zealand are not permitted in the controlled areas of a TF".

Submission point 13: Section 3.8(2): Audit frequency. The previous standard allowed for the verifier (MPI Inspector) to require a shorter audit frequency – this has now been removed. Depending on the facility function, annual checks may be too infrequent.

MPI response 13: Most of the information regarding MPI verification inspections (previously referred to as External Audits) is found under Section 5.17 in the GD. This provides extensive information of MPI verification inspection visits being based on compliance and other relevant factors.

Submission point 14: Section 3.8(5) Internal audits being sent to MPI. Comment: I disagree with this proposal for the following reasons: 1) It does not align to any other quality system that I am aware of that will be operating within TFs. 2) The TFs must be given the opportunity (and encouraged) to run an effective quality system in house – and requiring what will be perceived by compliant TFs as pointless government oversight will dis-empower the internal compliance process.3) There could be an "implied consent" issue if non-compliances noted on audit reports are not responded to by MPI in a reasonable timeframe. 4) MPI resources would be more effective in other areas (e.g. auditing).

MPI response 14: MPI is including this requirement in TFGEN for compliance reasons. The purpose of this is to assist MPI in targeting TFOs that do not conduct regular and adequate internal audits and it will also alert MPI to TFs that are no longer being operated or where the TFO has left the business.

Submission point 15: Section 3.9 (1)a Adequate lighting. There was a statement on the MPI checklist

requiring 600 lux for general inspection (such as personal effects, machinery, selecting seed for sampling etc.). It would be useful if this was in the standard along with 1000 lux for close inspection.

MPI response 15: Section 3.9 (1)a now reads, "Inspection areas or rooms must" – "be adequately illuminated at a lighting level of a minimum of 600 Lux for general inspection and 1000 Lux for close inspection".

Submission point 16: Section 3.11. Staff Training. As mentioned, the most effective trainer in internal TF operations may not be the Operator (eg it may be a member of the company's quality team or an external consultant). There should also be a requirement on describing how the learnings are verified (eg. with an in house test). This is common at the sites I visit and it is a good opportunity to review systems with staff when creating or marking each test.

MPI response 16: The wording in Section 3.11 mentions that the TFO must ensure that staff training is provided. This does not mean that the TFO must conduct the training but has overall responsibility for this being attended by relevant TF staff members. It is expected that TF manual will include the appropriate detail about training, trainers and verification of competence. Section 3.11 now reads, "The TF Operator must provide for staff member training appropriate to TF operations and requirements. The TF Manual must describe how the training programme will be implemented, the time period for implementation, and make reference to refresher courses. Company training must be available to existing and new staff members and describe how staff member competence is verified. Training records for all relevant staff members must be held for MPI verification inspections".

Submission point 17: Section 3.12 External MPI audits. Wording issue. The first sentence suggests that the outcome of an audit will be that requirements are met (and that a company's site cannot be compliant without an audit). Suggest rewording.

MPI response 17: Section 3.12 is headed up as "MPI Verification Inspections". The first sentence now reads, "MPI Inspectors will conduct verification inspections to determine if the requirements specified in this standard have been met".

Submission point 18: Section 4.2.8 (2)a Seed. Transport requirements in here does not state that an enclosed vehicle is required. Comment: This could be bolstered to require an enclosed vehicle, double packaging etc.

MPI response 18: Section 4.2.8 (1 a) now reads, "The TF Operator must ensure that: Uncleared seeds for sowing are transported to the specified TF securely inside an enclosed vehicle and within an enclosed packet or container with little possibility of spillage".

Submission point 19: Section 4.2.8 (5) Cleaning dressing machinery. Comment: Suggest the standard specifically requires the cleaning to be documented.

MPI response 19: Section 4.2.8 (4) now reads, "The TF Operator must ensure that all such equipment and machinery is thoroughly cleaned between treating different consignments of uncleared seeds for sowing. Records of cleaning between treatments (dates and times) must be kept".

Submission point 20: Section 4.3(2). Typo. The word "destroy" is mentioned twice.

MPI response 20: Section 4.3 (2) has been re-written and the double up has been removed.

Submission point 21: Section 4.3.4 (1)h(ii) Typo. Remove bracket closing sentence.

MPI response 21: Section 4.3.4 has been re-written and bracket error has been addressed.

Submission point 22: Section 4.4.6 (1)d. Chicken and egg. Thermocouple test cannot be conducted with "biosecurity refuse" prior to approval. Comment: Change "bio refuse" to "domestic refuse simulating biosecurity refuse".

MPI response 22: Section 4.4.6 (1)d now reads, "A performance test using a thermocouple inserted into a room temperature number 10 sized chicken is placed within a bag of simulated

biosecurity refuse (for testing) and used to establish the minimum parameters of pressure, temperature and time for the operation of the autoclave".

Comment pertaining to the GD to TFGEN.

Submission point 23: Section 5.5(1). Maintaining a logbook "for external audit purposes". Comment: There are many reasons why facilities maintain a visitor log, the most common being internal H&S. The outcome that MPI wants to achieve is to identify visitors on site, so this should be stated rather than "for internal audit purposes".

MPI response 23: Section 5.5(1) – sentences 2 and 3 now read, "TF Operators should maintain a logbook to ensure visits by permitted persons are recorded. This may also be required for MPI verification inspection purposes".

Submission point 24: Section 5.10(1). Same comments as above. Comment: Suggest removing all references that say "for external audit purposes" as this isn't the primary outcome (if it was it wouldn't be a requirement).

MPI response 24: The GD has been modified to remove "for external audit purposes" where it is not appropriate to have this wording placed.

Submission point 25: Section 5.13 Signage. The requirements here don't align with the standard.

MPI response 25: TFGEN and GD have been aligned to state the same information.

Submission point 26: Section 5.14 (2). Lighting. Comment: Having a recommended lighting level is contentious and difficult for verifiers and TF's. Can this be changed from a "should" to a "must". There is no reason why facilities handling the same product should have varying requirements on this.

MPI response 26: The GD provides advice or examples that are not legally binding and therefore provides recommendations only. The GD does not use mandatory language unless directly quoting the Act, an IHS or TFGEN. The standard now requires TFs to be adequately illuminated at a lighting level of a minimum of 600 Lux for general inspection and 1000 Lux for close inspection

Submission point 27: Section 5.12 (2). Segregation. Comment: Can the "3 metre" segregation rule be added here to prevent inconsistencies?

MPI response 27: MPI is looking at effective outcomes for segregation. A minimum distance for segregation of items is often used or another method of effective segregation will also be acceptable. This area will also be covered by discussions between TFOs and Inspectors and written processes to provide effective segregation will be included in the TF manual.

Submission point 28: Section 5.16 (4). "a regular staff induction programme and is available from an inspector". Comment: Is MPI going to provide training material for TF's. Surely with the thousands of different quality systems out there it is better for them to create their own?

MPI response 28: MPI will not provide training material other than that available from MPI approved trainers. Further information is available from an Inspector on request.

Submission point 29: Section 5.18 (1). Audit report issued at the time of the audit. Comment: Common practice contradicts this with reporting happening a few day after the audit.

MPI response 29: Section 5.18 (1) now reads, "Details of non-compliances discovered during an MPI verification inspection will be provided to the TF Operator by an Inspector on an MPI Corrective Action Request (CAR) form issued (usually shortly after the time of the visit)".

Submission point 30: Section 5.18 (2). Compliance frequency. This section reads very messily. Consulting with the operator on the compliance frequency (surely this should be a decision made only by MPI)? Then it recommends a lower audit frequency for satisfactory compliance, and then discusses increased training for non-compliant sites. Comment: Perhaps the consequences of non-compliances could all be discussed in point (1) and compliance in point (2). No objective way of determining audit frequency is discussed. Re-sitting external training hasn't historically been an effective tool for

improving compliance (after all, it didn't work the first time) – removing people from roles, retraining internally, increasing audits, and cancelling sites has a much better impact.

MPI response 30: This is a decision made by an MPI Inspector and consultation on such things is done with regard to natural justice provisions. Section 5.18 (2) now reads as, "TF Operators may be subject to an increased number of MPI verification inspections where serious non-compliance issues are found. Changing the verification inspection frequency to reflect compliance will be at the discretion of an Inspector (the TF Operator will be informed of such decisions). Any increased verification inspection frequency will remain until an Inspector is confident that the management of the TF is once again compliant. This will usually revert to a lower frequency of intervention after two satisfactory MPI verification inspections have been completed".

Submission point 31: Section 5.18.1 – 5.18.3 Non-compliances and MPI notification. TFs are required to notify MPI if they discover any type of noncompliance and there are no incentives for self-identified non-compliances. Comment: Not sure of the benefit of having facilities who identify major or minor NC's report these to MPI (this just passes over the ownership of the problem to MPI who are not resourced to work with the facility to resolve what could be 10000+ NC's per year). This disempowers TFs from making their own decisions on corrective and preventative actions. I expect that all facilities should identify some NC's as a matter of course and rectify them through an internal process. MPI may also like to consider mirroring their export standard which does not increase audit frequencies for facilities that notify them of non-compliances. I can see this being a benefit to biosecurity as organisations are unlikely to notify MPI of issues if they think they will be disadvantaged because of it.

MPI response 31: MPI believes that this section is appropriate, however, Section 5.18 (4) has been modified and now reads, "Non-compliances are graded as Critical, Major or Minor. Where TF Operators identify Critical or Major Non-compliances to MPI, these notifications will be regarded positively and may prevent significant sanctions or prosecution being undertaken by MPI".

Submission point 32: Section 5.18.3 (2). Typo. "notify an MPI Inspector and"

MPI response 32: Section 5.18.3 (2) now reads, "Notify an Inspector and ensure corrective actions are taken to rectify the Minor Non-Compliance within the time frame specified by an Inspector".

Submission point 33: Section 6.1.5 (1). "an operator may work at more than one TF Operator and TF".

MPI response 33: Section 6.1.5 (1) the final sentence, now reads, "An AP may work with more than one TF Operator or TF".

Submission point 34: Section 6.1.6 (2). "A solid bin (such as a wheelie bin) with a tight fitting lid… Comment: "A wheelie bin doesn't have a tight fitting lid in that when they are knocked over the waste will spill so I don't recommend them to my clients. Perhaps the example could be removed so people opt for a more secure bin?

MPI response 34: Section 6.1.6 (2d) now reads, "A sturdy biosecurity bin with a tight fitting or lockable lid for biosecurity waste or a large storage unit (such as a sea container for holding dunnage etc.) prior to disposal".

Submission point 35: Section 6.5.3 (2). Bench top colour. Comment: White is recommended for produce, while stainless steel is recommended for seeds. Both are effectively looking for the same things, and some of my clients have both types of inspections as part of their approval. Can this be made more consistent? White trays and benches are predominantly used in the seed inspection industry.

MPI response 35: MPI does not want to be fully prescriptive here. As long as the bench is suitable and light coloured it could be white or stainless steel.

Submission point 36: Section 6.5.4 (1). "Wash basin with alcohol based sanitiser". Comment: In the biologicals and micro standard (or at least the interpretations of these) – sanitiser or a basin are the minimum requirements – not both. Can this be an either / or statement for consistency as the outcome

is the same?

MPI response 36: Section 6.5.4 (1F) now reads, "There should also be a wash basin inside the TF with alcohol based sanitiser or soap and towelling available for use by an Inspector and TF staff members".

Submission point 37: Section 6.11.4 (2). Looking under containers. Comment: I think it would be worth spelling out here that people should not go under containers unless they are on certified stands?

MPI response 37: Section 6.11.2 (1) now reads, "As is specified in MPI-SEACO, all low-risk loaded imported containers must be unpacked at a TF in the presence of an AP. APs must check the containers on four sides (top and underside excluded) for external contamination after delivery to the TF, during unpacking (internal surfaces, uncleared risk goods and wood packaging check), and when empty (a final internal check)".

Submission point 38: Section 6.12.1 (1). "Separation should be a minimum of 3-5 metres." Comment: A range is not an effective minimum. Suggest this is changed to 3m to align with current expectations.

MPI response 38: Section 6.12.1 (1) now reads, "Separation should be by a minimum of 3 metres or separated by other methods of containment as discussed and authorised by an Inspector".

Submission point 39: Section 6.14.2 (2). "Operators of hoists should be trained and certified to run this equipment". Comment: Does this certification exist? It may be a difficult requirement for places to meet.

MPI response 39: Section 6.14.2 (2) now reads, "Operators of vehicle hoists should be suitably trained, and certified to run this equipment as required by other regulations".

Submission point 40: Section 6.14.3 (3). "Alternatively, the TF Operator…… Comment: This sentence needs rewording.

MPI response 40: Section 6.14.3 (3) now reads, "Alternatively, the TFO should get permission from MPI for appropriate movement authorisation to a TF for disposal or decontamination purposes. Necessary authorisation will be provided in writing by an MPI Inspector".

Submitters 3 and 4: Stan Bunting & Melanie Chong Fonterra Co-operative Group Limited

<u>Comments pertaining to the TFGEN</u>

Submission Point 1: 3.9 Inspection of uncleared risk goods at TFs. a. Sub clause (1) c) requires the temperature of the inspection are to be between 10-25°C. Fonterra maintains the goods at a temperature to ensure that product integrity is maintained. Inspection areas are sometimes outdoors and as such will be subject to ambient environmental temperature conditions. This statement appears to replace current standard clause 2.13 "the area must not be subject to extreme temperatures". Fonterra does not believe that temperatures at, say, 9°C or 26°C could be considered extreme and the inclusion of the 10-25°C range seems arbitrary. We also assume that the inclusion of a temperature range is intended to maintain comfortable working conditions for the MPI inspector. If this is the intent, Inspector comfort can be addressed by the provision of suitable equipment, as clearly for outside areas it is very difficult to maintain the temperature range of the area. For example, in the case of low temperatures, cold temperature clothing could be provided (as worn by staff required to work in chilled areas). Fonterra asks that sub clause (1) c) be revised to remove the temperature range, as this can be appropriately managed by provision of equipment and be addressed by sub clause (2) of the proposed standard.

MPI response 1: Section 3.9 now reads, "Not subject to unsuitable temperatures (below 10ºC and above 25ºC) and be well ventilated. However, on agreement with MPI, the TF Operator may provide equipment or clothing for the Inspector to mitigate unsuitable inspection conditions".

Submitter 5: Ian Cardno, i4 Independent Inspection & Advisory Services

Comment pertaining to the GD to TFGEN.

Submission point 1: 4.1.1 Changes to the operation of a TF. (1) Note: Unauthorised changes of a significant nature may result in the cancellation or suspension of a TF and may result in cancellation or suspension of approval for operating the TF.
Why does this note appear in this section? Any sanctions should be documented in a more appropriate section of the Guidance Document.

MPI response 1: MPI believes that Section 4.1.1 is the appropriate place for this information as it fits with the general flow of the document.

Submission point 2: 4.2.2 Deputy TF Operators. (1) When a Deputy TF Operator has been approved for a TF why does MPI need to be advised if the TF Operator is absent?

MPI response 2: This recommendation has been removed from the GD. Section 4.2.2 now reads. "A Deputy TF Operator may be required at some TFs and this is usually for TFs where the TF Operator is mainly based off-site. This also could be for where a TF Operator manages more than one TF site or where the TF Operator may frequently be absent for long periods of time (more than one month duration) and uncleared risk goods are being constantly received at the TF. A Deputy TF Operator should be present to perform the normal functions of the TF Operator".

Submission point 3: 5.3 Receipt and transfer of uncleared risk goods. Subsections 1-3 provide clear guidance for receipt and the transfer of uncleared risk goods. Subsection 4 is a combination of numerous actions, "rights", requirements, explanations and sanctions, which are part of this clearly identified section (i.e. Receipt and transfer of uncleared risk goods). What is the basis for categorisation of "major non-compliance" for a situation where a TF Operator fails to report to MPI on unclaimed uncleared risk goods or uncleared risk goods subject to an importer's or agents decision?

MPI response 3: The situation where URGs sit at TFs for considerable periods of time with inadequate management is a current issue that MPI is faced with. However, the GD is guidance only and final determinations will be made on a case by case basis.

Submission point 4: Subsection 5 also provides clear guidance for any spillages that may occur. However, it also contains a number of items focused on sanctions, suspension or termination of TF approval. These should not be part of this subsection.

MPI response 4: MPI believes that clear indications on compliance and possible legal consequences are required in the guidance document and is appropriate to place in this section.

Submission point 5: 5.5 TF access and security of uncleared risk goods. (3) This subsection contains an unrelated item to the heading "TF access and security of uncleared risk goods" in that it suggests that the TF should have "an inventory system for example log sheets (or other method) for always tracking the uncleared risk goods in and out of the TF so this can be audited by an Inspector". Suggestions for an inventory system should be relocated to a more appropriate section of the Guidance Document.

MPI response 5: Section 5.5 is a now headed up as "TF access, security and tracking of uncleared risk goods". Clause 3 now reads, "A TF Operator should also develop an inventory system, for example log sheets (or other method) for always tracking the uncleared risk goods in and out of the TF so this can be verified by an Inspector as required. The processes for tracking should be covered clearly in the TF Manual".

Submission point 6: 5.6 Segregation of uncleared risk goods. This section contains a jumble of requirements or suggestions that are not related to the heading e.g. management of designated areas to control pests; control of unloading places for pest management. These should be located under separate sections for pest control or pest management.

MPI response 6: Section 5.6 is a now headed up as "Segregation and management of URGs".

This section is appropriate for holding information relating to these requirements.

Submission point 7: 5.9 Hygiene requirements. (5) This subsection discusses management of contaminated protective clothing and the risks of diseases and pests spreading by people and appropriate management thereof. Why is it mentioned here that "A list of approved refuse disposal companies can be found on the MPI website"?

MPI response 7: Section 5.9 is now headed up as "Hygiene management requirements". This information is provided as being useful to TFOs regarding disposal of quarantine waste. However, the reference to approved companies has been removed.

Submission point 8: 5.11 Internal assessment of TFs. (1) This subsection states "Regular self-assessments of TF management and processes by the TF Operator or Deputy TF Operator will ensure that a TF is operated to the specifications of the TF Manual and the standard". This is incorrect. Self-assessments may verify or confirm that TF management and processes by the TF Operator or Deputy TF Operator are operated to the specifications of the TF Manual and the standard, but they will not ensure.

MPI response 8: Section 5.11 (1) now reads, "Regular internal audits of TF management and TF processes conducted by the TF Operator or Deputy TF Operator (or dedicated member of staff) will help identify that a TF is operated to the specifications of the TF Manual and the standard".

Submission point 9: 5.14 Inspection areas. (2). The wording of this subsection could be better worded to outline requirements for lighting and temperature.

MPI response 9: Section 5.14 (2) now reads, "Lighting in the inspection areas should also be sufficient and a minimum of 600 Lux (intensity) for general inspection and 1000 Lux for close inspection work should be provided. Inspection areas should not be subject to high or low temperatures (above 25 ºC or below 10 ºC) unless other arrangements are made with MPI that manage such conditions".

Submission point 10: 5.17 External MPI audits. (2) There is a repetitive description of audit i.e. MPI external audits will involve … , and … by conducting an audit. The second sentence of this subsection is a repeat of subsection (1) under this heading.

MPI response 10: MPI has changed this section to be headed as "MPI Verification Inspections" as this is more appropriate under the specifications of the Act. MPI has modified this section to remove repetitive content.

Submission point 11: (3)This subsection states that: "Should a TF Operator and/or Deputy TF Operator display a lack of sufficient biosecurity knowledge (with regard to TF operation and/or their responsibilities) an Inspector could cancel or suspend approval of a TF. There is also the possibility that retraining is specified by an Inspector. An increased frequency MPI external audit regime will also be maintained until an Inspector is confident that the TF is managed compliantly. Conversely, MPI may reduce the external audit frequency for TFs that continually display full compliance with the standard and the TF Manual." Why does this subsection (under the section heading External MPI audits) include details of any sanctions?

MPI response 11: These sections are indicative only being guidance. They highlight potential expectations of compliance and possible ramifications of non-compliance. Clause 3 of 5.17 now reads, "Should a TF Operator and/or Deputy TF Operator display a lack of sufficient biosecurity knowledge (with regard to TF operation and/or their responsibilities), an Inspector could suspend or cancel approval of a TF. There is also the possibility that re-training is specified by an Inspector. An increased frequency MPI verification inspection regime will also be maintained until an Inspector is confident that the TF is managed compliantly. Conversely, MPI may reduce the frequency of verification inspections for TFs that display full compliance with the standard and the TF Manual".

Submission point 12: Under what circumstances and authority may an Inspector cancel or suspend approval of a TF?

MPI response 12: Under Section 40 (and 39) of the Act, the DG of MPI may suspend and

subsequently cancel the approval for a TFO and TF upon the recommendation of an MPI manager. Such suspension and eventual cancellation (where warranted) is delegated to MPI mangers under the DGs delegated authority. A suspension would typically occur after a critical non-compliance was found or when a non-compliance was not resolved appropriately. MPI utilises the VADE (Voluntary, Assisted, Directed and Enforced) Model to guide and assist compliance.

Submission point 13: Who can approve a TF?

MPI response 13: Under Section 39 of the Act, the DG of MPI can approve a TF on the recommendation of an MPI manager. Approvals for TFs are done by an appropriately delegated person on the DG's behalf.

Submission point 14: Who can specify the level of training required for a TF Operator?

MPI response 14*:* It is MPI's policy to set training requirements for TFOs and APs. Under Section 40 of the Act, the DG of MPI may approve an applicant as TFO if that person is; 1. A "fit and proper person". 2. Is able to comply with operating requirements for the TF. 3. On condition that the applicant complies with applicable standards. 4. On any other conditions that the DG considers necessary or desirable. For example, such "other conditions" that the DG considers as necessary includes appropriate training and subsequent retraining to ensure that the TFOs obligation to run a TF effectively and compliantly is met. MPI has developed policy to ensure proper training is undertaken.

Submission point 15: Who can increase or decrease the frequency of MPI audits, and on what basis is this to be applied?

MPI response 15: MPI Border Clearance Services are responsible for both the verification inspection frequency and the basis of applications. These details will be updated on the MPUI website in the future and they can be discussed with an MPI Inspector.

Submission point 16: What is MPI's policy and process for approval of TFs and TF Operators?

MPI response 16: TFs are approved under section 39 of the Act, whereas TFOs are approved for running TFs under section 40 of the Act. In this regard, it is MPI's policy to conduct verification inspections of proposed places before approval to ensure that the criteria for secure and appropriate management of risk goods are met. MPI Inspectors also ensure that prospective TFOs are suitable, fit and proper persons and are fully aware of their responsibilities under the Act and TFGEN, and are trained as MPI policy requires.

Submission point 17: (4) This subsection states that "Under section 122 of the Act, Inspectors have the power to authorise a TF Operator to conduct required actions regarding TFs or uncleared risk goods or cleared material that has or maybe cross contaminated with biosecurity contaminants or regulated pests. Failure for a TF Operator or Deputy TF Operator to act on a lawful authorisation from an Inspector is very likely to lead to cancellation or suspension of TF Operator/Deputy TF Operator approval and subsequent cancellation of the TF approval; and this may also lead to prosecution under the Act". Why are these details included under the section heading MPI external audits?

MPI response 17: Section 3.12 has been renamed as "MPI Verification Inspections" to better reflect the nature of this type of assessment. Given that external verification inspections may require further action, clear indications on compliance and possible consequences of non-compliance are required in these documents. The Act emphasises the need for transparency and natural justice with regard to non-compliances and actions that MPI could consider.

Submission point 18: If the Guidance Document is to contain any details of potential breaches of the Biosecurity Act and outcomes of those breaches, then they should be carefully worded to encourage TF Operators and Deputy TF Operators to act in a legal manner, and not be used to intimidate as has been included here.

MPI response 18: MPI has no intention to intimidate but rather to inform TFOs, Deputy TFOs and APs clearly of MPI's requirements and desired outcomes. MPI believes that being transparent about compliance and the possible consequences of non-compliance is

appropriate. Any actions taken by MPI will follow the principles of transparency and natural justice. It is also important to reflect compliant behaviour and the GD aims to enable this.

Submission point 19: 5.18 Non-compliances against the Standard. (2)The last sentence of this subsection should be listed as a separate subsection i.e. Non-compliances are graded as Critical, Major or Minor. 5.18.1 Critical non-compliance. (1) This subsection contains a multiple of descriptions. The use of the word "it" to start the second sentence indicates poor grammar. It would be more technically correct to start the sentence with "The detection of a critical non-compliance could lead to…" (4) This subsection contains several descriptions e.g. "MPI may further investigate Critical Non-Compliances and this could possibly lead to prosecution"; and "It is expected that at least one repeated MPI external audit will be required to ensure that the Critical Non-Compliance has been effectively resolved and measures have been taken to prevent its reoccurrence". Why is it necessary to use intimidatory language?

MPI response 19: Refer to MPI's reply to Submission point 18.

Submission point 20: What is meant by "critical non-compliance has been effectively resolved" and "measures have been taken to prevent its reoccurrence"? Where are these requirements discussed in detail?

MPI response 20: Examples of such Critical Non-Compliances are provided under 5.18.1. Critical non-compliances will be resolved by an MPI Inspector working with the TFO as required. This may involve changes in management, improvements to systems or inclusion of new systems or management requirements to prevent recurrence. Given the wide variety of TFs covered which deal with a large number of different risk goods it is not appropriate, or possible, to provide a large amount of prescriptive detail in TFGEN and GD.

Submission point 21: 5.18.3 (2) Should read "Notify an MPI inspector…"

MPI response 21: Section 5.18.3 (2 a) now reads, "Notify an Inspector and ensure corrective actions are taken to rectify the Minor Non-Compliance within the time frame specified by an Inspector".

Submission point 22: 6.1.2 Transportation of air containers to TFs. (1) Why is the 3rd sentence of this subsection included here? What does it mean?

MPI response 22: This sentence has been moved under 6.1.1 (2). This now reads, "Proposals for new importation proposals should be forwarded to an Inspector and are subject to consideration for approval by a Chief Technical Officer".

Submission point 23: 6.1.3 The physical operation of air container TFs. (3)This subsection contains "Note: Any open drains within 5 metres of air containers at any TF should be covered during checking and unloading to prevent the possibility of any live pests from escaping". Is MPI serious about this requirement?

MPI response 23: The intent of this guidance is to deny live pests an easy avenue of escape. However, along with covering drains MPI will consider any effective method of preventing pests escaping down drains as agreed with an Inspector and specified in the TF Manual. However, as this is guidance only, it is reliant on the TFO to ensure appropriate management of pests occurs and other effective methods could be used.

Submission point 24: 6.1.5 Unpacking air containers. (1) The last sentence of this subsection does not make sense.

MPI response 24: Section 6.1.5 (1) now reads, "APs do not need to be an employee at the TF but must be currently approved for checking and managing containers. An AP may work with more than one TF Operator or TF".

Submission point 25: Submission point 23: 6.1.7 Record keeping. (1) This subsection makes a recommendation to record:

- *Confirmation that internal and external checks were conducted (dates and times).*
- *Names of the AP who conducted the above checks.*
- *Online declarations.*

Completing these records will place unnecessary and meaningless requirements on TF Operators. Approved TF manuals will already specify the activities that need to be completed and by whom.

MPI response 25: The intent of Section 6.1.7 (1) is as useful guidance to aid TF Operators in the collection of useful TF records. The TF Manual must also specify which records will be kept as per standard requirements.

Submission point 26: The recommendation to record of contaminants found and how and when MPI was notified, and to record any remedial actions taken should be retained.

MPI response 26: This is a current requirement and TFOs must keep such records. Please refer to the existing version of TFGEN.

Submission point 27: 6.2.1 Physical requirements. (1)Why is the 2nd sentence "Animal products may not be removed from the TF unless biosecurity clearance or another MPI authorisation for destruction, export or transfer is received by the TF Operator" included in this subsection?

MPI response 27: This has been included under 6.2.2 instead. This reads, "Animal products may not be removed from the TF unless biosecurity clearance or another MPI authorisation for destruction, export or transfer is received by the TFO".

Submission point 28: 6.3.1 Physical requirements at biological product TFs. (1) Why is the 2nd sentence "Biological products may not be removed from the TF unless biosecurity clearance or another MPI authorisation for another activity is received by the TF Operator" included in this subsection?

MPI response 28: The second sentence has been included under 6.3.2 instead.

Submission point 29: 6.5.1 Location of fresh produce or nursery stock TFs. (1) The 2nd sentence of this subsection states "TFs outside the metropolitan area surrounding the POFA from where the fresh produce or nursery stock arrived should have approved processes in place regarding the secure transfer of the fresh produce or nursery stock to the TF including the secure unloading and inspection". When uncleared fresh produce or nursery stock is authorised by an Inspector to be transferred from a POFA to a TF, the receiving TF Operator has no control or input into how those risk goods are transferred, i.e. they arrive at the TF at which time the TF Operator takes over responsibility, therefore cannot be responsible for the secure transfer aspects of this requirement.

MPI response 29: Section 6.5.1 now reads, "It is the TF Operators responsibility to work with the Inspector to ensure that the transfer or transportation of fresh produce or nursery stock is compliant. For example, if a TFO has repeated problems with a service provider not providing adequate consignment management then MPI should be notified. MPI would take further action as would be justified". MPI believes that the TFO is responsible for secure transportation of uncleared risk goods in and out of TFs. How this is achieved should be described in the TF manual

Submission point 30: 6.5.2 Inspection at fresh produce or nursery stock TFs. The heading of this section should be "Inspection facilities at fresh produce or nursery stock TFs" as it relates to aspects of facilities rather than inspections.

MPI response 30: Section 6.5.2 now reads, "Inspection areas at fresh produce or nursery stock TFs"

Submission point 31: 6.5.2 (3) This subsection contains two suggestions for the floor surfaces and an unrelated suggestion for "1 metre clear floor space separating each item including boxes or pallets of plants or produce". The latter suggestion is out of place in the Guidance Document.

MPI response 31: This sentence has been moved into 6.5.2. (4) of the GD.

Submission point 32: 6.5.2 (6) This subsection discusses actions to be taken when live organisms are detected on nursery stock or fresh produce, but only discusses subsequent actions for fresh produce samples.

MPI response 32: Section 6.5.2 (6) has been amended to refer to fresh produce and nursery stock.

Submission point 33: 6.5.3 Equipment for inspection at fresh produce or nursery stock TFs. (1) Why is it necessary to restrict the use of a binocular microscope for MPI inspection purposes only? Microscopes are expensive pieces of equipment and TF Operators may require their own use of such a piece of equipment for their own purposes.

MPI response 33: Section 6.5.3 (1) now reads, "The microscopes may be used for other purposes when not being used by MPI or when no risk goods are present in the TF, or if biosecurity clearance is granted for URGs".

Comments pertaining to the TFGEN

Submission point 34: 2.2 Cancellation of approval for a TF. (1) The last sentence of this subsection states "… and followed up by MPI". What is meant by this statement?

MPI response 34: This means that MPI will ensure that the TFO is fully aware that the actions have been carried out.

Submission point 35: 3.1.1 TF Manual structure and Information. Business identity, location and staff (including training)
This heading does not represent (all of) the requirements a) to h) that are listed.

MPI response 35: This entire section 3.1.1 TF Manual Structure and Information has been restructured for additional clarity.

Submission point 36: 3.1.1 TF Procedures for compliance and ongoing TF management. There are no requirements listed for corrective actions and prevention of reoccurrence. e) This subsection states that "Procedures specifying the secure and contained packaging and transportation of uncleared risk goods to the TF". There are numerous TFs that receive risk goods for the purposes of conducting some sort of authorised activity, but where the TFs are not in control nor have responsibility for arrangements with the transportation of those risk goods. How does MPI see this requirement being met in these situations? The wording of this requirement should be re-worded to reflect appropriate responsibilities and control.

MPI response 36: Corrective actions and prevention of recurrence will be associated with non-compliances where they arise. It is the TFOs responsibility to work with the transport operator and follow MPI Inspector directions to ensure that the transfer or transportation of URGs to TF is conducted compliantly. In addition, a BACC provided to transport operators with the URGs explicitly provide directions and contact details. However, TFOs are usually aware of most URGs that will turn up and the method by which this occurs. It is the responsibility of the TFO to operate TF systems that inform and help manage this area. For example, if a TFO has repeated issues with a transport service operator not providing adequate security or management of consignments then MPI should be notified.

Submission point 37: 3.1.1 There are no details (requirements) for procedures to be documented for internal audits, i.e. Who should conduct an internal audit, when it should be completed, the audit scope, and any records that may be required?

MPI response 37: Internal audits are covered in detail under section 3.8.

Submission point 38: 3.1.1 There are no details (requirements) for procedures to be documented for notification to an Inspector for unclaimed uncleared risk goods.

MPI response 38: This is covered under section 3.2.3. The requirement is for MPI to be notified about unclaimed URGs as MPI believe these could pose a biosecurity risk.

Submission point 39: 3.2.3 Unclaimed uncleared risk goods authorised to TFs. (1) The wording of this subsection is confusing.

MPI response 39: Under Section 3.2.3 the wording has been changed. Under the Act, the legal term for "direction" of risk goods to a TF is "authorisation" therefore this wording will be

retained.

Submission point 40: 3.4 Segregation of uncleared risk goods. (3) Spelling mistake – risks.

MPI response 40: This error (risks to risk) has been changed.

Submission point 41: 3.5 Record keeping. (3) a) and b) What is meant by "approval documentation"?

MPI response 41: An example of approval documentation would be a biosecurity authority clearance certificate (BACC). A BACC is a document issued by an MPI Inspector that certifies that the MPI Inspector has provided a clearance or a biosecurity authorisation for the goods it relates to.

Submission point 42: 3.5 Record keeping. (4) This subsection states "Records must be legible, readily identifiable, and must be kept for a minimum of seven years from receipt, preparation or amendment". Why are records required to be kept for seven years? What purpose or benefit is there for retaining records for that length of time?

MPI response 42: This requirement under 3.5 (4) has been changed to only being required for two years (legal requirement).

Submission point 43: 3.6 Hygiene requirements. (1) This subsection states "The TF Operator must ensure that there is a hygiene system in place that ensures that the TF is kept clean at all reasonable times. The TF Manual must specify hygiene procedures that will be used in the TF to achieve this. Hygiene requirements must take into account prevention of accumulation of debris, dunnage, packaging, soil, or other waste that might pose a biosecurity risk, prevention of possible refuge areas for pests, sweepings and the disposal of such material. This section has a mixture of inconsistent terminologies. The heading is "Hygiene requirements". The second sentence requires the TF manual to specify hygiene management procedures. The third sentence states that the "Hygiene requirements" must take into account…

MPI response 43: Section 3.6 is now headed up as "Hygiene Management" and "hygiene management procedures" is used throughout the documents for consistency.

Submission point 44: 3.8 Internal audits of TF activities. (2) Audits must occur must occur at least once a year. A double-up of words. This will be changed to read ".

MPI response 44: This sentence in Section 3.8 (2) now reads, "Internal audits must occur at least once a year although an Inspector may request more frequent internal audits are conducted".

Submission point 45: 3.8 Internal audits of TF activities. (5) This subsection states "Within 10 working days of each internal audit being completed, the TF Operator must send an electronic copy of the report to an MPI email address as supplied by an Inspector". If the internal audit records are to be retained (refer 3.5 (3) d)), why is it necessary for the internal audit record to be sent to MPI?

MPI response 45: MPI requires this information from TFOs for a number of reasons. This proves that internal audits are being conducted, rapidly allows confirmation of up-to-date TF details and indicates compliance. In the past, MPI Inspectors have often contacted TFOs to conduct an audit and found that the company or premises have shut down or moved premises without informing MPI.

Submission point 46: 3.11 Staff training. (1) This subsection states "TF Operators must provide for staff member training". It would be appropriate to require the training to be specific for the TF operations".

MPI response 46: The wording in section 3.11 (1) now reads, "The TF Operator must provide for staff member training appropriate to TF operations and requirements. The TF Manual must describe how the training programme will be implemented, the time period for implementation, and make reference to refresher courses. Company training must be available to existing and new staff members and describe how staff member competence is verified. Training records for all relevant staff members must be held for MPI verification inspections".

Submission point 47: 3.12 External MPI audits. (1) This subsection states "TFs will be audited by an Inspector so that the biosecurity requirements specified in this standard are met". This statement is technically incorrect. An audit cannot ensure requirements are met, but can confirm compliance with requirements.

MPI response 47: Section 3.12 is headed up as "MPI Verification Inspections". The wording of the first sentence now reads, "MPI Inspectors will conduct verification inspections to determine if the requirements specified in this standard have been met".

Submission point 48: 3.12 External MPI audits. (2) This subsection states "The TF Operator must provide an Inspector access to the TF at any reasonable time or when provided with 24 hours advanced warning", and "The TF Operator may be notified of the audit in advance or it may be unscheduled". For the purposes of an inspection of the TF or risk goods that may be held at the TF, it is quite appropriate for the TF Operator to provide access as stated. However, for the purposes of an audit, it is not always appropriate for MPI to require this short notice time-frame, nor is it appropriate for unscheduled (or unannounced) audits. Some TF operations are spasmodic and in some situations the TF Operator (who may be the only appropriate person) maybe absent from the TF.

MPI response 48: MPI reserves the right to conduct appropriate verification inspections on a short term or unannounced basis where this is warranted. MPI believes that it is appropriate to conduct unannounced visits to TFs where required to confirm that compliance is consistent.

Submission point 49: 3.12 External MPI audits. (3) This first sentence of this subsection states "Where a TF is not compliant with this standard, approval for the TF Operator and the TF may be cancelled or suspended immediately". What is the meaning of this statement? Is it directly related to section 3.12 regarding access for the auditor and availability of the TF Operator and relevant documentation? What legislation supports this statement?

MPI response 49: As per Section 40 of the Act (and Section 39 for TFs), if a TF is being run without a TFO being present (the TFO having left) and MPI has not been informed MPI could immediately cancel on the basis that this is a critical non-compliance with the TF not being run compliantly. This is not directly related to provision of access to a TF but could contribute to MPI's subsequent actions. Clear indications on compliance and possible consequences of non-compliance are required in these documents. The Act emphasises the need for transparency and natural justice with regard to non-compliances and actions that MPI could consider. MPI has included a guidance box under Section 3.12 in TFGEN that reads,"Where a TF is not compliant with this standard, and Critical Non-Compliances or multiple Major Non-Compliances are found, approval for the TF Operator and the TF may be suspended or cancelled. Where other non-compliances are found and suspension and cancellation is not immediately required, the MPI verification inspection frequency may increase and TF Operator training may have to be repeated".

Submission point 50: The Standard should specify the function, frequency and expectations for MPI external audits. Audits should be conducted following official notification with the TF Operator, including:

- *Advice of commencement time and date, and who should be present.*
- *The scope of the audit and any other documentation or related matter that might be required.*

This will enable TF Operators to provide any personnel and access assistance and documentation required and so that audits are conducted in an efficient and professional manner, without causing any unnecessary interruptions to commercial practices. At the time of the audit, the Inspector (or auditor) should:

- *Have an entry meeting with the TF Operator*
- *Outline the audit function, the timeframe and scope of the audit*
- *Advise any additional requirements, and that an exit meeting will be conducted at the end of the audit.*

MPI response 50: TFGEN states that MPI will conduct verification inspections to ensure compliance is being met. MPI Border Clearance Services run these verification inspections. Further information will be provided on the MPI website and information is also available from an MPI Inspector. MPI has separated out the operational details to do with verification inspections and this is no longer appropriate to include it in the standard.

Submission point 51: Part 4: High Risk Biosecurity TFs. (2) b) This subsection states "A description of the method by which uncleared risk goods are transported to a TF (including packaging)". As indicated in 3.1.1.e) above there are numerous TFs that receive risk goods for the purposes of conducting some sort of authorised activity, but where the TFs are not in control nor have responsibility for arrangements with the transportation of those risk goods. How does MPI see this requirement being met in these situations? The wording of this requirement should be re-worded to reflect appropriate responsibilities and control. c) & e). Similar to (2) b) above. Note: Comments in sections (2) b), c) and e) above are also applicable to other parts of this standard.

MPI response 51: The TFOs must work with the transport operator and follow legal directions from an Inspector to ensure that the transfer or transportation of URGs to TF is conducted compliantly. However, TFOs are usually aware of most URGs that will turn up and the method by which this occurs. It is the responsibility of the TFO to operate TF systems that inform and help manage this area. For example, if a TFO has repeated issues with a transport service operator not providing adequate security or management of consignments then MPI should be notified.

Submission point 52: 4.2.4 Fumigation TFs (including treatment with Formalin or Hydrogen Cyanide). (3)d) Should this read "Has fans that circulate the chamber's air capacity in one minute? What is the technical data supporting the requirements for circulation of chamber's air capacity within one minute? Is this appropriate for all fumigation TFs?

MPI response 52: It has been established scientifically that fumigation is best achieved where there is a homogeneous mixture of air and the fumigant (at the correct concentration) inside the fumigation chamber. This is to ensure that the air/fumigant mixture can consistently contact all parts of the consignment being fumigated. This is where fan-driven mixing is required to ensure that this occurs. Section 4.2.4 (d) now reads, "Has fans that circulate the chamber's air capacity in one minute".

Submission point 53: 4.2.7 Nursery Stock Treatment TFs. (2) a) Why is nursery stock that has been inspected at the border and found free of risk organisms authorised by an inspector to a designated TF for treatment? If it is inspected and found free of risk organisms then shouldn't it be considered a cleared risk good?

MPI response 53: Section 4.2.7 has been re-written to provide more clarity. The "treatment" that needs to be conducted (once the consignment arrives at the TF) may be required as a particular entry requirement for that particular type of nursery stock, and may be specified for this purpose in an IHS. For example, this could be a fungicide treatment specified in an applicable IHS. However, MPI inspects consignments for different types of pests (other than fungi) and consignments must be free of live, regulated pests such as insects.

Submission point 54: 4.3 Decontamination TFs. Subsections 2) and 3) contain poorly worded statements i.e. Decontamination TFs are those that devitalise, or must remove…

MPI response 54: The wording has been modified and is included in a Guidance box at the top of the page under Section 4.3 clause 1.

Submission point 55: 4.4.6 Specific requirements for incineration or sterilisation TFs. (1) d) & e) Why is it necessary to conduct a thermocouple test in the specified manner and frequency? Surely an approved sterilisation process has demonstrated that sterilisation requirements have been met (by following a documented processes including equipment calibration). If the TF Operator detects any variation in results or is required to deviate from documented or approved process, then authorisation from an Inspector could/should be obtained. (2) What is the basis for an Inspector being able to request a verification test at any time?

MPI response 55: MPI believes that the proper destruction of biosecurity waste by sterilisation (or other means) is essential. It is vital that the defined time and temperature regimes are met consistently and are checked regularly. Therefore, the weekly checking of these treatment specifications is mandatory. However, MPI has modified some of the information in this area based on the feedback received. After further internal expert feedback, for example, steam sterilisation core temperature will be required at 121˚C for 15 minutes or 100˚C for 30 minutes.

Under the Act, an Inspector can already request that a verification test is conducted for a number of reasons so this sentence has been removed. For example, if it appears that the proper treatment conditions have not been reached and compliance has not been met, the MPI Inspector may require verification.

Submitter 6: Dave Cookson, Land Power Ltd.

Comments pertaining to training of APs and TFOs regarding TFGEN requirements.

Submission point 1: Here is my feedback for the proposed submissions to the Guidance and Standard Documents. No issue with the proposed changes. I used the new template to create my Operating manual so I already have a lot of this information. Training – AP training every 2 years; TFO training every 2 years. Another way could be to test all staff at the MPI site audit, anyone that doesn't meet the required score should be retrained.

MPI response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

Submitter 7: Paul Craddock, Transprotect LP.

Comments pertaining to training of APs and TFOs regarding TFGEN requirements.

Submission point 1: I believe that both TFO and AP training should be 2 yearly. My reasons for this are: • The cost of training is relatively small for the benefits that accrue from the process. Our company employs 2 staff - one is the TFO and an AP and I am an AP - which costs us around $3-400 per year.
• The benefits in time saved, costs saved, reduced potential for damage, etc. far outweigh the cost.
• Too long a period between refreshing can lead to bad practice. Complacency can kill a good program.
• More frequent renewal would assist in ensuring all the roles are filled within an organization. How often does the TFO role fall vacant because of staff churn?
• As I understand the process the greater responsibility is on the AP - that is the person who has to hold the goods / halt the unloading if there is a problem and as a consequence absorb pressure from colleagues to "get the goods out". The TFO should be supporting the AP when this occurs - but this may not be happening. If that is the case then more frequent training / reminder of the impact of not following the rules needs to be made. If the training frequency was reduced to 2 years for both would it be possible to merge the AP and TFO training into one course for those who hold both roles?

MPI response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI believes also that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them.

Submitter 8: Rosemarie Dawson, Customs Brokers & Freight Forwarders Federation of NZ Inc.

Comments pertaining to the TFGEN

Submission point 1: In the Standard it states: 2.1 A TF must be physically/structurally secure… What is the measure to be used to determine this? CBAFF suggests that this should be specified, either by way of individual criteria for a storage facility of by reference to other legislation which already outlines appropriate criteria.

MPI response 1: The physical and structural security of a TF is assessed by an Inspector in

every situation. Physical and structural security with appropriate operational management means that TFs must provide adequate measures to ensure that URGs are held and managed appropriately.

Submission point 2: 3.12 External MPI Audits – CBAFF is concerned that the authority of a MPI Inspector has changed from "recommending" that approval be cancelled to having the authority to cancel or suspend immediately. CBAFF does not support this proposal as it has the potential for "abuse of privilege". The proposal does not provide for sufficient checks and balances in respect of the suspension or cancellation of the TFO or the TF. CBAFF submits that such authority to determine an organisation's business future must be subject to a process of review and appeal, under the principles of natural justice.

MPI response 2: However, our initial drafting was incorrect in that MPI managers only are responsible for suspension or cancellation of TFs (after recommendations from MPI Inspectors). MPI management and legal systems ensure that there is no abuse of TF management decisions, checks and balances are in place, and that all decisions are justified.

Submission point 3: In respect of training, CBAFF supports re-current training and has no opinion on whether training of TFO and APs should be aligned or the frequency of training. We do point out though, that in a number of instances the TFO and APs are one in the same person, so it would make sense to have the training aligned.

MPI response 3: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them.

Submitter 9: Lisa Dobbie, Plant Research (NZ) Ltd

<u>Comments pertaining to TFGEN</u>

Submission point 1: 4.2.8 (4) b) Conducted on an approved bench or table made of stainless steel (or similar) construction that has a raised edge of 5mm to 10 mm to prevent seeds from spilling off the surface during treatment. Is it possible to have a tray (possibly plastic) in place of a permanent bench? This would prevent seed spilling in a similar manner, but it would be easier to manage in small facilities.

MPI response 1: MPI requires uncleared risk goods to be managed appropriately and a proper inspection bench is usually required. However, each TF is assessed on a case by case basis and the Inspector will determine what equipment is necessary to mitigate the risk posed by the URGs at the TF.

Submitter 10: Verity Forbes, NZ Department of Conservation

<u>Comments pertaining to TFGEN</u>

Submission point 1: Despite the comprehensive standard and guideline it is not clear if these standards are consistently and rigorously implemented or audited. The transparency of this system is also complicated by overlapping standards that the Department is not necessarily familiar with (e.g. the interlinking IHSs - see the sea container point in (3.2) below).

MPI response 1: MPI Border Clearance Services conduct verification inspections at TFs. These are conducted as regularly as required for the level of URGs dealt with. Many TFs also deal with low risk items and low volumes of URGs. MPI will also provide the information regarding verification inspections on the MPI website in the future.

Submission point 2: The greater number of Transitional Facilities throughout NZ, the greater the risk of new organism introduction. 2.1. We are unclear on the amount of TFs throughout NZ, but believe it to be a significant number. It would be useful for the locations of TFs within NZ to be explicit and mapped – currently this is not transparent. To varying extents the uncleared risk goods being moved around the country will be contaminated - particularly sea containers and Inorganic Risk Materials and possibly their conveyance vehicles. We are aware of an MPI survey which found a container is in New Zealand for about 44 days before exportation and within those 44 days it had ample opportunity to be exposed to potential establishment sites via transit (truck or rail) and rural destinations. 2.2. Having TFs located throughout NZ increases the risk of hitchhiker establishment. The Department's preference is for minimal transportation of uncleared risk goods. TFs should ideally be located as close to a POFA as possible to minimise transportation risk pathways. Numbers of TFs located in rural areas should be kept to a minimum.

MPI response 2: Currently, there are approximately 5900 TFs around New Zealand (although this varies up and down from month to month). These are mostly located in the major cities in NZ but some are found in smaller centres and there are some that are located in rural areas. All are approved for their locations and are audited as required. It is MPI's policy to restrict TFs to suitable areas where public amenities and systems are available in New Zealand. However, some TFs may be approved in other areas where there is a specific need and biosecurity risk is managed thoroughly.

Submission point 3: Transparency regarding contamination, hygiene, inspection
3.1 The Standard states Decontamination TFs must remove or destroy biosecurity risk material associated with inanimate risk goods including equipment (of all types), such as sea containers. Does this mean all contaminated sea containers would be taken to Decontamination TFs to have all their six sides cleaned; and other contaminated inanimate goods would also go through this process?

MPI response 3: Most of the contamination associated with low risk containers is easily and quickly removable at the site. However, where significant contamination is found, MPI does send such sea containers to decontamination facilities. By contrast, high risk containers that have not gone through an MPI sea container hygiene system are inspected externally by MPI at the Place of first arrival (POFA) on all six surfaces. Depending if the container is empty or has cargo, they are also inspected by MPI internally at the POFA or at a TF after being directed there.

Submission point 4. (a) We are aware the Sea Container IHS (SEACO) prescribes all containers to be clean and free of pests and biosecurity contamination before being imported into NZ and that inspections or checks to verify this must be carried out by legally approved persons. However, for reasons of feasibility, only a certain percentage (offshore or in NZ) are inspected. This means the residual risk of contamination is probably reasonably significant. The discrepancy between what is stated cf. what is done (due to feasibility, inter alia) means it is very difficult for an external stakeholder to be conversant with the system, which is a concern.

(b) In spite of the inclusive definition of 'contamination' in Schedule 1, we are not clear on what MPI consider contamination to be in an applied sense. We are aware of a 1999 study which found the tops and bases of shipping containers held the most amounts of contaminants[1]. Yet in our understanding the tops and bases are rarely inspected because it was (is?) believed they did not pose a significant area of risk. We understand this belief stemmed from the Marshall & Varney (2000) study that assessed soil contamination as a risk pathway, but looked at bacteria, fungi and nematodes only. For some reason the study did not assess soil as a risk pathway for insects, weed seeds, or other biosecurity contaminants (e.g. skink eggs). Would you advise on the inspection regime for tops and bases of sea containers? Is this regime still informed by the Marshall & Varney study?

MPI response 4 (a & b). Since the Marshall & Varney study MPI has made considerable improvements to systems to manage sea containers. Every single container imported into NZ is either inspected by MPI or is checked by an accredited person (AP) for contaminants and pests at the POFA or TF. APs are specifically trained to MPI training standards for this purpose. MPI inspects the high risk containers whereas APs check the low risk containers. The external surfaces of low risk containers are usually observed multiple times from

unloading from a vessel, loading onto a truck and again at the TF where internal checking occurs. This includes the tops and undersides of containers. Port workers and APs such as crane operators and straddle crane drivers consistently report contamination to MPI. Once at TFs, APs and TFOs are required to report contaminants and pests to MPI and they alert MPI when live pests or significant contamination is found. Minor contamination can be removed and placed in the MPI biosecurity bin. In addition, MPI runs random inspections of containers at TFs around NZ. MPI believes that this area is managed well.

Submission point 5. Reporting suspect new organisms. There seems to be only two references to MPI's 0800 hotline service in the Standard (and these are referred to as an emergency number for inclusion in the TF manual, and under high risk TFs). We suggest a specific section on the MPI 0800 hotline to emphasise this is the first line of action in reporting suspect new organism(s). Don't hesitate—call the hotline, even if you just suspect a new organism.

MPI response 5: Reporting on contaminants and pests is heavily stressed during training and MPI send electronic quarterly updates (or more frequently if specific new threats are found) to all TFOs and APs. TFOs are all provided with MPI branded posters and refrigerator magnets that specifically state 0800 80 99 66 is the number to call for emergency situations when finding live pests or significant contamination.

Submission point 6. Pathway analysis – link to emerging risks. Is the TF new organism/contamination reporting linked into MPI's emerging risk system (emergingrisks@mpi.govt.nz)? Analysis of the data on the relationship between types of goods and contamination rate would help determine high risk pathways. This intention could be explicit in the Standard.

MPI response 6: Interception data from import pathways and TFs is used to inform MPI on emerging and existing risks. Any emerging risks will link through to the MPI emerging risk system.

Submission point 7. Robust, transparent auditing. The level and frequency of the auditing regime for TFs is not clear in the consultation material. We note TFs are subject to their own annual internal auditing regime and periodic external MPI audits. We suggest more regular auditing (>annually) to ensure adequate hygiene and new organism detections. We would expect to see the high risk TFs audited the most often.

MPI response 7: MPI Border Clearance Services run compliance verification inspections based on compliance and risk factors. This means that many TFs are visited and assessed multiple times per year than a single, annual visit. MPI also conduct random inspections on all TFs except those where MPI Inspectors are regular visitors for risk based biosecurity business reasons.

Comments pertaining to the GD to TFGEN

Submission point 8. We found the Guideline useful and practical, clearly unpacking the actions expected of TFOs and APs. However, we think the use of 'should' in many areas of the document introduces ambiguity as it implies actions are optional; yet many are linked to risk actions or non-compliance consequences. For example, 5.5(5) states "If spillage occurs during transport, the transporting vehicle or container should immediately be thoroughly cleaned and the waste managed as authorised by an Inspector. The TF Operator should also report any spillage or leakage of uncleared risk goods (that constitutes or is likely to constitute a biosecurity risk) to an Inspector as soon as possible". We think the use of 'must' is more suitable for most of the prescribed activities in the Guideline.

MPI response 8: The GD holds non-legally binding guidance. The only place where mandatory language occurs and is used is where MPI quotes TFGEN, IHSs or the Act. MPI has clarified requirements and the recommendations in the GD are considered to be best practice. The TF manual is also enforceable once it is approved.

In addition, the "musts" of TF management and mandatory responsibilities under the Act are emphasised as being essential during initial training and retraining of TFOs and APs. During compliance verification inspections at TFs, MPI Inspectors also focus on what must be done and what the TFO has agreed to do to meet the requirements specified in their TF manual

which is legally binding. In summary, TFGEN provides the "musts" and uses mandatory language whereas the GD provides best practice examples of how the "musts" could be met. The most relevant document for each TF is the TF manual which specifically states what the TFO will do to manage the URGs at their TF and how they have agreed to be compliant with TFGEN and the Act.

Comments pertaining to Training for APs and TFOs

Submission point 9. We have not viewed the training material for TFOs or APs, but consider training every four years for regulatory information is too infrequent. To keep regulatory information in the forefront of the DOC Great White Butterfly Authorised Persons' minds, the Department undertakes a comprehensive training day, followed by an annual refresher course (a couple of hours only). Staff have found this to be extremely valuable. It provides the opportunity to raise questions and share applied knowledge; both of which reinforce understanding. For this reason we propose biannual training on an ongoing basis would be more suitable; even if every second training is a refresher.

MPI response 9: MPI values the approved training organisations highly and believes that they contribute to a very effective biosecurity system. MPI is committed to appropriate training for APs and TFOs and believes that it is appropriate to retrain APs and TFOs every two years. Most respondents to these documents also suggested that re-training should be conducted on this basis. MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes.

Submitter 11: Martyn Freer, Tapper Transport

Comments pertaining to TFGEN and the GD

Submission point 1. Page 3 – TF approval must be renewed annually. This appears to be a new requirement. To what degree does the approval need to be renewed? Will this be a "behind the scenes" function within MPI, or is there going to be some trigger required from the TF? Have MPI got the resources to process annual renewals for all TF's if not automated?

MPI response 1: MPI response 1: Annual re-approval of existing TFs will follow current practise in which verification inspections conducted by MPI and the payment of annual fees are part of the process required. The only new requirement that will impact on the annual renewal of TFs will be the need for TFOs to submit internal audit reports to MPI (at an email address that will be supplied to TFOs in the near future).

Submission point 2. Part 2 2.1(1) – A TF must be physically/structurally secure. Could we have a definition of this please? It does suggest that all TF's must be able to operate within a perimeter fence, or inside a secure building. What if there are several TF's operating in same industrial park where there is common hardstand for containers?

MPI response 2: The physical and structural security of a TF is assessed by an Inspector in every situation. Physical and structural security with appropriate operational management means that TFs must provide adequate measures to ensure that URGs are held and managed appropriately.

Submission point 3. 2.4(1)a) – State Name and MPI number of the premises. (Signage). This appears to be a complete u-turn by MPI as we have previously been instructed to remove the premises numbers from our signage. Please confirm.

MPI response 3: MPI will not require names and numbers to be included on the TF signs. Section 3.2.4 now reads, "A TF must have a prominent sign or signs that state: (a) These premises are a Transitional Facility approved under the Biosecurity Act 1993. (b) Entry is restricted to permitted persons only" (having received permission from the TF Operator).

Submission point 4. Part 3 3.2.2(1) – If spillage occurs during transport…..the TF operator must report any spillage. This requirement assumes that the driver/transport operator is aware of biosecurity requirements despite not being authorised/licenced by MPI. TF operators at either end of the transport

movement may not be aware and/or informed of any spillage. Currently MPI issue re-directions for uncleared cargo to move and these usually stipulate any wrapping requirements. In these cases, the origin TF would present cargo to transport operator in an appropriate condition, but they have no control from this point onwards.

MPI response 4: It is the TFOs responsibility to work with the MPI Inspector to ensure that the transfer or transportation of URGs to TF is conducted as compliantly as possible. In addition, a BACC provided to transport operators with the URGs explicitly provide directions and contact details. However, TFOs are usually aware of most URGs that will turn up and the method by which this occurs. It is the responsibility of the TFO to operate TF systems that inform and help manage this area. For example, if a TFO has repeated issues with a transport service operator not providing adequate security or management of consignments then MPI should be notified.

Submission point 5. 3.2.3(1) and (2) – Unclaimed uncleared risk goods reporting. This is a significant new requirement for 30 and 90 day reports to be submitted by TF's. The rules need to be clearer, for example, once cleared goods are no longer risk goods and therefore not subject to reporting requirements. Is there any particular information required in these reports?

MPI response 5: URGs must be managed appropriately and in a timely manner. Most risk goods do get checked by MPI Inspectors or APs in a timely manner but some are not managed as required. In this regard, MPI seeks more control and needs to be advised about the nature of the uncleared risk goods in question. A simple notification to MPI with appropriate details is all that is required for this purpose.

Submission point 6: 3.4 – Segregation of uncleared risk goods. Consider this example - a risk consignment has spent two months in a container en-route to NZ, along with a dozen non-risk consignments. Upon deconsolidation, MPI require the risk consignment to be segregated from the other dozen for fear of cross-contamination. In reality, the likely risks posed by the risk goods to the other consignments once in the TF are negligible, making segregation in the TF pointless. There is no increased risk of cross-contamination having risk consignments sit alongside non-risk consignments at the TF after they have shared a container for many weeks.

MPI response 6: MPI requires appropriate segregation of URGs. Your scenario is answered as follows. It is the TFO's and AP's responsibility to assess the uncleared risk goods for biosecurity risk such as contamination or pests and ensure that nothing is contaminating the URGs and any non-risk goods. Where Freight of all kinds (FAK) consignments of URGs are transported with non-risk goods it is the TFOs and APs responsibility to check all of these goods for contamination or pests. Where contamination or pests are found, MPI considers all of the consignment contents to be risk goods in that situation. It is always the TFOs responsibility to ensure appropriate management of risk goods until they are provided with biosecurity clearance by MPI.

Submission point 7: 3.11 – Staff training. Will MPI provide training templates for TF's? MPI auditors have previously indicated that training modules were being prepared for industry to use. This would then help TF's select appropriate modules for their operations, but also give MPI some control over the content.

MPI response 7: MPI develops and periodically modifies training material for external training organisations. An Inspector can also assist with training material upon request. However, it is the TFOs responsibility to ensure that TF staff that deal with the URGs imported into the TF are aware of their responsibilities and meet the requirements of TFGEN.

Submission point 8: Part 4. 4.2.1(1) - …transported to the TF securely… The receiving TF operator is unlikely to have control over the transport of risk goods coming to them and therefore should not be regarded as responsible for this movement.

MPI response 8: See MPI response 4.

Submission point 9: 4.2.1(4) – MPI approved transport operators. Please identify list/link giving details of MPI approved transport operators with approved vehicles for moving risk goods before POFA to TF, or TF to TF?

MPI response 9: MPI does not hold specific lists of these transport operators. However, vehicles associated with the movement of Biosecurity Treatment and Decontamination TFs will be listed in the TF manuals of these TFs as part of the approval process. The transportation of imported grain is another area of importation where approved transport operators are required. The details of such transport operators are listed in the Grain Importation Systems of approved grain importers.

Submission point 10: 4.2.2(1) – Holding of uncleared risk goods. See response to 3.4 above.

MPI response 10: See MPI response 6 as above.

Submission point 11: 4.3.2(4) – MPI approved transport operators. See response to 4.2.1(4) above.

MPI response 11: See MPI response 4 as above.

<u>Comments pertaining to the GD to TFGEN</u>

Submission point 12: 5.1 – TF Manual Development. No mention is made of the template manual available via MPI website. It must surely be to MPI's advantage to encourage use of this template so as to standardise TF manuals for audit purposes.

MPI response 12: The sample template found on the MPI website provides the basis of a TF manual. This is guidance only and it is not mandatory.

Submission point 13: 5.3(3) – Transport TF's. Please explain this term and how it differs from air/sea/deconsol TF's.

MPI response 13: The wording in this section has been modified. This now reads, "For uncleared risk goods that are authorised to a TF, the TF Operator is required to inform an Inspector if such uncleared risk goods remain unclaimed after 30 days. Where uncleared risk goods held at such TFs under Biosecurity Authorisation that are waiting for an importer's or import agent's decision on biosecurity management options, the TF Operator is required to notify MPI as to the status of uncleared risk goods if they are held for more than 90 days".

Submission point 14: 5.3(5) – Spillage during transport. See response to 3.2.2(1) above.

MPI response 14: See MPI response 4.

Submission point 15: 5.15(1) – Contingency Plans. Has it been considered to include the full approval process for operators at time of training? For smaller TF's, they may only have one trained operator, so they will need to be approved. For larger TF's, where deputy operators are encouraged due to scale/complexity of the operation, having these deputies already approved would mean improved business continuity if the main operator was not available for any length of time, or short-notice replacement of TF operator if necessary. Essentially, MPI would then know that all trained operators were suitable to be the TF operator. Notification process of change of operator to MPI would still be necessary, but could be a much simpler/quicker process.

MPI response 15: MPI Border Clearance Services (MPI front line staff) conduct the approval process and they work with training providers to work out the best, most effective way to train TFOs. Only when TFO training has been completed can full approval be provided by MPI.

Submission point 16: 5.19 – Staff Training. See response to 3.11 above.

MPI response 16: See MPI response 7.

Submission point 17: 6.11.1(3) – Where containers have travelled side-by-side on vessel, then door-to-door on truck/rail wagon, seems a little late to then insist a one metre clearance is maintained at the TF to avoid cross-contamination. Until containers have been checked by an AP at the TF MPI insists on their proper separation.

MPI response 17: This is to prevent possible cross contamination between URGs and non-risk goods at the TF and also to provide room for proper inspection of the container by APs or MPI

Inspectors.

Submission point 18: External checks need to be completed at POFA and any issues get resolved before containers are moved on. This would also mean that transport operators know that all containers have been cleared externally and so can place containers side-by-side at those TF's with limited space.

MPI response 18: All containers should be inspected at the POFA before transport by APs such as port workers and truck drivers for transport companies. However, this may not always occur and containers designated as low risk must be checked for contaminants and pests by an AP at the TF after delivery.

Submission point 19: 6.12.1(1) – Minimum separation distance. Suggest if it's a minimum, you don't quote a range!

MPI response 19: Section 6.12.1 (1) now reads, "Separation should be by a minimum of 3 metres or separated by other methods of containment as authorised by an Inspector".

Comments pertaining to Training for APs and TFOs

Submission point 20: Firstly, the TFO training should include AP training. For smaller operators, these roles may be covered by the same person. For larger operators, the TFO/deputies need to audit their APs and so having completed the same training will help them conduct these internal audits. Both TFO and AP retraining should be completed every two years. Facilities handling large numbers of containers on a frequent basis would be disadvantaged if re-training was required annually as the AP's are able to consistently practice these skills. Whereas facilities handling few containers on an occasional basis may find retraining every four years too infrequent as they are unable to put these skills into regular use. Hence, two years, and ongoing every two years seems to be a good compromise. Four yearly intervals for any refresher training suggests that there is likely to be long periods of stability around biosecurity risk for NZ. Does MPI believe this to be the case?

MPI response 20: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI does not believe that this training should be aligned as these are separate roles with different outcomes. It is understood that a TFO may also act as an AP but there are many APs that are not TFOs and do not have the experience or desire to do both jobs. Approximately 10% of all TFOs never deal with air or shipping containers and have no need for APs at their TFs. MPI does not believe that there will be extended periods of biosecurity stability as increasing volumes of imported goods, mail and passengers remain challenges to biosecurity management in NZ.

Submitter 12: Carole Grasso, Malaghan Institute of Medical Research

Comments pertaining to Training for APs and TFOs

Submission point 1. Feedback on Training Regimes: AP and TFO training should be not be aligned. AP training regime to remain the same. TFO training Yr 1 and Yr 3, then every 5 years (retrained if do not pass audit). Training schedule responsibility of MPI - mandatory training dates sent to TFOs and APs.

MPI response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

Submitter 13: Howard Henderson - TechKing Tyres

Comments pertaining to Training for APs and TFOs

Submission point 1. Our TFO view is that rigorous initial risk based assessment and audit that reflects the nature and volume of goods imported is better than a broad approach which requires all facilities to commit to the same administration and training process regardless of risk and volume. With regard to AP training. After the second training (Year 3), experience overtakes the training content and although specific threats may change. The AP working environment and inspection requirements remain the same.

MPI response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. The content of TFO and AP training courses will also be changed periodically to include relevant contaminants and pests, and other new information.

Submitter 14: James Hitchon - Hitchon International

Comments pertaining to Training for APs and TFOs

Submission point 1. We consider INITIAL training for TFOs and APs important. But we feel that RE-TRAINING every 4 years and 2 years respectively is an absolute waste of time and money for our organisation. I have attended initial training and re-training courses for both TFO and AP positions. Re-training does not cover any new information than that learnt from the initial training course. The trainer has occasionally made reference to a new type of insect that may have been found with imported goods on a given occasion, but this information can be far more productively passed on to the TFOs and APs, at considerably less cost to our organisation, in the form of an ELECTRONIC EMAIL with attached images of the pest to look out for. ANY new content with reference to biosecurity can be emailed in this way, saving organisations a lot of time and a significant cost. We are unsure why it is necessary to access the competence of TFOs and APs after initial training. None of the TFOs or APs we have had initially trained for our organisation have forgotten how to be TFOs or APs after a 4 year or 2 year period respectively. We are sure that the need to re-train TFOs and APs has been a welcomed revenue earner for trainer providers (such as IVS), however, we believe re-training to be totally unnecessary where the same result can be achieved with simple informative and regular emails.

MPI response 1: MPI is committed to appropriate training for both TFOs and APs and will ensure that both APs and TFOs are trained regularly and appropriately. MPI will continue to require that APs and TFOs are re-trained and assessed for competence. Most other respondents have suggested that the retraining period for both APs and TFOs should be conducted every two years. MPI also believes that this is appropriate. By contrast, updates on biosecurity issues or new pests are already provided to TFOs to pass on to their staff members. MPI does not believe that it is appropriate to provide on-line training as this has not been successful in the past. In addition, effective retraining for APs and/or TFOs cannot be provided by only using emailed data.

Submitter 15: Les Howard - Horticentre Limited

Comments pertaining to Training for APs and TFOs

Submission point 1. After looking over the proposed changes it looks like it is more orientated to risk goods, we have low risk goods come in and all the changes seem fine. In terms of training I feel it is satisfactory as it is for our situation, maybe a refresher 2 hour course every 2 years for TFO's that have done it for some time? But not sure.

MPI response 1: MPI is committed to appropriate training for both TFOs and APs and will ensure that both APs and TFOs are trained regularly and appropriately. This training will ensure that TFOs and their staff can effectively manage the type of URGs that arrive whether

they be low or high risk items. MPI will continue to require that APs and TFOs are re-trained and assessed for competence. Most of the other respondents have suggested that the retraining period for both APs and TFOs should be conducted every two years. MPI also believes that this is appropriate.

Submitter 16: David Jenkins - University of Auckland

Comments pertaining to TFGEN and the GD and Training for TFOs

Submission point 1. Clause 1.3.1 in the current version of the standard notes that a Corporate or the Crown might be the Operator. This clause also notes that the person who runs the Operation on a day-to-day basis must undergo Operator Training and will therefore be the de facto Operator. While we agree that the person who in charge of the day-to-day operation of the TFGEN must have biosecurity awareness training, we note that this person may not have control over the resources that are necessary for proper running of the facility. It is axiomatic that the person who has legal liability (i.e. the Operator) must have control of resources. We therefore submit that the standard allows for CEOs or a Senior Manager could be the Operator provided there is at least (our emphasis) one person on site that has undergone Operator training who reports directly to the Senior Manager who is the Operator. We submit that the required accountabilities necessary for the best running and resourcing of the TF best rest with Senior Management of the company or legal entity, but also that it is inappropriate for the Senior Managers to be attending courses on devanning risk goods provided (our emphasis) one person on site that has undergone Operator training who reports directly to that Senior Manager who is the Operator.

MPI response 1: MPI believes that such a person could be a trained Deputy TFO with specific TF responsibility.

Submission point 2. It is submitted that if Operator training is mandatory, this should be a requirement of the standard (as it is in the current standard) and this requirement should NOT be located in the Guidance document. While Guidance Documents might refer to normative statements in the standard, they generally provide means of compliance and/or informative statements. Clause 1.3.1 in the current version of the standard provides clarity on who may be an Operator and on the training requirement and should be retained in the revised Standard.

MPI response 2: The revised TFGEN specifies matters that are required for the operation of TFs and it does not hold requirements for TFOs based on legal feedback. The introduction to TFGEN states "A TF must be operated by an approved TFO", and it is impossible for a TF to be approved/re-approved without a TFO. The Act requires MPI to develop policy to ensure that TFOs are appropriately trained and then be re-trained as required (see Section 4.2). The GD also states that a TFO should do a number of things with regard to TFGEN and the Act. .

Submission point 3. With regard to frequency of training of Operator, it would seem prudent for Operator Training to be aligned with AP training (i.e. Year 1, 3, 5, 9 and 13).

MPI response 3: MPI is committed to appropriate training for TFOs and APs and believes that it is appropriate to retrain APs and TFOs every two years. Most other respondents also suggested that re-training should be conducted on this basis. MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them.

Submission point 4. Specific Comments. 3.10 Contingency Plans. We submit that suggested list of events that might need contingency plans should include: 1. Loss of fuel and gas (particularly relevant for facilities that are involved in steam sterilisation TFs). 2. Force majeure events such as earthquakes and flooding.

MPI response 4: MPI believes that contingency plans should cover identified risks and unidentified risks as much as possible. MPI considers that some occurrences will be understood to be beyond the control of the TFO to manage in the first instance. MPI will take all such events into consideration especially if the TFO informs MPI of problems promptly.

Submission point 5. 4.14 Hygiene requirements. Contact times for most disinfectants is at least 5 minutes to provide biocidal activity. It is suggested that the microbiocidal efficacy of foot baths/footpads/wheel baths is reviewed.

MPI response 5: The TF manual will list what chemicals are used operationally at TFs and how often they will be replaced or topped up. A MPI Inspector will assess and approve this. TFOs must ensure that chemical listed in the TF Manual are applied appropriately and as specified on the label. The MPI Inspector will approve and check that this information is appropriate. MPI will not specify chemicals or times in TFGEN to ensure that it does not limit new products becoming available in the future.

Submission point 6: 4.16 Effluent treatment. If sodium hypochlorite is used as a source of chlorine, it is suggested that users' attention is drawn in an informative reference in the Guidance document to rapid decay rates for hypochlorite when in concentrated form (i.e. 4 month half-life for 12% solutions).

MPI response 6: Bulk commercial production normally takes degradation into consideration. As long as these products are stored correctly, then they should be at the minimum strength on the label at the end of storage. MPI understands that chlorine (hypochlorite) by itself is not suitable for footbaths or footpads as it is quickly degraded by dirt, protein and contaminants and also degrades with light, heat and time. The TF manual (as agreed with MPI) will specify what chemicals are used at TFs, to label specifications, and how often they will be replenished. Though verification inspections MPI Inspectors will check that effluent treatment is managed appropriately at TFs.

Submission point 7: 4.4.7 Biological Indicator Testing for Steam Sterilisation Facilities. It is suggested that the standard specifies the spore loading of Geobacillus strearothermophilus on the carrier strip in biological indicators. The most common loading used in hospital sterilisers is > 5 x 10^5 spores. It should also be noted that self-contained test strips are available (c.f. 3M Attest 1262 and 1292) and are commonly used in hospital steam sterilisers which obviate the need for a testing laboratory. In particular rapid fluorescent based systems are available (3M Attest 1292) which also have special self-contained reading systems and will give a reliable result within 3 hours. It is suggested that the standard allows the use of these self-contained systems as being equivalent to independent laboratory testing. Being self-contained and easy to use, such biological indicators will promote more frequent testing by Operators which is to be encouraged.

MPI response 7: MPI believes that this level of spore loading is appropriate. Section 4.4.7 has been extensively re-written to include relevant information including this level of spore loading. This section also specifies that such approved TFs can use a commercial heat pad (or equivalent method) to grow the tubes out for 48 hours at the TF rather than having to be sent to a commercial laboratory. Such arrangements must be specified in the TF manual and must be verified by an MPI Inspector.

Submission point 8: It is submitted that Systems of Equivalence (clause 2.16 in the current standard) be retained as it will promote best practice and innovation.

MPI response 8: MPI no longer uses the term "equivalence" for legal reasons. MPI will always consider biosecurity systems for approval that meet the requirements of TFGEN. These can be approved if appropriate and included in TF Manuals. The GD sets out suggested ways in which systems for URGs can meet MPIs requirements for management.

Submitter 17: Jill Jones – Biosecurity and Training South Ltd.

Comments pertaining to TFGEN and the GD

Submission point 1: Submission point 1: Scope. There is a lot of reference to the Scope of the documents but there is no heading for Scope anymore. Is this now meant in general terms as opposed to the literal Scope section?

MPI response 1: The term "Scope" was meant in a general sense. The heading Part 1 "General Requirements" and 1.1 Application and associated wording is now used to describe "scope" to align with MPI's new format for standards.

Submission point 2: TFO description TFGEN Background / GD 4.2

- *The existing Std states a TFO is "…..a person, normally an individual, but may be the Crown, a corporation sole, or a body of persons (incorporated or unincorporated)……" but the new version does not state this. As you may be aware, then standard relates primarily to what is required for TF. Is this an over site or deliberate, in which case, what happens to those facilities that have the company as the TFO at present?*
- *The GD states only that the TFO should have the "necessary authority & resources".*

MPI response 2: TFGEN states that a TF must have a TFO but the main information regarding TFO approvals and requirements is held in the GD. This is legally enforceable by MPI as this is MPI policy that is required under the Act. For existing TFs, the TFO will be aware of who may be approved as a TFO including those who may represent the Crown, a corporation, an individual, or a body of persons (incorporated or unincorporated). For prospective TFOs, they will be fully informed by MPI about who can be a TFO.

Submission point 3: I query the use of the word "should" leading a person to believe there may be another option to having the authority & resources? Perhaps this should be a "must"

MPI response 3: TFGEN and the GD have different purposes under the Act. TFGEN holds mandatory information on the operation and management of TFs and says how this must be done. For example, TFGEN deliberately makes little mention of TFOs except for the fact that TFs must have one. TFGEN is about requirements for TFs and avoids specifying TFO requirements in detail. The GD holds guidance or best practise advice on how TFs could be operated and managed but the information is not legally binding. Mandatory language only occurs in the GD, where TFGEN, IHSs or the Act are directly quoted. Where we use the word "should" this indicates that whatever is being referred to is best practise methodology.

MPI is clear that all relevant details of URG management at TFs are written up explicitly in the TF manual as this is required in TFGEN. In addition, the "musts" of TF management and mandatory responsibilities under the Act are emphasised as being essential during initial training and retraining of TFOs and APs. During compliance verification inspections at TFs, MPI Inspectors also focus on what must be done and what the TFO has agreed to do to meet the requirements specified in their TF manual. In addition, MPI training organisations need to emphasise that the best practise guidance as specified in the GD, is the best practice by which the requirements of TFGEN are met.

Submission point 4: Sea Containers & Risk Goods. It is difficult to know whether the term Risk Goods includes the Container. As there is an IHS for Sea Containers then technically, the answer is yes. Following this theory and the way TFGEN is written, I'm assuming that commonly termed "low risk" seaco facilities must adhere to all of Part 3 eg 3.2 Receipt & Transfer of uncleared risk goods (5.3 GD). This talks about 'Control Areas' for devanning. IF this refers to the container pad then terminology needs to be consistent.

- *3.4 Segregation of Uncleared Goods/5.6 GD*
- *3.9 Inspection of Uncleared Risk Goods at TF's*

With the new requirement for a 'Holding Area' this could apply to Seaco sites but it falls down when you talk about the need for Inspection benches, lights, microscopes etc.

MPI response 4: Air and sea containers are URGs until checked or inspected and provided with biosecurity clearance. The controlled area for these containers is the approved storage area at the TF. This area must be specified in writing and shown on a detailed TF map in the TF manual. MPI believes that TFOs of container facilities are aware of the designated control areas are at their TFs. MPI will use the term "controlled areas" rather than "holding areas" throughout the documents for consistency.

Submission point 5: 3.3 Security (5.5 GD). The GD talks about the TFO maintaining a logbook for Visitors and yet this is not mentioned in TFGEN.

MPI response 5: Section 3.3 (1) b now reads, "Visitors must sign in to a log book at the TF agreeing to meet TF requirements".

Submission point 6: 2.3 TF Location (5.2 GD). Std states "must be located in metro areas of cities or

towns that can provide services & systems to ensure that the Biosecurity requirements……."
The GD states "must be located within metro areas of cities or towns where access to services and amenities (such as sewerage and mains power) are provided…."
There is a difference here. I would suggest the Standard wording is better as there are TF's on the city perimeter that are on spring or bore water, and/or septic tanks but have appropriate premises. This may be best as a discretionary decision based on the cargo/area (as per the remainder of the GD description).

MPI response 6: It is MPI's policy to minimise biosecurity risk as much as possible by restricting TF locations to suitable places. However, TFs may be approved for specific purposes in non-metropolitan locations if biosecurity outcomes are managed adequately. For reasons of natural justice MPI cannot automatically decline such applications without appropriate assessment. Section 2.2 "TF Location", now reads, "TFs must be located in places that can provide suitable services and systems to ensure that the biosecurity requirements for uncleared risk goods are managed adequately and maintained. Adequate provision must be made for the management of contingencies in the event of an incident or the need for containment".

Submission point 7: 2.4 Official TF Signage (5.13 GD). I don't believe having the TF name, ATF no. is advisable. The sign message needs to be short and to the point and adding unnecessary info dilutes that. Sourcing individual signs would be difficult and expensive for TF's as each has to be printed individually. The option to 'hand write' the details on generic signs (or making their own) only makes the sign look unprofessional, and the writing will no doubt wear off in a short space of time. The GD 5.13 doesn't say this is mandatory so some ambiguity between the two docs.

MPI response 7: TFGEN and the GD are fully aligned regarding official signs and MPI will not require TF numbers or TFO details to be placed on them. TFGEN now reads, "A TF must have a prominent sign or signs that state: a. These premises are a Transitional Facility approved under the Biosecurity Act 1993. b. Entry is restricted to permitted persons only (having received permission from the TF Operator).

Submission point 8: 3.1.1 Manual Structure (5.1 GD). Business identity, location & staff (a-h) doesn't mention Pest, Weed, Vermin control records or Waste Disposal records (but does specifically mention the internal staff training & internal audit). It is possible this could come under f) Procedures & regime etc. or the following TF Procedures but so could Internal training & audits. I would suggest either all or none are mentioned specifically.

MPI response 8: TFOs are required to report pests to MPI. Section 3.5 Record Keeping (3c) states, "The TF Operator must keep the following accurate records (including dates and times): Contaminants and pests found and reported to MPI". Pest control is also well covered under 3.1.1.4 (f). This reads, "Procedures identifying management and exclusion of pests, vermin and weeds in and around the TF, including treatment of the inspection area by physical means or with pesticide (if applicable)".

Submission point 9: 3.2.3 Unclaimed uncleared risk goods (5.3 GD). I have concerns that risk goods can be held for 90 days while awaiting the importer or agent's decision? This is a long time, potentially allowing at least two stages of any insect life cycle (and two seasons with a range of temperatures that would at some stage be 'suitable' for most insects). I'm not familiar with this requirement but I have concerns there could be Biosecurity issues here.

MPI response 9: URGs must be managed in a timely, appropriate manner. However, the current issued version of TFGEN does not specify time limits for inspection of many URGs at TFs. Most risk goods do get checked by MPI Inspectors or APs appropriately but some are not managed as required and MPI seeks more control.

Submission point 10: 3.4 (2) Segregation of Uncleared Risk Goods (5.6 GD). Instead of saying "…in the same manner as uncleared risk goods." Perhaps the TFGEN statement could say " ….in an appropriate manner as prescribed by MPI". This allows the affected cargo to be dealt with in a different way to the original risk cargo if necessary. Different types of cargo may require different treatment methods for the same contaminant, or the importer may choose to destroy instead.

MPI response 10: Section 3.4 (2) now reads, "Cleared risk goods or other goods that become

contaminated (or are suspected of being contaminated from contact with uncleared risk goods) must be regarded as a biosecurity risk and handled in an appropriate manner as authorised by an Inspector".

Submission point 11: 3.7 Pests, vermin & weed control. The inclusion of "non-regulated pests (such as arthropods)" is confusing? There may be a valid reason for this inclusion but it seems at odds with the discussion in other areas and the terminology isn't consistent and not clear to TF's. GD 5.10 does not mention arthropods.

MPI response 11: TFGEN and GD have the word "arthropods" explained in brackets as "insects, mites and spiders".

Submission point 12: 3.8 (2) Internal Audits. Edit 'Audits must occur must occur at least once a year'. Perhaps add after this 'or as directed by MPI (or the relevant IHS/Import Permit)'.

MPI response 12: Section 3.8 (2) now reads, "Internal audits must occur at least once a year although an Inspector may request more frequent internal audits are conducted".

Submission point 13: 3.8 (3) The statement that TFO's review their manuals 'at least annually' is at odds with MPI requirement that the manual is 'up to date'. During TFO training I state their manuals must reflect at all times what is happening at their facility. Annually isn't usually sufficient for this. MPI states the TFO must inform MPI immediately of any changes at a TF, so saying the manual only needs updating once a year, sends the wrong message. I know this will mean for TFO's that they do a quick revamp just prior to audit.

MPI response 13: MPI believes that the following wording is appropriate, "The TF Operator must review the TF Manual at least annually to ensure its continuing suitability and effectiveness to meet the requirements of TFGEN and make any necessary changes required".

Submission point 14: 3.9 Inspection benches. There is no clear or constant requirement around the surface of benches and this is an issue many TF's have as some are being issued CAR's for not having Stainless Steel benches when nowhere in the Standard does it say this is mandatory. This is a costly exercise for TF's and confusing.

MPI response 14: Until the current version of TFGEN is revoked, an MPI Inspector cannot legally issue CARs for non-compliance against not having a stainless steel inspection bench. MPI's intention that an appropriate inspection bench of suitable construction is available. The revised GD states wording as follows for benches at TFs (where these are required), "The following approved equipment should be provided at the TF: An approved inspection bench (stainless steel construction or similar with a raised edge of 5mm to 10 mm should be provided) to prevent "X" from spilling off the table during inspection".

Submission point 15: 4.1.5 Reusable Equipment. (1) f) & h) say very similar things?

MPI response 15: The two clauses former under Section 4.1.5 are combined as 4.1.5 (g). This now reads, "All pockets are emptied and debris removed before leaving the TF, and the protective clothing to be laundered is transferred in a contained manner such as in sealed plastic bags or bins".

<u>Comments pertaining to Training for APs and TFOs</u>

Submission point 16: Accredited Person Training.
It is interesting that the examples given for the Accredited Person training on pg 9 of the Discussion document still shows confusion around Accredited Person training frequency. The wording suggests it correctly as 2yrs: 4yrs but the diagram suggests the incorrect 2:2:4yrs i.e. training in years 1, 3, 5 & 9. My belief is that 2 yearly training is appropriate when you weigh up the potential for risk from inadequately trained Accredited Person's. Some things are too valuable to put at risk and I believe four yearly training is setting TF's up to fail by not receiving adequate training.

Too much can change in four years, Accredited Person's move around so much that they can get 'lost' in the system. Additional to that, the inconsistencies in procedures between TF's means good habits can be replaced with bad. Many of our trainees have stated they still learn something new every two

years and they themselves have concerns around their ability to remember the procedure between four year training. For low volume TF's, the gaps between containers may be so great they forget what they need to do. High volume TF's can fall into the typical human nature trap of cutting corners so more frequent training is a good reminder for them. Finally, every two years will avoid the confusion which has surrounded the training frequency in recent months. The variation in training frequency is too hard to track and there has been no end of re-work required to sort incorrectly dated certificates which looks extremely unprofessional. As a governing body, MPI should be leading by example. Operator training. Full day training every two years is necessary to ensure TFO's are fully aware of their legal responsibilities. If they are to be held more accountable, as MPI have indicated, then MPI has a responsibility to ensure TFO's are provided with the appropriate & relevant information (training).

<u>High Risk TFO's</u>
The suggestion of a full day course then an additional half day for High Risk TF's is a good one but I have concerns that covering the variables between facilities would dilute the importance of the message and may not be as beneficial as first thought. It could in fact be too confusing. An alternative I suggest is:

- *Full day course for all TFO's to provide Biosecurity background and legal information*
- *Half day on site (semi practical) course for High Risk TFO's by an approved trainer.*

The benefits would be:

- *More site specific information provided in a practical fashion*
- *One on one training -more likely to ask questions/clarify/remove uncertainty*
- *More focus on individual product, procedures, documentation, audit process, etc.*
- *Ability to adapt training to encompass regional/product/site variation*
- *Remove confusion when delivering 'generalised' training in a mixed group*
- *Result in more highly trained, confident, knowledgeable TFO's*
- *Less non-compliances at MPI audits based on well-educated confident TFO's*
- *Better feedback to MPI from trainers re: training success, issues etc.*

The difference is comparable to having heart surgery by a General Surgeon v's a Cardiologist. More specialised training - more knowledgeable/confident TFO's - better outcomes.

MPI response 16: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI will also require a test which attendees must pass in order to be approved as an AP or a TFO. This will ensure that they are trained appropriately and on a regular basis.

One relevant change that MPI is considering is "on-site assessment" which would also be set at a two yearly interval. MPI considers that assessment of competence or retraining could occur in the TF. This would be a realistic assessment of APS and TFOs discharging their TF duties. MPI is also revising the content of the training material with the help of approved training organisations (such as yours) and is also likely to increase the duration of the TFO course to a full day.

Submitter 18: Greg Jorey – DEPCO/Seat Warehouse.

<u>Comments pertaining to TFGEN and the GD and Training for TFOs</u>

Submission point 1: As a TF Operator and AP as well as discussing the Draft with our other AP we have the following comments. 2.1.1 Changes to a TF: If a physical or structural change to a TF has a direct impact on the way the TF operates then yes MPI should be notified prior to the change. A lot of TF's like our own are multipurpose i.e. a part of the property is used as a TF or temporary TF and the majority is used for normal business practice like retail showroom, warehouse, office etc. The way the Draft is worded means that a change to a part of a building that has no impact on how the TF operates requires MPI approval which we feel is wrong.

MPI response 1: MPI will not impose unjustified requirements on parts of the premises at TFs that have no bearing on the operation or security of the TF.

Submission point 2: 3.9 Inspection of uncleared risk goods at TF's. (2) We strongly disagree with

having to provide MPI with equipment for inspection. How many small businesses have ready access to things like microscopes? Sure given enough time we could hire or buy benches, lights and sample bags but our view is that these are the tools MPI require to do their job so they should provide them. Does a mechanic ask his customers to provide the tools to fix their cars? Does a bricklayer ask his clients to provide the concrete mixer? Does a radiologist ask the patient to provide the x-ray machine? A TF should provide an area or room for inspection but not the equipment.

MPI response 2: MPI requires that importers of specific risk goods provide appropriate equipment. Before TFs are approved, discussions about required equipment occur between the Inspector and TFOs so expectations are known. For example, importers of vehicles where MPI has to conduct underside inspections must have safe, ramps that are fit-for-purpose. The same applies for regular importers of fresh produce or nursery stock that has the potential to bring in invasive pests. Suitable inspection equipment is required so that MPI can do an efficient, timely job. This type of equipment and resources required depends on the URGs imported.

Submission point 3: We feel that the TFO retraining should be every 5 years or earlier if multiple or serious issues are found during an Audit. The AP should be initially trained and then in 2 years and then every 5. It must be hard for MPI to come up with a training regime as some AP's check multiple containers a day and others do 2 or 3 a year. Some sites have the same product coming in from the same place all of the time and others have many products coming in from different countries. One thing that needs to be addressed is the requirement for difference courses for initial training and retraining. I have been on a number of IVS retraining courses and they are no different from the initial training course, in fact they are the initial course with a mix of new and existing AP's. Given the type of retraining currently offered we would be better off doing the initial course and then an MPI online questionnaire every 2 or so years. It would be less disruptive to the business (could be done after hours) and if MPI came up with the questions they would relate to current topics that need addressing instead of how to fill in a container log sheet for the 2nd, 3rd or 4th time.

MPI response 3: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. The content for AP and TFO training courses will be changed periodically to include relevant contaminants and pests, and other new information. MPI is also considering "on-site competency assessments" (set at the same duration for retraining). By contrast, MPI does not believe that effective retraining for APs and/or TFOs can be provided by using on-line questionnaires or emailed information.

Submitter 19: Laurence Kent – Premier Beehive NZ Ltd.

<u>Comments pertaining to TFGEN and the GD</u>

Submission point 1: 3.6 Waste disposal" .Guidance statement 3.6 states Waste for treatment or disposal might include shipping material (e.g. contaminated pallets, shipping container), contaminated packaging. (i.e. packaging that has been in contact with uncleared animal product), trim, by-product and liquid. I believe MPI have got the waste stream management wrong – I base this on the following:- 1. Current requirement of plastic packaging (carton liner) treatment requires verified heat treatment within a certified transitional facility – the current allowance of raw (uncooked) pork of no more than 3kg in weight (CRC) being available to retailers in greater quantities appears a contradiction in standards. These retailers are not "transitional facilities" and not subject to any regulation to manage this risk. 2. Deep burial for plastic waste is still referenced within the IHS as an option for all packaging material, why are we then required to send this to a "certified transitional facility" at additional cost to our business (PBNZ expects this to be within the vicinity of $55k for FY 2015). 3. Recent e-mail correspondence with MPI, indicates that there is likely to be a requirement for a transfer request to MPI for the movement of packaging material from qualifying "un-cleared animal product" this would create a significant impact on our business – Currently we would process around 20 – 30,000kg per day this is a mixture up to 6 different cuts of pork a day and sometimes from up to 8 different suppliers, therefore a container may move through our plant within a couple of days or sometimes up to a month. The process of managing this and multiple transfers, let alone the process of verifying each movement and reconciliation of all would be a large administration effort. And for what benefit?

Have MPI assessed the risk to the NZ pig herd from previous processes of deep burial what was there finding and what caused them to make the change to current heat treatment. 2. Can we PBNZ investigate the possibility of heat treating on site all plastic packaging to avoid this cost? Guidance 3.6: Waste disposal. Waste for treatment or disposal might include shipping material (e.g. contaminated pallets, shipping container), contaminated packaging (i.e. packaging that has been in contact with uncleared animal product), trim, by-product and liquid. I believe MPI have got the waste stream management wrong – I base this on the following - Current requirement of plastic packaging (carton liner) treatment requires verified heat treatment within a certified transitional facility – the current allowance of raw (uncooked) pork of no more than 3kg in weight (CRC) being available to retailers in greater quantities appears a contradiction in standards. These retailers are not "transitional facilities" and not subject to any regulation to manage this risk.

MPI Response 1: **Pig meat and pig meat products that meet the requirements of the IHS in the exporting country are eligible for biosecurity clearance on arrival to New Zealand. The risks associated with these products have been managed through cooking, curing, or preparation as consumer ready cuts of pork (direct pathway) prior to import and the products (including the packaging) are not subject to further biosecurity measures (i.e. packaging can be disposed of in general rubbish). Therefore, these retailers/importers are not required to have approved TFs. Alternatively, pig meat and pig meat products being directed to a TF in New Zealand for further processing are subject to the requirements in the IHS which includes biosecurity measures for waste material (e.g. contaminated packaging)**.

Submission point 2: Section 3.6(1): Waste disposal. Deep burial for plastic waste is still referenced within the IHS as an option for all packaging material, why are we then required to send this to a "certified transitional facility" at additional cost to our business (PBNZ expects this to be within the vicinity of $55k for FY 2015).

MPI Response 2: The pig meat and pig meat products IHS specifies that waste which has not been processed per the IHS must be disposed as outlined (e.g. deep burial) in a TF. MPI acknowledges that the use of headings in the IHS to convey the requirement that waste must be treated or disposed of at a TF may not be interpreted correctly by a TFO. However, section 25 of the Act 1993 defines goods to be cleared for entry into New Zealand and clearly states that uncleared goods may only be moved to another TF, Containment Facility, Biosecurity Control Area or must be exported.

Submission Point 3: Section 3.6: Waste disposal. Have MPI assessed the risk to the NZ pig herd from previous processes of deep burial what was there finding and what caused them to make the change to current heat treatment.

MPI Response 3: Please see responses to questions on Sections 3.6 and 3.6.1 as above.

Submission Point 4: Section 3.6: Waste disposal. Can we PBNZ investigate the possibility of heat treating on site all plastic packaging to avoid this cost?

MPI Response 4: Biosecurity waste may be treated on site as long as the treatment or disposal meets the requirements of the IHS (and relevant local body requirements).

Submission Point 5: Section 3.3: Receipt and movement of uncleared animal products. Recent e-mail correspondence with MPI, indicates that there is likely to be a requirement for a transfer request to MPI for the movement of packaging material from qualifying "un-cleared animal product" this would create a significant impact on our business – Currently we would process around 20 – 30,000kg per day this is a mixture up to 6 different cuts of pork a day and sometimes from up to 8 different suppliers, therefore a container may move through our plant within a couple of days or sometimes up to a month. The process of managing this and multiple transfers, let alone the process of verifying each movement and reconciliation of all would be a large administration effort. And for what benefit?

MPI Response 5: Section 25 of the Act states that uncleared goods may leave the TF or area if an MPI Inspector authorises their movement to another TF, biosecurity control area or containment facility. MPI acknowledges the concerns expressed by PBNZ and is investigating options for multiple movement authorisations approved for a six monthly to annual basis. The TFO would be responsible for maintaining the records for the transferred products which would be verified by MPI during the TF's annual compliance verification inspection.

Submitter 19: Andrew Lawes – Red Stag Timber Ltd.

Comments pertaining to TFGEN and the GD

Submission Point 1: Firstly regarding the Standards/Guidance documents. Hygiene requirements (Guidance 5.9 mainly): needs more detail on what TF can do with their biosecurity bin waste. Do they place bag back in empty swept container or hold for collection by approved organisation? Do we place pallets and dunnage in container after emptying container for disposal? We have a two very large wood-waste boilers (20MW each) into which our biosecurity bin bag is incinerated. We often get clean ISPM15 compliant pallets or dunnage timber within container shipments, some of which would simply be disposed in waste bins as we do not reuse onsite. Guidance around these would be helpful.

MPI Response 1: The regular disposal of biosecurity waste should be discussed with your local MPI Inspector. It would be acceptable to incinerate biosecurity sweepings and wooden items in your waste wood boilers (provided that you meet the district environmental requirements). This would need to be specified in your TF manual as an approved method of destruction. You must keep records of biosecurity waste that is burned from containers (dates and amounts). Records could include copies of digital photos kept on file. With ISPM15 compliant pallets or compliant dunnage timber, once these items are checked by an AP for compliance they can be disposed of as required or by using incineration.

Submission Point 2: Inspection of uncleared risk goods Standard 3.9: Our facility does not possess a specific area/room that will meet the inspection room requirements as listed. All work involves containers and is done outside in the open. Please advise if this room/area is a mandatory requirement. We currently work on a three step process: (1) goods inspected and unloaded; (2) placed outside near container in case we need to return to container; (3) once container is fully cleared the goods are moved to storage or install location. The standard mentions an area or room. It would appear that the risk goods you import do not require inspection on a bench in a room as a rule and in your case this is not mandatory. It does need adequate lighting (600 lux for general inspection (and 1000 lux for close inspection if this is required) and must provide protection from the elements.

MPI Response 2: A specific area for inspection of imported risk goods is adequate. This should be discussed with your local MPI Inspector.

Submission Point 3: Secondly, the training frequency and content.

- *I feel Facility operator training every 4 years is sufficient as yearly audits will ensure compliance with standards and operation's system. Major changes to facility requirement however could require retraining. Training content is good.*
- *I feel Accredited Persons training is best done every two years. The training content does not cover actually doing an inspection; needs to include a practical run-through of a container inspection process. AP's could then be reviewed at place of employment for practical on the job compliance annually as part of internal audit by the TFO or similar.*

MPI Response 3: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. The content for AP and TFO training courses will also be changed periodically to include relevant contaminants and pests, and other new information. MPI is also considering "on-site competency assessments" for APs and TFOs (set at the same duration for retraining). This could provide convenience for stakeholders and potentially save time and costs.

Submitter 20: Anson Li – New Bright Trading Ltd.

Comments pertaining to Training for APs and TFOs

Submission Point 1: I think Facility Operators (TFOs) expiry time should be 2 years and Accredited Persons (APs) expiry time should be 3 years, thanks!

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. The content for AP and TFO training courses will also be changed periodically to include relevant contaminants and pests, and other new information. MPI is also considering "on-site competency assessments" for APs and TFOs (set at the same duration for retraining). This could provide convenience for stakeholders and potentially save time and costs.

Submitter 21: Mark Lythe – Stellar International Ltd.

Comments pertaining to Training for APs and TFOs

Submission Point 1: TFO is also sometimes an AP so they should not have to do both courses? The TFO should automatically qualify as AP. Current retraining for first 2 years for AP is good then move to 4 years. 4 years for TFO-- maybe should reduce to 3 year refresher.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them.

Submitter 22: Rachel Madden – Stellar International Ltd.

Comments pertaining to Training for APs and TFOs

Submission Point 1: Feedback to Biosecurity awareness retraining for TFO and APs. The current regime is a good time line. The only suggested change we would like to see is the ability to be able to complete your TFO and AP retraining at the same time. Surely if you are on your 2nd or 3rd retraining course you are more than aware of why you are there and how important your job is so you just need a refresher and update on any changes to the standard. Based on this you should be able to do your retraining for both at the same time. It would decreases costs and save time and be far more efficient. Feedback to the major change to the guidance document.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs and believes that it is appropriate to retrain APs and TFOs every two years. Most respondents to these documents also suggested that re-training should be conducted on this basis. MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them.

Submission Point 2: Having further guidance and examples on what you actually want in plain English is definitely a good move. The guidance is for the use of warehouse staff more than anything and having hard to understand language included is not helpful or practical. A large portion of your warehouse staff may not have English as a first language. Examples, photos and flow charts in manuals are all preferred.

MPI Response 2: MPI will endeavour to use plain English and clear examples as much as possible and will discuss your points with the MPI approved Training organisations.

Submitter 23: Stephen Mansfield, General Manager - 4c Assessment Limited

Comments pertaining to Training for APs and TFOs

Submission Point 1: Submission of Consideration: It is requested that MPI consider Accredited Person (AP) personnel certification to an Accredited Person Scheme and a Transitional Facility Operator (TFO) personnel certification to a Transitional Facility Operator Scheme as formal competency assessment alternatives to retraining of Accredited Persons and Transitional Facility Operators. This submission is made in reference to the draft Guidance Document to the Standard for Transitional Facilities for General Uncleared Risk Goods – TFGEN-GD, Sections 4.2.3 (2) & 4.2.4 (1) which refers to 'retraining or formal re-assessment'.

Overview. The schemes to be called: A Accredited Person Scheme. B Transitional Facility Operator Scheme.
Assessment is to be conducted by an organisation accredited to ISO 17024 - 'Conformity assessment – General requirements for bodies operating certification of persons'. The organisation once accredited is to be known as the certifying body (CB). The accreditation body is JAS-ANZ.

The CB draws up the competency criteria based on related standards and normative documents. TFOs would be assessed on-the-job to demonstrate applied skills/knowledge based on competency criteria from the following standards and normative documents: Standard for Transitional Facilities for General Uncleared Risk Goods – MPI-STD-TFGEN. Guidance Document to the Standard for Transitional Facilities for General Uncleared Risk Goods – TFGEN-GD. TF Manual. APs would be assessed on-the-job to demonstrate applied skills/knowledge based on competency criteria from the following standards and normative documents: The Import Health Standard for Sea Containers. Current MPI Accredited Person Training Resource Material. Competency assessments are to be in line with the retraining frequency as per the MPI website e.g. currently every four years for TFOs. For Competent TFOs: The CB would provide a TFO with an ISO 7024 accredited Certificate of Competency valid for 'current retraining frequency' when competency has been demonstrated. The TFO can use this Certificate of Competency to show they are meeting the 'retraining frequency' or use it to apply for a new approval if they have moved to a new TF.

For Competent APs: The CB would provide the AP with an ISO 17024 accredited Certificate of Competency valid for 'current retraining frequency' when a candidate has demonstrated competency. This certificate would allow MPI to re-issue a Certificate of Approval as an Accredited Person, pursuant to Section 103(7) of the Biosecurity Act (1993).

Where competency is not yet demonstrated the options are to provide further objective evidence, be re-assessed or attend a re-training session by approved training supplier. 23 July 2015 Consideration of Competency Assessment in lieu of AP/TFO Retraining 3

Reporting to MPI. For APs, the CB would report each week the AP candidates who have demonstrated competency against the AP Scheme. MPI can re-issue AP certificates as per the current practice. For TFOs, the CB would report each week the TFOs who have demonstrated competency against the TFO Scheme. Other Personnel Certification is transferrable by the person from business to business similar to current AP approval certificates and TFO training certificates. The CB will be required to describe all inputs into the assessment process (e.g. application process, assessment process, examination process, decision on certification, suspension, withdrawing or reducing scope of certification, recertification) and into its quality management system as part of the accreditation process with JAS-ANZ. This is likely to include technical input by MPI.

MPI may wish to consider that the personnel certification for TFOs could reduce the need for MPI facility audits (especially for low risk facilities), as when competency is demonstrated, compliance has been verified.

BENEFITS TO MPI
Confidence that personnel certification is based on robust and accredited systems.
Compliance is enhanced as part of the competency assessment would pick up non-compliance (or potential) that requires address. Accredited persons are seeing, containing and reporting. Transition facility operators are able to implement the requirements of MPI-STD-TFGEN. Assessment is

internationally recognised. No changes to current administration inputs. Assessment is independent.

BENEFITS TO THE APs AND TFOs
Assessment on the job minimises time resources attending a class room training.
Can schedule assessment around when staff are available as opposed to fixed training dates.
Confidence in AP and TFO competency and facility compliance.
Enhanced preventative management of non-compliance risk.
TFOs who are also APs, can be assessed for both functions at the same time.
Assessment reports can provide recommendations and suggested improvements that can enhance compliance and competency.
Assessment can be considered an informal internal audit identifying non compliances (or potential).

MPI Response 1: MPI values approved training organisations highly and believes that they contribute to an effective biosecurity system in New Zealand. MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

MPI will not combine AP and TFO training as some respondents have requested as these roles have separate outcomes. MPI's still requires that APs and TFOs are re-trained separately and assessed for competence. This could be done in a class room setting or by assessment at the TF. MPI also believes that trainees should do a test which must be passed in order to be approved.

After being initially trained, retraining could also occur in the workplace (at the TF) as a realistic assessment of competence. This could provide more convenience for stakeholders and could save time and reduce costs. MPI believes that this type of competency assessment (set at the same duration for other classroom retraining) has merit. MPI is currently revising the content of the training material with the help of approved training organisations and is also likely to increase the duration of the TFO course to a full day.

Submitter 23: Rodger Matheson - New Zealand Gourmet

<u>Comments pertaining to Training for APs and TFOs</u>

Submission Point 1: I believe Transitional Facilities, Facility Operators and Accredited Persons need to be assessed on a Risk Profile after the initial two year period.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them.

Submission Point 2: There is no need for Transitional Facilities to have their site approved annually unless there has been issues highlighted. Another words Transitional Facilities can be ranked, high risked can be inspected and renewed annually, low risk say 5 yearly.

MPI Response 2: Annual re-approval of existing TFs will follow current practise in which verification inspections conducted by MPI and the payment of annual fees are part of the process required. The only new requirement that will impact on the annual renewal of TFs will be the need for TFOs to submit internal audit reports to MPI (at an email address that will be supplied to TFOs in the near future).

Submission Point 3: There are a number of locations that do not have access to cities or towns that can provide all services and systems e.g. sewage and town water supply. Again I believe each application needs to be taken on their merits.

MPI response 3: It is MPI's policy to minimise biosecurity risk as much as possible by restricting TF locations to suitable places in New Zealand. Usually these have the necessary infrastructure by being located in metropolitan areas of cities and towns. However, TFs may be approved for specific purposes in suitable non-metropolitan locations if biosecurity outcomes are managed adequately or exceeded. The wording in TFGEN and GD specifies that TFs must be located in suitable places in NZ for the purpose approval.

Submission Point 4: I am pleased to see Accredited Persons now only have to renew their certificates four yearly, after the initial renewal of two years. With the move towards more electronic means of communication, renewal of the Accredited Person's certificate could be done on line with say 20 or 30 questions having to be answered with say 80 or 90% pass rate.

MPI response 4: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI will continue to require that APs and TFOs are re-trained and assessed for competence either in a class room setting or by assessment in the workplace. The content for AP and TFO training courses will be changed periodically to include relevant contaminants and pests, and other new information. MPI is also considering "on-site competency assessments" (set at the same duration for retraining). By contrast, MPI does not believe that effective retraining for APs and/or TFOs can be provided by using on-line questionnaires or emailed information. However, biosecurity updates on biosecurity issued or new pests could be provided to TFO to pass on to their staff members.

Submitter 24: Trent McCarroll – Miraka Ltd.

<u>Comments pertaining to TFGEN and the GD</u>

Submission Point 1: 2.4 Official TF signage. (1) A TF must have a prominent sign or signs that: a) State the name and MPI number for the premises (including designated areas) as being a "Transitional Facility as approved under the Biosecurity Act". From our last audit we got told we should remove our MPI number from the sign, for the reason people can use your number to arrange clearance of a container when they don't have a Transitional Facility, therefore I don't think it's a good idea to display the number of the facility on the sign that the general public can view. b) State that entry is restricted to only those persons receiving permission from the TF Operator.

(2) Signs may also specify appropriate contact details for the TF Operator and/or other staff members such as Deputy TF Operators. Note: Signs are not permitted to display the MPI logo or the acronyms 'MPI' as per the Flags, Emblems, and Names Protection Act 1981. As for the same reason for 1-(a) TF Operator details should not be displayed on any sign that the general public can view, all this information is held in the Transitional Facility manual and is not needed to be displayed to the general public. Also the cost involved having to replace signs when any changes to TFO staff are made is an unnecessary expense.

MPI Response 1: TFGEN and the GD are fully aligned and MPI will not require TF numbers or TFO details on signs. TFGEN now reads, (a). A TF must have a prominent sign or signs that state: a. "These premises are a Transitional Facility approved under the Biosecurity Act 1993. (b). Entry is restricted to permitted persons only (having received permission from the TF Operator).

<u>Comments pertaining to Training for APs and TFOs</u>

Submission Point 2: My view is the current training regime for TFO and AP's is good and should remain and the frequency is about right. Only comment I would make about AP training that in-between times more in house training should be undertaken by the TFO for that facility, this way training can be specific to the operating manual the AP is working under and would keep them refreshed with company producers etc. relating to the Transitional Facility manual, and by doing so will help their understanding of what is required when re-training as an AP is undertaken. Also need to keep in mind cost of training, as some TFO's are also AP's, so make the training to frequent will incur added cost for a small business.

MPI Response 2: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI does not believe that this training should be aligned as these are separate roles with different outcomes. It is understood that a TFO may also act as an AP but there are many APs that are not TFOs and do not have the experience or desire to do both jobs. Approximately 10% of all TFOs never deal with air or shipping containers and have no need for APs at their TFs. MPI has received comments from other respondents similar to yours and they and MPI believe that APs and TFOs after require retraining every two years.

Submitter 25: Terence McGeough - New Zealand Defence Force.

Comments pertaining to Training for APs (and TFOs)

Submission Point 1: AP Training should include a practical assessment i.e. a mock-up of a Transitional Facility and all the gear/layout required to properly conduct processing. A practical element to testing would reinforce what is taught in the classroom and could be part of the Transitional Facility Operators assessment to ensure the AP uses the correct paperwork and procedures. The Mock-up should be the perfect example with all equipment and layout according to MPI policy.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years. MPI also thinks that on-site competency assessment would be appropriate after the initial training for APs has been conducted. Your suggestion regarding mock-ups and practical assessments has merit and some approved trainers around NZ do have shipping containers set up for such training purposes.

Submitter 26: Shane McNamara - Lenker Music Ltd.

Comments pertaining to Training for APs and TFOs

Submission Point 1: This submission relates primarily to the request for feedback on the frequency and training required for Operators and Accredited Persons. Our major concern relates to compliance cost and training. Frequency of Training. In terms of the proposed 4 year retraining for operators and 2 year retraining for AP's in principle we have no issue although our preference would be to have both Operator and AP training aligned at say 3 years. Alternately have the schedule go out to 3 years for both after the second retraining. E.g. • Year 1 - initial (first) training. Hope this submission is of some use.
• Year 3 - (two years later) - 1st retraining or refresher. • Year 6 – 2nd retraining or refresher. • Year 9 – 3rd retraining or refresher. • Etc. 3 years apart. The above would apply only in the cases where the facility and operator and AP have no major audit failures or other issues. In these cases we believe that retraining of these AP's and operators should be annual for 3 years after the "failing" was identified.

This would serve both as a "punitive" measure for people failing audits or other, but more importantly would aid in reducing issues as the retraining or refreshers would be more frequent. After 3 refreshers with no further breaches or audit failures then the normal refresher programme and timing would commence again. Combining Operator and AP training: We also believe that both Operators and AP's should be tied to a TF unless they have special training to allow them to operate at multiple TF's. The rationale behind this is that Operators are TF specific and AP's generally work in that TF. It is usually a TF breach or audit failure so all operators and AP's associated with that TF should then undergo more frequent retraining to ensure that the TF remains a strong Biosecurity facility.

Failures at a TF are usually the result of a failure by the Operator (audit failures?) or the APs associated with that facility. Facilities that are regularly compliant and have no audit or other

Biosecurity issues obviously have well-trained, responsible management, operators and AP's so their need for retraining could go out a little further. Smaller companies like ourselves with often have the Operator also one of the AP's (in some small companies it may be that the Operator and the only AP are one-in-the-same). Although there are differences there is much of the training duplicated so our submission is that the training protocols be revised to enable joint training for Operators/AP at the same time. Certainly I believe that all Operators should be trained as AP's anyway in order that they fully understand at a practical level the requirements of an AP. For small companies where an Operator is also an AP it would reduce both compliance costs but also the amount of time spend to participate in the retraining. It would be interesting to know the number of Operators registered in NZ that are also registered as AP's.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

MPI also thinks that critical or major failures in TF management could result in TF suspension, TF cancellation or some kind of specific retraining. In addition, MPI is also considering on-site competency assessment (set at the same duration for retraining) after initial training for APs and TFOs has been conducted. MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them.

Submitter 27: Mike Moriarty – Pomona Group

Comments pertaining to TFGEN and the GD

Submission Point 1: Easy to get the information.

MPI Response 1: MPI believes that the information is quite clear and the modified documents will be useful to ensure requirements are understood and that compliance is met.

Submitter 28: Geoff Nieuwelaar – Springtime Trampolines

Comments pertaining to Training for APs and TFOs

Submission Point 1: Not every facility is run by a large business, some like mine are run by a sole trader, I am the facility owner, operator and accredited person. 2. My facility has not changed since my original application, eg: my hardstand is the same, my warehouse is in the same place, nothing has changed, so why do I have ongoing compliance costs? When my facility gets audited what are they looking for? If it is to check to see if my paperwork is current, if so surly this can be done by email.

MPI Responses 1: MPI conducts verification inspections of your TF to determine compliance with your TF manual, requirements of TFGEN and the required paperwork for your TF. This is done by appropriately visiting your premises. MPI also charges appropriately for biosecurity activities associated with the management of TFs and requires a good level of compliance. Biosecurity updates on biosecurity issues or new pests could be provided to TFOs by email to pass on to their staff members.

Submission Point 2: As a sole trader I find the compliance costs to MPI too expensive for any service provided.

MPI Response 2: Compliance costs align with the Biosecurity Cost Regulations. MPI appropriately charges for checking paperwork and TF manuals, verification inspections, planning for such assessment work and travel to ensure biosecurity outcomes are adequately managed. MPI requires that all APs and TFOs are appropriately trained and the TFs must be fully compliant. Suitable time is taken by our MPI Inspectors to ensure compliance at TFs.

Submission Point 3: The frequency of retraining is far too often, once you know the rules you don't need reminding every, one to two years.

MPI Response 3: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

Submission Point 4: I have to take time away from my business to attend MPI approved courses; a better way would be a desktop assessment that could be done without the need of lost productivity.

MPI Response 4: It is not appropriate to provide on-line training or updates only as this has not been successful in the past. However, MPI is considering on-site competency assessment (set at the same duration for retraining) after initial training for APs and TFOs has been completed.

Submission Point 5: MPI make me pay to become accredited so that I can inspect any containers that I bring in, in effect doing the work of customs, however if I find a container that is contaminated I must close the door and inform customs, who will then remove the container with my goods for fumigation for up to four days then they will send me the bill.

MPI Response 5: MPI requires that you (or one of your staff) are trained as an AP to check low risk containers for biosecurity risk material. If you find biosecurity risk material associated with your container you must inform MPI who will come to your TF to conduct an inspection and fumigate or treat where required. As the importer, you are liable for the costs associated with inspection and fumigation.

Submission Point 6: This simply encourages the facility owner to keep quiet about any contamination.

MPI Response 6: Under TFGEN (and the Act) it is the TFO's legal responsibility to inform MPI about any contamination that is found associated with containers that are imported. To be approved to run a TF you have formally agree to be responsible for reporting to MPI and to meet the minimum requirements of TFGEN.

Submission Point 7: A more sensible solution would be not to penalise the operator for doing the right thing but instead at least pay for the removal of the container and fumigation so that there is no cost to the operator. This would also be much cheaper for the country in the long run as an infestation is more costly to eradicate after it has left the container and become established, examples are Gypsy moth, fruit fly, red back spiders. Argentinian ants etc. the list goes on.

MPI Response 7: MPI has determined that appropriate management of URGs at TFs by APs and TFOs is very effective. MPI will not cover costs for required biosecurity treatments and operates a user pays system with regard to TFs as per the Biosecurity (Cost) Regulations. If an importer brings in a container and it is contaminated, it is the TFO's responsibility to pay for any actions that may be required. The TFO must pay for the initial TF approval process, ongoing TF approvals and inspection verifications for compliance and any required biosecurity actions. MPI expects that a TFO understands their responsibility to cover ongoing biosecurity-related costs as this is discussed with TFOs by an MPI Inspector before approval is granted.

Submission Point 8: The costs involved with compliance to MPI are at the point of making it uneconomic for me to continue in business.

MPI Response 8: MPI Acknowledges your point.

Submitter 28: Don O'Connor – Eurobike Wholesale Ltd.

<u>Comments pertaining to TFGEN and the GD and training for APs and TFOs.</u>

Submission Point 1: Abridged: We are however, concerned about the exponential expansion of training, record keeping, auditing, and general paperwork that is required of our staff and our time. Continuing to regulate for every contingency that occurs or may occur for every transitional facility in

New Zealand is becoming a financial burden to many small business. I am certain that the MPI objectives can be achieved in a much more efficient manner with proper risk assessment and variations to the training, record keeping, and auditing requirements based on risk assessment. I am going to make some suggestions that, if considered, may require some alterations and additions to the Facility Standard at Part 3.5, 3.8, 3.11, and 3.12; and to the Guidance Document at 5.7, 5.8, 5.16, and 5.17. There are around 100 authorised transitional facilities in the Taranaki region. After speaking with a number of operators, it would appear that the majority of them unpack their own sea freight containers at their own premises containing non-organic, new manufactured goods for resale or as imported components of products they manufacture themselves. These are very low risk facilities. Around 20% of facilities are contractors unpacking containers likely to contain unknown and/or high risk goods. Contractors are generally larger companies with high staff turnover. These would be regarded as high risk facilities. A further 20-25% of facilities are companies unpacking their own product that may be organic or arriving from countries that have unknown biosecurity standards. These would be medium risk goods.

I would like to see a uniform risk assessment regime that divided transitional facilities into three categories. Each category would have its own record keeping, auditing, and training programme. Training in particular could be structured around the risks. Such a regime would achieve the biosecurity objectives of the Ministry at much lower cost to both the Government and industry. I have a lot of ideas on how the risk assessment could be carried out, implemented, and monitored without too much additional input for MPI staff. Once set up, the scheme should be simple and cost effective to administer. Obviously consultation with TFO's is essential to formulate a points scoring risk assessment that is meaningful. It should result in TFO's and AP's receiving the same training together for the risks they are actually managing with a frequency based on their cumulative training record and their compliance audit history. I hope you find my suggestion of interest and that discussions between your department and representatives of TFO's in Taranaki to implement risk assessment can be arranged prior to changes in regulations. I have spoken only about my region, however, I would be very surprised if there were big variations in biosecurity risks at all the provincial regions with the possible exception of Auckland.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

However, MPI believes that aligning training for APs and TFOs is not warranted as both courses deal with separate outcomes. In addition, 10% of TFs have no association with air or sea containers whatsoever so that AP related course work would not be applicable to them. MPI will continue to require that APs and TFOs are re-trained and assessed for competence either in a class room setting or by assessment in the workplace. MPI is considering the idea of on-site competency assessment (set at the same duration for other classroom retraining) after initial training for APs and TFOs is conducted. After initial training is done, retraining could occur in a classroom settling or as an assessment of competence at the TF. This could potentially provide convenience and save time and costs. MPI is also committed to appropriate verification inspection for TFs to ensure compliance. MPI already uses information on risk goods and previous levels of compliance to inform ongoing verification inspections.

Submitter 32: Lee Osborn - Biosecurity and Training South Ltd.

<u>Comments pertaining to TFGEN and the GD</u>

Submission Point 1: Firstly, the reference numbers in TF-GEN and its guidance document still don't align. It would be helpful if the sections were more or less in the same order or at least always have the same titles.

MPI Response 1: MPI intends these documents to cover two separate purposes under the Act and they will never align perfectly. TFGEN holds mandatory information on the requirements for operation and management of TFs and states how this <u>MUST</u> be done. The GD holds guidance or best practise advice on how TFs <u>SHOULD</u> be operated and managed. The GD usually contains a greater level of advisory detail, includes other information not required in

TFGEN, and therefore the GD will not be able to align with TFGEN in the manner that you recommend.

Submission Point 2: Under "Other Information" paragraph 1 states that TFOs "should" read and be familiar with the guidance document. This implies that it is an optional extra. A stronger message is needed because some critical information is contained in the GD.

MPI Response 2: MPI believes that it is clear that TFOs and other interested parties are required to be completely familiar with TFGEN and the GD where it is relevant to their TF.

Submission Point 3: Location – There is reference only to metropolitan areas in TF-GEN 2.3, yet 5.2 (1) of the GD states that some approvals may be made outside these areas. This is contradictory and someone in a rural location might put off applying after reading this in TF-GEN.

MPI Response 3: The management of biosecurity risks can be most effectively managed by requiring TFs to be located in suitable places in New Zealand. Often these are in areas of cities and towns. However, there are existing TFs in non-metropolitan areas of cities and towns and new ones could possibly be approved if the management of risk goods intended for those places was thoroughly managed. For reasons of natural justice MPI cannot automatically decline such applications without assessment. TFGEN now reads, "TFs must be located in places that can provide suitable services and systems to ensure that the biosecurity requirements for uncleared risk goods are managed adequately and maintained. Adequate provision must be made for the management of contingencies in the event of an incident or the need for containment". The GD now quotes TFGEN and provides more information.

Submission Point 4: Internet Access – There is no mention of this in TF-GEN. GD 5.4 reads as a gentle recommendation about this yet under 3.8 TF-GEN and 5.11 GD, reports from internal audits musts be sent electronically. Also, a current copy of TF-GEN and the GD is expected to be available and this would be very difficult without internet access.

MPI Response 4: MPI believes that all modern businesses would have a computer, electronic tablet or at least a smart phone by which they can obtain information and interact with MPI. On this basis it is not necessary to include internet access as a mandatory requirement in TFGEN. If electronic communication is not an option then this can be discussed with an MPI inspector.

Submission Point 5: TF-GEN 3.1.1 I'm not sure that the manual structure as described in this section matches the template (which needs to be improved incidentally and is not referred to in TF-GEN).

MPI Response 5: TFGEN holds the mandatory requirements for the TF manual structure whereas the template recommended for use is not a mandatory requirement. Modifications to the template are acceptable if they reflect the way a TF meets the requirements of TFGEN.

Submission Point 6: TF-GEN 3.2.1 (3) and GD 5.3 (1) only refer to re-shipping goods back to their country of origin. This leaves no provision to send goods to an alternative overseas country.

MPI Response 6: MPI does not believe it is appropriate to include "or re-exported to another country" in this Section as MPI may be obliged to provide re-export certification. Seeing the goods would be non-compliant URGs, MPI are under no obligation to provide such export certification. MPI will not include this wording.

Submission Point 7: TF-GEN 3.3 doesn't mention maintaining a log-book for visitors yet GD 5.5 (1) places importance on this. After a brief mention of record keeping in GD 5.7, there is a very detailed section in 5.8 about required records. This is not referred to in TF-GEN 3.5.

MPI Response 7: Section 3.3 (1b) now reads, "A TF must have a system of limiting unapproved access to ensure the security of uncleared risk goods is maintained at all times; and Visitors must sign in to a log book at the TF agreeing to meet TF requirements".

Submission Point 8: TF-GEN 3.7 and GD 5.10 now covers keeping pets out of designated areas which is useful but could be missed by a person who takes their dog to work because the heading Pest, Vermin and Weed Control doesn't reflect this.

MPI Response 8: Section 3.7 of TFGEN is now headed up as, "Pests, other organisms, vermin

and weed control". The second sentence of this sections first clause now reads, "Other organisms, animals (such as pets) and decorative plants that are not part of a consignment being imported into New Zealand are not permitted in the controlled areas of a TF".

Submission Point 9: GD 5.12 is an important section but there is no similar section in TF-GEN even though it contains a Critical Non-Compliance warning.

MPI Response 9: Section 3.2.1 (1) now reads, "The TF Operator must ensure that uncleared risk goods are controlled at TFs in such a way that the biosecurity risks arising from the uncleared risk goods are appropriately managed. The TF Operator must manage any contaminants and pests found on uncleared risk goods as soon as possible. The TF Operator must report any significant contamination or live pests to MPI immediately".

Submission Point 10: TF-GEN 3.9 and GD 5.14 cover the same topics but the headings are very different.

MPI Response 10: Section 3.9 of TFGEN and Section 5.14 of the GD are both headed up as, "Inspection of uncleared risk goods at TFs".

Submission Point 11: TF-GEN 3.9 (2) a) mentions TFOs providing sample bags for inspectors. Is this a new requirement? In all my years as an inspector then trainer for MAF we provided our own.

MPI Response 11: MPI believes that this requirement is appropriate.

Submission Point 12: GD 5.16 (2) spells "complements" incorrectly. Compliments has a very different meaning.

MPI Response 12:"Compliments" has been replaced by "complements" to reflect the correct meaning.

Submission Point 13: GD 5.18.1 (2) has a very good, clear note re TFOs needing to advise MPI when leaving the role. Hopefully this will be highlighted in the training because it isn't in TF-GEN.

MPI Response 13: The requirement is in TFGEN. Section 3.1.1.2 (d) states that the following is required to be included in the TF Manual. "A written statement from the TF Operator agreeing to notify MPI of any changes to management of the TF such as resignation of the TF Operator (or the Deputy TF Operator where applicable)".

Submission Point 14: Under "Other Information" the current TF-GEN standard refers to information on managing specialised TFs in the GD (i.e. the former annexes – which is term I was pleased to see is no longer used). Mention of this additional information could be in a note just before Part 4, with a list of headings. This would avoid important aspects being overlooked for example the special requirements for fresh produce and nursery stock TFs.

MPI Response 14: MPI will retain the formatting of TFGEN (for example, with reference to "other information") as is for the legal reasons explained earlier. MPI requires TFOs to have a complete understanding of TFGEN and be fully familiar with the introductory section of the GD and pertinent parts of section 6.

Submission Point 15: The Sea Container information is crucial to most TFs. It would make sense to place this first (as Annex A is currently) for ease of access and so those who are printing the GD can select just this extra part easily if applicable.

MPI Response 15: MPI believes that the most logical way for listing sections is to follow alphabetical and numeric conventions. The formatting and layout of section 6 of the GD will remain in alphabetical order.

Submission Point 16: I disagree that removing "mandatory" language from the GD will remove ambiguity. It will add confusion where it appears something is optional but in fact must be done.

MPI Response 16: MPI believes that it is important that mandatory requirements are specified in TFGEN and guidance or advice on how to meet TFGEN requirements are in the GD. TFGEN

is the legal document whereas the GD does not have legal status. This aligns with how MPI is approaching the formatting of all standards and GDs going forward.

Comments pertaining to TFGEN and the GD and training for APs and TFOs.

Submission Point 17: TFO Training: Four years between training sessions is too long. This role is extremely important for NZ biosecurity. The training level and frequency need to reflect its importance. I am aware of proposals to increase the course length from half to a whole day, and perhaps require TFOs at high risk facilities to receive additional training as well, and to make training two-yearly.

MPI's willingness to penalise non-compliant TFOs more readily through the court system is a good way of ensuring TFOs take their responsibilities seriously. However the training needs to align with this so TFOs are completely aware of their obligations. I support two-year training. There is no requirement for TFOs to receive AP training even though they are overseeing the AP role. This is a huge omission in that TFOs may never receive basic biosecurity awareness information therefore are sometimes less informed than APs about its importance to NZ.

If this was incorporated into the AO training, it would have to be sufficiently different from that in the AP course that it wasn't too repetitive for those undertaking both roles. Alternatively, a requirement for AP training could be put in place for TFOs. Then such duplicated areas such as basic documentation could be removed from the AO course.

This would mean a two-yearly half day session would be sufficient for importers of low-risk goods and a whole day for those importing high-risk goods. From a logistical perspective there could be two types of course held on different days or low-risk TFOs could finish after the morning and high-risk TFOs stay on for the afternoon. Separate courses would make travelling to the regions more difficult to keep cost effective. Same day split courses could mean high-risk TFOs are resentful that they have to stay on so the afternoon session would have to be worthwhile.

Courses running for 1½ days (also a suggestion I have heard) would be too long and very hard to administer, presenting problems when participants couldn't attend the second day. The training shouldn't become too complex and high-risk TFOs all have quite different requirements which are only relevant to those importing particular goods. Having to learn a lot of irrelevant material wouldn't be useful and could confuse them.

In my experience being able to ask questions, both in the session and afterwards, as well as taking part in group discussions is a very valuable part of attending courses for TFOs. Computer-based learning doesn't cater for that or enable trainers to share their passion for biosecurity and there is sometimes doubt that the correct person has done on-line assessments. There is no substitute for an experienced trainer conducting both formal and informal assessments.

AP Training
AP training isn't accurately described in the discussion document. I understand the 2-2-4 year frequency was discussed but wasn't instituted because it would have caused administrative difficulties. The decision was made to change from two-yearly training to a 2 then 4 year frequency. This is inadequate and APs handling low volumes have very little focus on biosecurity for long periods. First aid training refreshers are two-yearly for very good reason. More frequent training enables changes to be discussed and understood much more easily than just reading about them. I feel that two-yearly training was the right frequency for APs. Four years is definitely too long between sessions. As a compromise, three years would be preferable to four but even that would mean a long time between sessions reminding them of the important role they play.
I feel similarly about assessing APs as mentioned about TFOs above with regards to drumming up enthusiasm for the role and possible abuse of on-line testing.

MPI Response 17: MPI is committed to appropriate verification inspection for TFs and the assessment of APs and TFOs to ensure compliance. MPI already uses information on risk goods imported into TFs and previous compliance records to inform ongoing verification inspections.

MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training

should be conducted every two years. MPI believes that it is inappropriate for AP and TFO training to be aligned. MPI understands that some TFOs also act as APs and are trained as such but there are many APs that are not TFOs and have neither the experience nor the desire to do both jobs. MPI records list that 10% of all TFOs never deal with air or shipping containers and have no need for APs at their places of business.

MPI will continue to require that APs and TFOs are re-trained and assessed for competence in a class room or by assessment in the workplace. MPI is considering the idea of on-site competency assessment (set at the same duration for other classroom retraining) after the initial training for APs and TFOs has been conducted. After the initial training, retraining could occur in the workplace at the TF to assess on the job competence. It is likely that this could save time and reduce costs. MPI will most likely also be extending the TFO training course to a full day and will continue to revise the training material (for APs and TFOs) periodically with the training organisations such as yours.

Submitter 33: Chris Presto – Solvay NZ Ltd.

Submission Point 1: I have just read through the sections of the proposed changes to the above from my use point of view and make the following comments. Sections: 3.5(4) Why 7 years for record keeping? I feel this is too long and amounts to a huge amount of paper records to keep.

MPI Response 1: This record keeping requirement has been revised as required for 2 years only.

Submission Point 2: 3.8 (2) Typo here with "must occur" twice.

MPI Response 2: MPI has fixed the typographical error in 3.8 (2).

Submission Point 3: 3.9 (2) Dictating that facilities must provide equipment like microscopes seems excessive to me for small operations which have no other use for such equipment.

MPI Response 3: MPI requires that importers of specific risk goods provide appropriate equipment. Before TFs are approved, discussions about required equipment occur between the Inspector and TFOs so expectations are known. For example, importers of vehicles where MPI has to conduct underside inspections must have safe, ramps that are fit-for-purpose. The same applies for regular importers of fresh produce or nursery stock that has the potential to bring in invasive pests. Suitable inspection equipment is required so that MPI can do an efficient, timely job. This type of equipment and resources required depends on the URGs imported.

Submission Point 4: 2.4 in Std vs 5.13 in Guide have differing wording for signage, suggest they read the same.

MPI Response 4: TFGEN now reads, "A TF must have a prominent sign or signs that state: (a) These premises are a Transitional Facility approved under the Biosecurity Act 1993. And (b) Entry is restricted to permitted persons only (having received permission from the TF Operator). The GD is now aligned with this wording.

Submitter 34: Doug Stewart - Lakeland Steel Ltd.

<u>Comments pertaining to training for APs and TFOs.</u>

Submission Point 1: In my opinion TFO and AP scheduled retraining should be run on the same timeframes, at our last retraining there were quite a lot of changes to the manuals and documentation requirements, it is best that this is done two yearly to keep people up to date with changes other than reading a newsletter that doesn't always get fully understood, in our particular case we fumigate all incoming which mitigates a large proportion of risk.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

Submitter 35: Brett Whalley – Arch Wood Protection (NZ) Ltd.

Comments pertaining to training for APs and TFOs.

Submission Point 1: The current time frame regime is adequate. If companies feel that there TFO, APs are not getting enough exposure to MPI then it should be an internal decision to retrain up skill. As we are a TF that handles containers frequently my team are honing their skills on the job.

MPI Response 1: MPI is committed to appropriate training for TFOs and APs. Most respondents to these documents also suggested that retraining should be done regularly. After evaluation of the feedback and considering the outcome desired, MPI has determined that AP and TFO training should be conducted every two years.

Submitter 36: Debbie Woods – The Agrichain-Centre

Comments pertaining to TFGEN and the GD

Abridged.
Submission Point 1: Purely from the point of view of the majority of our clients, importers of goods in Sea Containers, the inclusion of all of the annexes into MPI-STD-TFGEN is likely to cause confusion. In addition, the need to use both the Standard and the Guidance Document for interpretation, whilst not a new concept, will lead to more confusion where the numbering of the sections does not match and the titles of both documents do not allow the reader to find the relevant guidance easily. This has been raised previously. A better approach may be to include guidance clearly within the standard in a similar manner to the Plant Export Requirements: MPI Certification Standard.

It is our assertion that some of the fundamentally important aspects, such as AP checks, are listed as "should" and are contained in the Guidance Document; however, our belief is that they are critical to maintaining positive Biosecurity outcomes and should therefore be "musts" included in the Standard. Further details are provided in the feedback that follows.

MPI Response 1: MPI intends these documents to cover two separate purposes under the Act and they are unable to align perfectly. TFGEN holds mandatory information on the requirements for operation and management of TFs and states how this MUST be done. The GD holds guidance or best practise advice on how TFs SHOULD be operated and managed. The GD usually contains a greater level of advisory detail, includes other information not required in TFGEN and therefore the GD is not able to align with TFGEN in the manner that you recommend.

The most important document for each TF is the TF manual which states what the TFO will do to manage the URGs at their TF and how they have agreed to be compliant with TFGEN. In addition, MPI-approved training organisations need to emphasise that the guidance as specified in the GD is the best practice basis by which the requirements of TFGEN may be met.

Submission Point 2: MPI-STD-TFGEN Background. A place cannot operate as a TF unless it is approved by the Director-General. In order to be approved, it must comply with the Act and the requirements of this standard. TF approvals must be renewed annually and may be subject to specific conditions. It is not clear from the Standard (STD) or the Guidance Document (GD) what the process will be? GD needs to provide details about how to obtain annual approval. Do TF's need to complete an application document?

MPI Response 2: This information is specified in TFGEN in the Introduction section and under section 4.1 (2a) of the GD. This reads as, "Refer to the local MPI office or MPI Inspector for TF

information, TFO and TF application forms. This information may also be found on the MPI website at: http://www.biosecurity.govt.nz/regs/trans". MPI recommends contacting the local MPI office and discuss the requirements for TF approval under TFGEN.

Submission Point 3: MPI-STD-TFGEN. 1.4 Implementation Arrangements. Full implementation of this standard will occur when the old standard is replaced by the new version. Auditors are already enforcing this DRAFT standard during audits.

MPI Response 3: The existing version of TFGEN and GD are valid until they are revoked and replaced. Until the new version of TFGEN is implemented, MPI cannot legally enforce anything other than requirements listed under the current version of TFGEN.

Submission Point 4: MPI-STD-TFGEN 2.4 Official TF Signage. A TF must have a prominent sign or signs that: a) State the name and MPI number for the premises (including designated areas) as being a "Transitional Facility as approved under the Biosecurity Act". The example provided in the GD does not show the facility name and number? If this is mandatory can facilities add a sticker onto existing signage? Do you have to provide the ATF code on the sign on a gate to the facility which is accessible to the public or can this only be included on signs actually within the facility only?

MPI Response 4: MPI will not require TFO names or TF numbers to be placed on TF signs. MPI will only require that signs reflect that TFs are approved under the Act and only people officially permitted may enter.

Submission Point 5: MPI-STD-TFGEN 3 Operational requirements for TFs 3.1 Requirement for TF Manual. (1) A TF Manual must be prepared for each TF. It is a document that specifies all relevant information about the TF regarding the scope of operation and how it will be operated to meet the requirements of this standard. It must include all the matters specified as being required in this standard. An up-to-date copy of the TF Manual must be readily accessible to staff members and an Inspector at all times. If a TF Operator intends to change the TF operations to activities outside the approved scope of the TF Manual, an Inspector must be informed as a revised TF Manual or new approval may be required. Previous TFGEN stated that the TF Operating Manual had to be approved before the TF could be approved. This was a mandatory requirement until now. Should this be added to the STD?

MPI Response 5: A TF will not be approved until a suitable TF Manual is provided to MPI by the prospective TFO that is reviewed and approved by MPI. Wording has been added to the GD Part 5: 5.1 (1) that reads, "TF approval will not be completed until a compliant TF manual is provided to MPI and approved".

Submission Point 6: MPI-STD-TFGEN 3.1.1 Business Identity, Location and staff b) A site plan of the general layout of the TF (including areas/rooms for MPI inspection, designated areas for biosecurity risk goods, entrances/exits and holding areas) with other features. There is no mention of significance marked (for example, buildings and roads). It is our understanding that the "musts" are located in the standard. There is no mention of drains in the STD or GD. The MPI template for a site plan states that you MUST include specifications and dimensions …. This does not appear to be a requirement of the STD. Auditors are insisting on dimensions on all Site Plans and a HOLD / Inspection area (risk goods) for all facilities regardless of the scope of the goods they receive.

MPI Response 6: Section 3.1.1.2. (b) now reads, "A scaled site plan of the general layout of the TF (including areas/rooms for MPI inspection, controlled areas for holding biosecurity risk goods, drains, entrances/exits and post-entry quarantine (PEQ) holding areas) with other features of significance marked (for example, buildings, roads and vegetation)".

Submission Point 7: MPI-STD-TFGEN 3.1.1 TF Procedures for compliance and ongoing TF Management. i) Contact details for the local MPI office or Inspector, and emergency contact details for MPI (phone 0800 80 99 66 immediately on detection of live pests outside of normal working hours) and other relevant emergency services. It would be prudent to include another requirement - to include contact details for MPI approved waste disposal and treatment providers.

MPI Response 7: Under Section 3.7, "Pests, other organisms, vermin and weed control". The link for waste disposal and treatment providers has been included in a guidance box. This reference is as follows: (http://www.mpi.govt.nz/document-vault/8776.

Submission Point 8: MPI-STD-TFGEN 3.3 TF Access and Security of uncleared risk goods. b) Visitors must comply with access procedures and must be accompanied by a TF staff member. Does this relate to all areas of a TF or just the area where devanning occurs and goods are held? Does it only relate to when containers/uncleared risk goods are present?

MPI Response 8: This relates to the controlled area of the TF where URGs are held only. Section 3.3 (a) now reads, "Only persons permitted by the TF Operator are allowed within the controlled areas of the TF while uncleared risk goods are present".

Submission Point 9: MPI-STD-TFGEN 3.3 Security of uncleared risk goods (2) Prior to inspection, uncleared risk goods must remain secure and intact at the TF. Uncleared risk goods must also be held in such a manner that organisms (for example, live arthropods) cannot escape from the TF. In addition, the term "arthropods" is introduced but this is not included in the definitions.

MPI Response 9: The word "arthropods" is further explained in brackets as "arthropods (insects, mites and spiders)".

Submission Point 10: MPI-STD-TFGEN 3.7 Pests, vermin & weed control. (1) TF Operators must ensure that nonregulated pests (such as arthropods), regulated pests, vermin and weeds are effectively managed in and around the TF. The TF Manual must describe the processes that will be undertaken to manage them. Live animals and plants that are not part of a consignment being imported into New Zealand are not permitted in the designated areas of a TF. The terms "non-regulated pests", "regulated pests", are used but no definition provided.

MPI Response 10: These terms are now described in the definitions section of TFGEN. That is, Pest (regulated pest) - A quarantine pest or a regulated non-quarantine pest [IPPC, 1997]. A pest of potential economic importance to New Zealand and not yet present there, or present but either not widely distributed and being officially controlled, or a regulated non-quarantine pest, or having the potential to vector another regulated pest into New Zealand. By contrast, a non-regulated pest is one that occurs in New Zealand, is usually widespread in distribution and is not being officially controlled.

Submission Point 11: MPI-STD-TFGEN 3.8 Internal Audits of TF. (2) Audits must occur must occur at least once a year. Typo – remove the second "must occur"

MPI Response 11: Section 3.8 now reads, "Internal audits must occur at least once a year although an Inspector may request more frequent internal audits are conducted".

Submission Point 12: MPI-STD-TFGEN 3.8 Internal Audits of TF. (5) Within 10 working days of each internal audit being completed, the TF Operator must send an electronic copy of the report to an MPI email address as supplied by an Inspector. A central email address would be better for this as activities Operator must send an electronic copy of the report to an MPI email address as supplied by an Inspector. Inspectors change and TFOs will not necessarily see the Inspector regularly to know who to send this to.

MPI Response 12: MPI Border Clearance Services will administer this and supply a central email address for this purpose. They will communicate this information to all existing TFOs and provide the information to prospective TFOs when the revised TFGEN is implemented.

Submission Point 13: MPI-STD-TFGEN 3.10 Contingency Plans. (1) The TF Operator must ensure that a written contingency plan is specified as part of the TF Manual to manage all identified biosecurity risks associated with the TF. Contingency planning may include: The GD wording varies from the STD and does not actually provide sufficient guidance.

MPI Response 13: MPI believes that the information under TFGEN Section 3.10 and 5.15 of the GD is consistent and appropriate. This requirement is best discussed between the TFO and the Inspector prior to approval or re-approval of the TF to ensure identified and unidentified risks are managed appropriately. However, MPI will not take unjustified action against TFOs where acts of nature occur such as extreme weather events and other unimagined events beyond the control of the TFO.

Submission Point 14: MPI-STD-TFGEN Part 4: High Risk Biosecurity TFs. (1) This part of this

standard lists mandatory requirements for TFs where specific high risk biosecurity goods or refuse are managed and must be dealt with in a prescribed manner. The requirements contained here are for the following TFs: a) Biosecurity refuse TFs. b) Biosecurity treatment TFs. c) Decontamination TFs. d) Incineration or sterilisation TFs. e) Holding non-compliant farm animals at TFs at POFAs. The initial wording on this section would suggest that it does not apply to TFs receiving low risk goods. Where in the STD does it prescribe the initial wording on this section? Where in the STD does it prescribe what low risk TFs need to do around Biosecurity waste?

MPI Response 14: Section 3.6 "Hygiene Management" reads, "The TF Operator must ensure that there are hygiene management procedures in place that ensures that the TF is kept clean at all reasonable times. The TF Manual must specify hygiene management procedures that will be used in the TF to achieve this. Hygiene management procedures must take into account prevention of accumulation of debris, dunnage, packaging, soil, or other waste that might pose a biosecurity risk, prevention of possible refuge areas for pests, sweepings and the disposal of such material".

Submission Point 15: MPI-STD-TFGEN 4.1.1 Transportation of biosecurity refuse 4.1.1 Transportation of biosecurity refuse to TFs. (2) Conveyances (such as sea containers for transportation/trucks and trailers) used to transport biosecurity refuse to TFs for treatment that may become contaminated must be: a) Made of impervious material suitable for easy, cleaning and decontamination. b) Washed clean and disinfected (if contaminated) within a TF designated area after each day or specific period of use. (4) The transportation of biosecurity refuse from a Place of First Arrival (POFA) to a TF, or from a TF to another TF for holding, disposal and/or processing must occur as approved in the TF Manual. The TF Manual must include details of MPI approved transport operators using approved vehicles following written MPI authorisation from an Inspector as specified on a BACC? Common practise has been that a staff member from the TF will take the biosecurity refuse (sweepings from the container in the secure lidded, lined biosecurity bin) in a private vehicle, sometimes a company truck, to the Biosecurity refuse TF, Incineration, Sterilisation or transfer station. Is the new standard now saying that this practise is no longer permitted? Does this mean that a TF will need to make arrangements for collection of waste from a company like InterWaste using one of their approved vehicles and that MPI will have to issue BACC's for each transfer to occur? This will be prohibitively expensive for a TF for a small amount of sweepings. MPI Inspectors in some regions are insisting bins are emptied once per year. We cannot see this specified in the STD. Biosecurity waste companies have approved route plans to follow for their major clients. How will this work for all TFs? Does the transport of biosecurity refuse regardless of its source now need a BACC or is the BACC indicating approval of the vehicle used? This is not clear.

MPI Response 15: MPI requires that biosecurity refuse that is generated at TFs is managed as specified in the TF manual. Given the numbers of approved TFs it is unfeasible for MPI to go to each individual TF and remove the biosecurity refuse that is generated. It is preferred that TFs have systems written in the TF manual for the regular removal of waste. This could be a regular occurrence or annual or biannual event depending on the amount of waste generated. TF waste must remain inside the biosecurity bin (or other agreed method of holding) at the TF until it is disposed of. MPI will not require a BACC to be generated for each occurrence but the TF and approved service providers such as InterWaste must keep records for compliance verification purposes. MPI Compliance Monitoring Assessors are currently removing biosecurity waste from TFs that are closing down and it is recognised that MPI Inspectors could possibly remove small amounts of waste from TFs as a courtesy from time to time where required.

Submission Point 16: MPI-STD-TFGEN 4.1.1 Transportation of biosecurity refuse. b) Biosecurity refuse is placed in a lockable plastic wheelie bin within a leak-proof liner which must be transported within a vehicle with 6 solid sides (including the doors). Or c) Another Inspector approved device that meets the same security outcome as an HSTU. Do the small plastic lined bins such as the ones Biosecurity Training Providers supply in the Biosecurity kit meet the requirements of (c)?

MPI Response 16: Small plastic bins are acceptable if the management system for refuse is specified in the TF manual and agreed by an MPI Inspector.

Submission Point 17: 14 & 27 4.1 Biosecurity refuse TFs. 4.1 Biosecurity refuse TFs. (1) This section for Biosecurity Refuse TFs states the mandatory requirements for disposal, holding, processing and/or treatment of biosecurity (quarantine) refuse such as from airports (including flight kitchens) and other

port refuse TFs. 4.4 Incineration or sterilisation TFs. (3) Where there is no immediate ability to incinerate or sterilise refuse or risk goods at a POFA, a TF approved as an MPI approved transfer station (TF) may be used to hold the uncleared risk goods temporarily. This TF must meet requirements of this standard except for the specific details of incineration or sterilisation requirements contained as below. TF's are required to transport their own quarantine contamination (sweepings from the container) and items for destruction to a Biosecurity refuse TF, Incineration, Sterilisation or transfer station. The process of TF's transporting their own quarantine contamination practise does not seem to be covered or clearly explained in either of the above sections and the heading for Part 4 suggests that this does not relate. There is no guidance around Biosecurity Waste.

MPI Response 17: See MPI Response 14 as above.

Submission Point 18: 4.1.1 Transportation of biosecurity refuse. (3) Only MPI approved disinfectants/chemicals in the list specified at the following link may be used: MPI Approved Disinfectants for General Transitional Facilities for Uncleared Goods. There is currently no hyperlink to the disinfectants list. The list needs to be reviewed, removing those items not available or manufactured in NZ. In addition, TFO is not included in the Definitions.

MPI Response 18: TFGEN Section 1.2 (1a) "Incorporation of material by reference". Has a link to the disinfectants. The "Background" section of TFGEN specifies what a TF Operator is and that TF Operators are required to run TFs.

Comments pertaining to the GD

Submission Point 19: 4.2.3 TF Operator and Deputy TF Operator Training. (2) Once training has been completed, approval for the TF Operator/Deputy TF Operator is valid until retraining is required once again or they have been formally assessed as being competent. Approval to run a TF is transferable to other TFs for the purpose of management. However, if a TF Operator/Deputy TF Operator transfers or moves to a separate TF (different to the one that the applicant was originally approved for), then the TF Operator/Deputy TF Operator should become familiar with the TF Manual of the new workplace (TF) as soon as possible. An Inspector should also be informed that the TF Operator has left the previous TF. More information on TF Operator/Deputy TF Operator and AP training is available from an Inspector or this may be found on the MPI website at: http://www.biosecurity.govt.nz/regs/trans/register. There should be some mention that the TFO must submit an application to MPI as soon as possible to become the TFO at the new site whereas the guidance statement seems to indicate all they need to do is to read the manual.

MPI Response 19: Section 4.2.3 "TF Operator and Deputy TF Operator training" (3), now reads, "….Approval to run a TF is transferable to other TFs for the purpose of management. However, if a TF Operator or Deputy TF Operator wants to transfer or move to a separate TF (different to the one that the applicant was originally approved for), then the TF Operator/Deputy TF Operator should inform MPI and receive this approval in advance. The TF Operator or Deputy TF Operator should also become familiar with the TF Manual of the new workplace (TF) as soon as possible. An Inspector should also be informed if a TF Operator has left a TF for any reason…. etc."

Submission Point 20: 5.8 TF documents and records Copies of the Craft Risk Management Standards, IHSs, and Import Permits (with relevance to imported uncleared risk goods). Import Health Standards should be written in full. External and internal and audit records (including date, auditor, non-compliances and any corrective actions requests and completed actions). Typo remove the word "and" Add - "current TF Operating Manual inclusive of site plan to the list of documents".

MPI Response 20: Section 5.8, "TF documents and records" (c) now reads as, "External verification inspection records and internal audit records (including date, auditor, non-compliances and any corrective actions requests and completed actions)". Regarding the acronym "IHS", MPI believes it is appropriate that this is written in full once as "Import Health Standard" then the acronym "IHS" is used consistently throughout these documents. Section 5.8 (e) now reads as, "External verification inspection records and internal audit records (including date, auditor, non-compliances and any corrective actions requests and completed actions)." The term external audit has been replaced with "verification inspection". Section 5.8 (i) now reads as, "TF and TF Operator approval documents, and TF Manual". The words, "and TF Manual", have been added.

Submission Point 21: 5.9 Hygiene requirements (4) Equipment used for hygiene purposes (including a biosecurity bin or broom, dustpan or other cleaning equipment such as vacuum cleaners) should only be used only for biosecurity purposes within the TF and should be clearly labelled. This is to prevent cross contamination occurring. The bin should be emptied as required and the waste material disposed of as described in the TF Manual (records of waste disposal should be kept). The biosecurity bin should be lined with a disposable bag or thoroughly cleaned after being emptied. Typo remove one of the word "only".

MPI Response 21: Section 5.9 now is headed as "Hygiene management requirements". 5.9 (4) now reads, "Equipment used for hygiene management purposes (including a biosecurity bin or broom, dustpan or other cleaning equipment such as vacuum cleaners) should only be used for biosecurity purposes within the TF and should be clearly labelled".

Submission Point 22: 5.12 Inspection and treatment of identified biosecurity risk. (1) It is important that if any biosecurity risks (contaminants or pests) are detected in or on uncleared risk goods, they are managed properly and as soon as possible. If treatment is required, the best treatment option can be determined by an Inspector. If risks goods have to go to another TF for treatment, an Inspector will provide written authorisation that they are transported securely so that contaminants or pests cannot escape. This could mean securely packaging or wrapping of the uncleared risk goods or using a fully enclosed container or enclosed vehicle. It should be noted that failure to properly secure uncleared risk goods will be regarded as a Critical Non-Compliance by MPI. A list of MPI approved treatments is available on the MPI website at: http://www.biosecurity.govt.nz/files/regs/stds/bnzstd-abtrt.pdf

Suggest that the words, "if treatment is required" gets added after, the best treatment option. The reason we suggest this is management does not necessarily equal treatment. Also missing the word "to" between "go" and "another". We also suggest that a section needs to be added on this in the STD.

MPI Response 22: Section "5.12 Inspection and treatment of identified biosecurity risk". (1) First two sentences now reads, "It is important that any biosecurity risks (contaminants or pests) are detected with uncleared risk goods are managed properly, and as soon as possible. The best treatment options can be determined by an Inspector if required".

Submission Point 23: This is deemed as a Critical Non-Compliance more guidance for the TFO regarding "properly secure" might be useful.

MPI Response 23: MPI believes the current wording is appropriate. Every TFO must specify in the TF Manual how the URGs imported into the TF are secured appropriately.

Submission Point 24: 5.13 Official Signage. Having official signage at a TF will let people know that the premises and designated areas are TFs as approved by MPI, and that only people who have permission may enter. This sign (or signs) should be of an appropriate size and clearly visible to visitors. The example shown does not include the TF Name and Number.

MPI Response 24: The TF name and number will not be required. TFGEN and the GD are consistently worded.

Submission Point 25: 5.15 Contingency plans. This section just repeats what is in the STD but does not give sufficient guidance regarding what the contingency could be.

MPI Response 25: See MPI Response 13 as above.

Submission Point 26: 5.16 Staff Training (4) A description of training for new staff and refresher training for current staff should be included in the TF Manual. Records should be kept as proof that staff have completed and understood the training. A review of staff training procedures should also be a component of a TF Operator's internal assessment of biosecurity management at the TF. For example, a component of the biosecurity requirements at the TF could be added to a regular staff induction programme and is available from an Inspector. Is there a new staff induction programme available? There is a power point available about Biosecurity awareness in a port environment but this is aimed more at staff working at a seaport POFA rather than a TF.

MPI Response 26: MPI does not have a new staff induction resource available. However, information to assist with staff induction could be provided by an MPI Inspector on request.

Submission Point 27: 5.18 Non compliances against the standard Page 13. (1) Details of any non-compliance discovered during an MPI external audit will be provided to the TF Operator by an Inspector on an MPI Corrective Action Request (CAR) form issued at the time of the MPI external audit or shortly afterwards. This CAR form will specify the noncompliance or non-compliances and will lists the corrective actions and/ or preventative actions required. It will specify the timeframe where these actions should be completed. TF Operators that operate TFs that are non-compliant may be subject to an increased number of MPI external audits or inspections until an Inspector can be confident that the management of the TF is once again compliant with the TF Manual and the standard. Typo "lists" should be "list"

MPI Response 27: Section 5.18 Non compliances against the standard. (1). This now reads, "Details of non-compliances discovered during an MPI verification inspection will be provided to the TF Operator by an Inspector on an MPI Corrective Action Request (CAR) form issued (usually shortly after the time of the visit). This form will list non-compliances and the corrective actions and/ or preventative actions required. It will also specify the timeframe where these actions should be completed".

Submission Point 28: 5.18 (2) Changing the MPI external audit frequency to reflect compliance will be at the discretion of an Inspector and in consultation with the TF Operator. This will usually revert to a lower frequency of intervention after two satisfactory MPI external audits have been completed. MPI may also require that TF Operators or APs attend additional biosecurity training to improve understanding of biosecurity management at TFs. Non-compliances are graded as Critical, Major or Minor. Typo - need a full stop after TFs.

MPI Response 28: Section 5.18 Non compliances against the standard. (2). This now reads, TF Operators who run seriously non-compliant TFs may be subject to an increased number of MPI verification inspections. Changing the verification inspection frequency to reflect compliance will be at the discretion of an Inspector (the TF Operator will be informed of such decisions). Any increased verification inspection frequency will remain until an Inspector is confident that the management of the TF is once again compliant. This will usually revert to a lower frequency of intervention after two satisfactory MPI verification inspections have been completed".

Submission Point 29: 6.1 Air container TFs (2) TF Operators should be familiar with the IHS for importation of Air Containers from All Countries (MPIAIRCON-ALL) to be aware of mandatory requirements. This standard may be found on the MPI website at: http://www.mpi.govt.nz/importing/borderclearance/. The outcome required by MPI-AIRCONALL is that air containers imported into New Zealand are free from regulated contaminants and pests. When is the Air Container standard being released?

MPI Response 29: The revised IHS for air containers is intended to be released in conjunction with TFGEN or shortly afterwards. An estimated time frame is by mid-2016.

Submission Point 30: 6.1.2 Transportation of air containers to TFs. (2) Air containers returning to "airside" from "landside". TFs should be transported using an agreed route and do not require further inspection. However, air containers that do not return to "airside" from "landside" TFs (such as being sent to non-TF premises to be loaded for export out of New Zealand) are required under MPI-AIRCON-ALL to receive clearance from MPI and receive a written BACC before leaving the TF located at the POFA. How is this going to be managed in a practical sense?

MPI Response 30: This will be managed as practically as possible and as specified in the TF manual. This must also follow the usual authorisations from authorisation from MPI Inspectors.

Submission Point 31: 6.1.4 and 6.1.5 Unpacking air containers. The reason we suggest this is management does not necessarily equal treatment. 6.1.4.(1) MPI-AIRCON-ALL requires that all imported air containers must be unpacked at a TF in the presence of an AP or Inspector (for specific uncleared risk goods) and an AP must meet all relevant requirements of the standard and MPI-AIRCON-ALL. MPI-AIRCON-ALL requires that all air container checks completed by an AP where regulated contaminants or pests are found must be recorded electronically or using an approved system and the records kept for MPI audit purposes. 6.1.5 (1) An AP should be present on delivery or as soon as possible after air containers are delivered, and should check the containers externally (the

underside excluded) for contamination and pests after delivery to the TF, during unpacking (where internal surfaces, uncleared risk goods and any wood packaging are checked for compliance), and when empty (a final internal check should be conducted). TF Operators should have enough APs available to ensure biosecurity risks associated with air containers and uncleared risk goods are managed appropriately. APs do not need to be an employee at the TF but should be currently approved for checking and managing containers. An AP may work ~~at~~ with more than one TF Operator and TF. Comment: Typo should just read TF remove the words "TF Operator and" there is no mention of training the corresponding section for air containers. The GD specifies AP training for air and sea container biosecurity awareness under 4.2.4. Both the sections for air and sea container mention that APs are required for unpacking or supervision of unpacking. There is no mention of training for these staff yet the corresponding section for sea containers 6.11.2 page 37 talks specifically about training. If they are performing the same tasks - inspection of containers (air or sea) for contamination then shouldn't the training requirements be the same?

MPI Response 31: Section 6.1.5 (1) Final two sentences now read as, "APs do not need to be an employee at the TF but must be currently approved for checking and managing containers. An AP may work with more than one TF Operator or TF". In addition, Section 4.2.4 "AP training for air and sea container biosecurity awareness" has detailed information of MPI's expectations regarding training for APs.

Submission Point 32: There should be a link to the air container log sheet on the MPI website as the appropriate form for these AP's to record their checks.

MPI Response 32: Those TFs with air container businesses (and interested stakeholders) will be provided with this information prior to approval by an MPI Inspector.

Submission Point 33: 6.1.6 TF inspection areas and equipment. A dual-action insecticide (having both knock-down and residual action properties such as tetramethrin 4g/l for knock down and permethrin 1g/l for residual) are available for use by APs. These canisters should be available for immediate use as the air container is being opened. Examples of some suitable sprays are available on the MPI website at: http://www.biosecurity.govt.nz/border/transitionalfacilities/permethrin-sprays.htm. Comment: This list is out of date with many of the sprays listed no longer available and the active ingredients having been replaced by other newly developed chemicals.

MPI Response 33: MPI is open to accept appropriate products for inclusion in the list. The list was last updated on 2 February 2016.

Submission Point 34: There is no provision or guidance about cleaning or redirection for cleaning of air containers.

MPI Response 34: The standard MPI-AIRCON-ALL will mention the types of contaminants and the thresholds for these. However, all contaminants must be bagged and placed in the TF biosecurity bin as usual as per the standard or as authorised by an MPI Inspector.

Submission Point 35: 6.5.2 Inspection at fresh produce or nursery stock TFs. (3) The floor should have a non-slip surface for safety purposes. During inspections there should be a minimum of 1 metre clear floor space separating each item or structure in the room (either permanent or temporary) including but not limited to benches, boxes of plants or produce, desks, pallets of plants or plant material, quarantine bins and tables. Anti-fatigue mats should also be provided and extraneous noise should be kept to a minimum while MPI inspections are in progress. We have two concerns with the highlighted part of this paragraph: 1) We don't see that being applied currently in that format in every situation. 2) Our confusion might be eliminated by more detailed clarification of what this means.

MPI Response 35: MPI expects that inspection areas remain as uncluttered as possible. This is so inspection of URGs such as fresh produce and be can done efficiently and effectively and that live pests are unable to cross-contaminate anything else or escape and hide.

Submission Point 36: 6.8.2 Developing a TF Manual for live animal inspection TFs located at a POFA. Additional information for the management of non-compliant Category 1 animals including: 4. For horses, the standard requires that a temporary holding box or area at the POFA TF is used. For further guidance see attached non-compliance action tree (6.7.8). Comment: Section 6.7.8 to which it refers does not exist. Documented procedures including: 1. Cleaning or disinfection of incoming

containers where required, appropriate to clearance status and type of animal(s). – 2. Communication to the owner/importer regarding of any non-compliances. – 3. Containment of approved animals. These may vary depending on the site of the POFA TF and the type of approved animal. – 4. Exercising or toileting of uncleared animals. – 5. Decontamination of persons in direct or indirect contact with horses eligible for biosecurity authorisation to a TF for the purpose of completing PAQ, see 6.7.7 (4). – 6. Decontamination of staff and the POFA TF in the event of non-compliant or uncleared animals (see 6.7.4). – 7. Inspection of approved category 1 animals (see 6.7.6). – 8. Notifying the MPI veterinarian 5 days prior to the arrival of the animal(s). – 9. Timely transport of animals to the POFA TF following disembarkation from the plane. – 10. Timely transport and transfer of approved category 1 non-compliant animals to suitable holding areas at the POFA TF or to a PAQ TF. Comment: As above none of the section references exist.

MPI Response 36: Section 6.8 has been renumbered as appropriate to fix the inconsistencies.

Submission Point 37: What is a PAQ? Is this a typo and it is meant to be PEQ?

MPI Response 37: PAQ refers to post-<u>arrival</u> quarantine. This has been replaced throughout this section as PEQ to avoid confusion.

Submission Point 38: 6.8.7 POFA TFs used for horse inspections before PEQ. • Grooms or other persons remaining with the horse(s) until arrival at PAQ need to change into clean overalls and wash their footwear prior to entering the transport truck. Showering and changing of clothes will also need to be conducted at the PAQ TF. • People that do not have direct contact with horses destined for PAQ do not have to shower. The standard requires that drivers of horse trucks remain outside the area of possible ground contamination and also walk through a footbath before re-entering the transport truck. Is this a typo should PAQ be PEQ?

MPI Response 38: Refer MPI Response 37 as above.

Submission Point 39: 6.9 Personal effects TFs. (1) This section provides further guidance for TFs for the inspection of imported personal effects (including inside and outside use household goods) and best practice recommendations on how TF Operators meet the requirements of this standard. The management processes for <u>keeping</u> managing personal effects under the requirements of a relevant IHS, and specific details or isolation of separation of personal effects from other biosecurity cleared or domestic must be specified in the TF Manual. Comment: It appears that one or two words may be missing to make this an understandable instruction.

MPI Response 39: Section 6.9 Personal effects TFs. (1). The last sentence now read as, "The management processes for personal effects under the requirements of a relevant IHS, and specific details or isolation of separation of personal effects from other biosecurity cleared or domestic must be specified in the TF Manual".

Submission Point 40: 6.10.1 Sawn Wood POFAs. (1) Imported sawn wood should be packed and transported in a manner that prevents infestation and/or manages contaminants and regulated pests, such as being shipped inside a sea container. If imported sawn wood consignments are packaged inside plastic sheeting or in a manner other than inside a sea container prior to shipping to NZ, MPI will conduct a consignment inspection at the POFA. After inspection, compliant consignments will be authorisation to a TF or held for treatment at the POFA. Typo should read "authorised".

MPI Response 40: Section 6.10 has been extensively re-written and this wording is no longer used in this context.

Submission Point 41: 6.10.3 Alternative systems for pre-inspection imported sawn wood management. (2) An acceptable system could be as follows: • Imported sawn wood <u>are</u> unloaded from a sea container in a designated area at the TF (such as under a building canopy), then the imported sawn wood is surface sprayed with a contact insecticide and covered with an impervious sheet/tarpaulin that is held down completely around the consignment with sand/water snakes etc. The imported sawn wood can then be held temporarily (48 hours at maximum) at that location until MPI has conducted the booked inspection. Typo should be "is"

MPI Response 41: Section 6.10 (3d) now reads as, "The uncleared sawn wood should be held temporarily (48 hours maximum) in the TF controlled area until MPI has conducted the booked

inspection".

Submission Point 42: 6.11.2 Unpacking sea containers at TFs. (1) As is specified in MPI-SEACO, all loaded imported containers must be unpacked at a TF in the presence of an AP. MPI-SEACO requires that an AP has completed and passed an MPI approved course for APs associated with imported sea containers. More information is available on the MPI website at: http://www.biosecurity.govt.nz/regs/trans/register. The SEACO STD does not currently mention completing an MPI approved course. Is this IHS being updated? This should also be included in Air Cans STD.

MPI Response 42: MPI intend to being updating the IHS for Sea containers by the end of 2016. As above under MPI Response 31, information on training for APs is specified in detail.

Submission Point 43: 6.11.3 APs at sea container TFs. (1) An AP (with current approval) should be present on delivery or as soon as possible after containers are delivered, and should check the containers on four sides (top and underside excluded) for external contamination after delivery to the TF, during unpacking (internal surfaces, uncleared risk goods and wood packaging check), and when empty (a final internal check). Comment: In the existing TFGEN STD under Section 2.18 this is a "must". (2) All container checks completed by an AP should be recorded. Any contamination found, whether associated with the container or the cargo, should be recorded on the container log sheet to be submitted to MPI by fax or alternatively to MPI submitted on line at: http://www.biosecurity.govt.nz/files/reg/contcarg/containerlog.pdf. If "should" is the correct statement what are the implications for the AP training? As the standard currently reads there is no requirement for the AP to be present or conduct the checks. Comment: We believe that this is a significant requirement and should be a "must" and recommend to move this entire section into the STD.

MPI Response 43: The TF manual for air and sea container facilities must specify that an AP must be present to do this work or will be present to supervise this work being done. This legally underpins the mandatory part of this requirement. In this regard, MPI will retain this information in the GD.

Submission Point 44: 6.11.4 Equipment needed at sea container TFs. (1) The TF Operator should ensure that the TF has the necessary equipment to check and clean containers that are received. Dedicated equipment for cleaning spilled risk good material such as broom, dustpan and brush (or vacuum cleaner), and a biosecurity bin to put quarantine waste in should be provided and labelled specifically for MPI biosecurity/quarantine use. (2) The TF Operator should ensure that a functioning portable light of sufficient power (able to illuminate the far end wall from the door) is available to inspect the ceiling, floor and walls of the container. APs should also inspect the underside of containers if there is a practicable and safe way to do this such as using robust container stands. (3) The TF Operator should ensure that sufficient aerosol canisters of dual-action insecticide (having both knock-down and residual action properties such as tetramethrin 4g/l for knock down and permethrin 1g/l for residual) are available for use by APs. These canisters should be available for immediate use at the front of the container as it is being opened. For information about suitable sprays for killing arthropods is available on the MPI website at: http://www.biosecurity.govt.nz/border/transitionalfacilities/permethrin-sprays.htm. Other sprays with equivalent properties may also be approved for use on approach to MPI. Auditors insist on this equipment being available yet it is only a "should" in the GD. If it is mandatory then it needs to be a "must" included in the STD.

MPI Response 44: See MPI Response 1 as above.

Submission Point 45: 6.13.4 TF Physical aspects of self-storage TFs. Once the TF is approved, there should be a prominent sign (see section 4.12) displayed immediately that meets MPI's requirements and specifies that the premises are a TF. The premises should also have a sealed hard stand area for receiving sea containers available on site as per the requirements in the section for sea containers. This hard stand area should be available to the individual importers and should be large enough to hold as many uncleared containers as are likely to be delivered on site at any one time. For example, if there are three separate importers located at the premises, the hard stand area should be able to compliantly hold three (or more) sea containers at any one time. Hard stand area is this mandatory? Auditors insist on this being available yet it is only a "should" in the GD. If it is mandatory then it needs to be a "must" included in the STD.

MPI Response 45: See MPI responses 43 and 44.

Comments pertaining to training for APs and TFOs. Abridged.

Submission Point 46: Accredited Person Training. The changes made to the certification period for Accredited Person training in July 2013 are only now being felt. The frequency of re-training needs consideration, however, training programmes also need to be fine-tuned and adapted/updated on a regular basis to reflect the latest level of knowledge on the subject matter, maintain relevancy and use updated and current statistics. The objectives of the training programmes need to be considered in making the decisions around re-training frequency. Protecting New Zealand is paramount and therefore the more this is brought to the publics' attention the better. Keeping content refreshed annually is key to ensuring that attendees retraining will pay more attention to the messages.

MPI completing TF audits regularly is also paramount to ensuring that facilities and staff at TFs understand and meet the requirements. The frequency of retraining moving out to 4 years for Accredited Persons is too long, especially for facilities that receive containers infrequently. It is unrealistic to expect a person participating in a four hour training session covering complex issues to recall all of the messages from the session if they only hear the messages once. If they apply the messages every day in their working environment they are more likely to recall them, however, this is not the case for the majority of trainees. It is also a known fact that each time a person is trained they recall more. We have had trainees who have attended 4+ refreshers who still leave the course re-energised and providing positive feedback. We would recommend that MPI reverts back to a 2 year training cycle for Accredited Person training as this role is critical.

Provided that the role and its importance is understood and the scenarios are constantly refreshed Training Providers can ensure a positive experience for all trainees. In addition, new APs gain valuable knowledge from existing APs sharing their experiences. In addition, where certification lapses prior to retraining, the retraining frequency reverts to 2 years. This is causing confusion for trainees and significant rework between MPI and Training Providers.

Transitional Facility Operator Training. Unfortunately, due to the fact that Transitional Facility Operators were appointed into the role with no training requirement back in 2004, the importance of the role TFOs hold has not been fully understood and valued. The focus that MPI are now placing on the role highlights the need to ensure that the right person in the organisation takes on the role. Training for TFOs is only one component of approval. The fact that TFOs need to ensure that they have trained APs, conduct internal audits annually and update their operating procedures are reason enough to align the retraining frequency to that of APs, i.e., a 2 yearly renewal cycle. Four years between training is too long. In addition, turnover in this position is significantly less than that for APs. We would therefore recommend that TFO re-training should also be set at a 2 year renewal cycle.

We would recommend that a ½ day training session attended more frequently with interactive content that enables the TFO to leave the course with an Action Plan of what they need to update when they get back to their day to day role would be appropriate. However, if MPI are looking to get more value from TFO training then we would recommend including the AP content and making it a combined full day course. At the end of the day TFOs are responsible for ensuring that APs fulfil the responsibilities of the role. They are also responsible for providing Biosecurity Awareness training for their staff so should therefore understand what is required of an AP. Face to face training to ensure that the message is delivered effectively is our recommendation for TFO training.

Specialist Transitional Facilities. The inclusion of specialised Transitional Facilities now needing to undertake the basic training will alter the dynamics of the training. We suggest that the highly technical components for those facilities, such as Biosecurity Refuse, Biosecurity Treatment, Decontamination, Incineration, Fresh Produce, etc., should be developed using a technology platform so that they can target the specific areas that need to be understood with regard to the risk that they pose. The AgriChain Centre is able to assist in the development of materials specifically for these categories, if required.

MPI Response 46: MPI believes that having the right information specified in the TF manual is crucial and this provides the basis for appropriate verification inspections to check for compliance. MPI is committed to the appropriate assessment of APs and TFOs to ensure compliance and intend to ensure that they are trained regularly and properly. MPI already uses information on risk goods imported into TFs and previous compliance records to inform ongoing verification inspections and set these as appropriate.

On the basis of feedback from internal and external stakeholders it is likely that both AP and TFO retraining frequencies will be set at being required every two years. MPI also believes that it is inappropriate for AP and TFO training to be aligned. MPI understands that some TFOs also act as APs and are trained as such but there are many APs that are not TFOs and it is not appropriate for them to do both jobs. MPI records list that 10% of all TFOs never deal with air or shipping containers and have no need for APs at their places of business.

MPI will continue to require that APs and TFOs are re-trained and assessed for competence in a class room or by assessment in the workplace. MPI is considering the idea of on-site competency assessment (set at the same duration for other classroom retraining) after the initial training for APs and TFOs has been conducted. After the initial training, retraining could occur in the workplace at the TF to assess on the job competence. It is likely that this could save time and reduce costs. MPI will most likely also be extending the TFO training course to a full day and will continue to revise the training material (for APs and TFOs) periodically with training organisations such as yours.

Submitter 37: Mr. Bill Xu.

Comments pertaining to TFGEN and the GD

Submission Point 1: Please give some versions in other languages, thanks!

MPI Response 1: MPI does not currently have the resources to prioritise conversion of TFGEN and the GD into other languages.

Appendix 1: Copy of submissions on TFGEN and the associated Guidance Document