



Import Health Standard

Sea Containers

SEACO

17 October 2018

TITLE

Import Health Standard: Sea Containers from All Countries - Import Health Standard

COMMENCEMENT

This Import Health Standard comes into force on 17 October 2018

REVOCATION

This import health standard revokes and replaces Import Health Standard for Sea Containers that was issued 1 September 2018.

ISSUING AUTHORITY

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

Dated at Wellington, 17 October 2018

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Introduction

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

Purpose

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

Background

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

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

Who should read this?

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

Why is this important?

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

Equivalence

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

Document History

Version Date	Section Changed	Change(s) Description
2 March 2018	N/A	N/A
28 August 2018	Section 2.2 and addition of section 2.3	Removal of CTOD from section 2.2 and the addition of the urgent amendment for Italy in section 2.3.
17 October 2018	Throughout	Revision of grammatical errors and clarification of ambiguities.

Other information

Guidance

Guidance for this IHS is provided in the *Guidance Document in support of the IHS for Sea Containers*, <https://www.mpi.govt.nz/importing/border-clearance/containers-and-cargo/requirements/>. It provides more information about importing sea containers. It is advisable to seek assistance from MPI if you are unclear on any part of the IHS prior to undertaking any activities relating to the importation of sea containers.

The information contained within “guidance boxes” throughout this document is for guidance only and is not part of the statutory requirements. These boxes are labelled as “Guidance”.

Cargo

Cargo within containers must be managed as per the relevant IHSs. See MPI's website for the relevant IHS—<https://www.mpi.govt.nz/importing/>

Wood Packaging

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

Non-Compliance

A sea container that does not meet the requirements of this standard will not be given biosecurity clearance under the Act and will be directed by a MPI Inspector as per section 122 of the Act for further action as considered appropriate to manage the biosecurity risks. Deliberate non-compliance with the requirements of this standard or negligence leading to non-compliance will lead to increased intervention (e.g. inspection or audit) regimes or prosecution of liable parties under the Act.

Costs

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

Part 1: General Requirements

1.1 Application

- (1) This IHS applies to all sea containers that are imported into NZ from any country.

1.2 Incorporation by reference

- (1) The following documents are incorporated by reference under section 142M of the Biosecurity Act 1993:
 - a) MPI standard *MPI Approved Biosecurity Treatments* <http://mpi.govt.nz/document-vault/1555>; and
 - b) *International Standard for Phytosanitary Measures 23: Guidelines for Inspection (ISPM 23)*, [International Plant Protection Convention](http://www.ippc.int/).
- (2) Under section 142O(3) of the Biosecurity Act, it is declared that section 142O(1) does not apply, that is, a notice under section 142O(2) of the Biosecurity Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of those documents.

1.3 Definitions

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

Part 2: Biosecurity requirements for containers

2.1 Information that must be provided for the importation of containers

- (1) The following documented information for all sea containers must be sent by importers and received by MPI at least 12 hours prior to the containers' arrival in NZ:
 - a) Container Number
 - b) Container type
 - c) Country of origin
 - d) Port of loading
 - e) Port of discharge
 - f) Importer details
 - g) Exporter details
 - h) NZ specified transitional facility (TF) destination
 - i) Quarantine declaration
 - j) Complete and accurate description of the cargo or tariff code, including all packaging
 - k) Any treatment certification if required

Guidance

This information will be assessed by MPI to determine the regulatory interest of a container and its contents and subsequent actions that may occur. Sea containers with absent or incomplete information will be considered to be of high regulatory interest and are likely to receive more MPI intervention.

2.2 Requirement for freedom from biosecurity contaminants and regulated pests

- (1) All containers imported into NZ must be clean and free of pests and biosecurity contamination. Inspections or checks to verify this must be carried out by legally approved persons (e.g. MPI inspectors or accredited persons).

2.3 Sea Containers from Italy

- (1) This section applies from the date on which this standard commences until 30 April 2020.
- (2) All sea containers that depart from Italy on or after 1 September and arrive on or before 30 April of any year must:
 - a) be treated for Brown Marmorated Stink Bug (BMSB) in accordance with *MPI Approved Biosecurity Treatments* by an approved treatment provider; or
 - b) be inspected by an inspector if:
 - i) the importer has notified MPI that the sea container contains cargo that the importer considers would be damaged by the treatments for BMSB specified in the *MPI Approved Biosecurity Treatments*; and
 - ii) a CTO has determined that treatment may damage the cargo.
- (3) Clause 2.3(2) does not apply to sea containers:
 - a) containing vehicles, machinery or equipment, as requirements for these risk goods are defined in the *Import Health Standard: Vehicles, Machinery and Equipment*; or
 - b) that are trans-shipped through Italy provided that:

- i) the sea container is sealed while trans-shipping via Italy; or
 - ii) flat racks, open-sided or open-top and soft-top containers have only been at an Italian port for a maximum of 120 hours and remain isolated from other cargo.
- (4) After treatment of sea containers, all reasonable and practicable steps must be taken to prevent the contamination of treated sea containers with BMSB.

Guidance

See [Approved biosecurity treatments](#) page 41 for BMSB treatments.

Offshore treatment providers are listed at: <https://www.mpi.govt.nz/importing/border-clearance/transitional-and-containment-facilities/find-treatment-options-and-suppliers/>

Part 3: Inspection and logistical requirements for containers

3.1 Ports

- (1) A container must not be removed from the first port of discharge, *including movement to transitional facilities, inland depots or for transshipment by road or rail*, until all container information is received and assessed by MPI and directions actioned by MPI or relevant parties. Containers for trans-shipment by sea must be inspected or checked at the first port of discharge where they will remain on that port for longer than 12 hours.

3.2 Transportation

- (1) For all uncleared containers being transported from a port to a transitional facility or between transitional facilities for devanning, treatment or other action, the importer or importer's agent must provide all relevant information and MPI directions about the container to the transport operator and the transitional facility.

3.3 Transitional Facilities

- (1) No person is permitted to open or devan a container until notification of MPI requirements has been received at the transitional facility. Containers must be devanned at the transitional facility in the presence of a MPI Inspector or an accredited person (as directed by MPI).

3.4 Detection and management of biosecurity pests and contamination

- (1) Biosecurity contamination, e.g. soil, plant products and restricted packaging material, etc., found on or in a container during routine checks must be secured in a quarantine bin or other approved receptacle and MPI notified (as per the accredited persons training). When live organisms e.g. insects, mobile animals or egg masses etc., are found they must be secured and MPI notified immediately on 0800 809 966.

Schedule 1 – Definitions

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

BACC: Biosecurity Authority Clearance Certificate issued by MPI that provides either biosecurity clearance or direction for further action.

Biosecurity pests and contamination: Animals, insects or other invertebrates (alive or dead, in any life cycle stage, including egg casings), organic material of animal origin (including blood, bones, hair, flesh, secretions, excretions), viable or non-viable plants or plant products (including fruit, seeds, leaves, twigs, roots, bark), other organic material (including fungi), soil or water where these are not the manifested cargo being imported.

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

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

Customs delivery order (CDO): Direction issued by the New Zealand Customs Service that allows for a container to be transported to another location.

High regulatory interest: Containers that are considered by MPI profiling to have a higher than average chance of being contaminated with biosecurity pests or material; OR with absent or incomplete information; OR are sourced from countries with 'high risk status'. Containers of high regulatory interest require further MPI intervention before a biosecurity clearance is issued.

Inspection: An inspection by a MPI Inspector to detect the presence of biosecurity pests and contamination, in accordance with ISPM 23.

Packaging material: Material used to brace or hold cargo within a container such as pallets, cases, crates, boxes, drums, and cartons, dunnage and wedges.

Restricted packaging material: Packaging that includes soil, peat, moss, used sacking material, hay, straw, chaff and any material contaminated with the above. Wood packaging is also included - materials such as cases, crates and pallets and wood used to separate, brace, protect or secure cargo in transit.

Treatment certificate: must confirm that the cargo was treated with an MPI-approved treatment and includes:

- a) Treatment Provider's letterhead including name and physical address.
- b) Certificate number.
- c) Description of the consignment – including quantity of items.
- d) Name and address of exporter.
- e) Name and address of importer.
- f) Date upon which treatment was completed with signature of the Treatment Provider.
- g) Address where the treatment occurred.
- h) Treatment details including the type of treatment used and products (where applicable), applied treatment rate, exposure time period, minimum enclosure temperature details, etc.
- i) A declaration that the Treatment Provider has met all of the requirements specified by MPI.