



**Risk Management Proposal Associated with the Review of the
Import Health Standard for Vehicles, Machinery and Equipment
for the Management of the Brown Marmorated Stink Bug
and Other High-Profile Pests**

FOR PUBLIC CONSULTATION

25th of May 2018



Disclaimer

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Requests for further copies should be directed to:

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Submissions

The Ministry for Primary Industries (MPI) invites comment from interested parties on the proposed amendments to the Import Health Standard (IHS) for Vehicles, Machinery and Tyres (now re-named as the IHS for Vehicles, Machinery and Equipment). The proposed changes are supported by this discussion document. An IHS specifies requirements that must be met for the effective management of risks associated with importing risk goods, including risks arising because importing the goods involves or might involve an incidentally imported new organism" (section 22 (1) Biosecurity Act 1993 – The Act).

MPI seeks further comment on the proposed May 2018 amendments to the IHS: Vehicles, Machinery and Equipment (as specified in the associated document - *Proposed changes to the IHS for Vehicles, Machinery and Equipment – 25th of May 2018*). MPI has developed this proposal based on concerns about contamination associated with used machinery from all countries; and recent interception data on high-risk found on vessels carrying vehicles and machinery from Japan.

If you disagree with the measures proposed to manage the risks, please provide either data or published references to support your comments. This will enable MPI to consider additional evidence which may change how risks are proposed to be managed. The following points may be of assistance in preparing comments:

- Wherever possible, comments should be specific to a particular amendments in IHS requirements or a question asked in this document (referencing section numbers or subjects as applicable);
- Where possible, reasons, data and supporting published references to support comments are requested; and
- The use of examples to illustrate particular points is encouraged.

The amendments proposed in this document are intended to update the IHS to ensure that the biosecurity risks associated with the importation of vehicles, machinery and equipment from all countries are managed in response to commercial practices and changing scientific knowledge.

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

- The title of the consultation document in the subject line of your email;
- Your name and title (if applicable);



- Your organisation's name (if applicable); and your address/contact details.

Please send submissions to: standards@mpi.govt.nz, or should you wish to forward submissions in hard copy format (writing), please send them to the following address to arrive by close of business on the 8th of June 2018.

Facilities and Pathways Group
Plants and Pathways Directorate
Ministry for Primary Industries
PO Box 2526, Wellington
Fax 04 894 0733

Submissions received by the closure date will be considered during the development of the final versions of the IHS. Submissions received after the closure date (8th of June 2018) may be held on file for consideration when the IHS is subsequently reviewed.

Official Information Act 1982

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

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Information on the IHS Consultation Process from the 25th of May to the 8th of June 2018

1. Purpose

The purpose of this document is to:

- Clarify the proposed amendments from May 2018 to the requirements for the IHS: Vehicles, Machinery and Equipment – VEHICLE-ALL that have not been previously consulted in either of the two consultation rounds held in 2015 and 2017 (as below);
- Provide justification for the proposed amendments and how they manage specific risk; and
- Seek feedback on the proposed amendments to importing requirements for vehicles, machinery and equipment.

2. Background

2.1 Consultation on the IHS for Vehicles, Machinery and Tyres (2015) and on the IHS for Vehicles, Machinery and Equipment (4th of December 2017 to the 29th of January 2018)

MPI consulted on two previous occasions on previous draft documents for the IHS for Vehicles, Machinery and Tyres, and on the IHS for Vehicles, Machinery and Equipment. Consultation occurred in 2015 (from May to November) and in 2017 (from December until January 2018) respectively. The substantial nature of the proposed changes to these documents were explained in “*The Risk Management Proposal Associated with the Review and Amendment of the Import Health Standard for Vehicles, Machinery and Tyres (now Vehicles, Machinery and Equipment)*” during the 4th of December 2017 to the 29th of January 2018 consultation period.

The amendments proposed in the documents that were consulted on between the 4th of December 2017 and the 29th of January 2018 were intended to update, improve, and support the IHS. This was to ensure that the biosecurity risks associated with the importation of vehicles, machinery and equipment were managed in response to increased scientific knowledge and challenges posed by commercial importation practices.

MPI also made administrative changes and re-issued the IHS for Vehicles, Machinery and Tyres on the 25th of January 2018. This was primarily to re-format the IHS to conform to MPI’s official document style. The reformatted IHS also collated and specified the Chief Technical Officer Directions that had been issued for vehicles, machinery and tyres from Italy and the United States of America. These directions provide legal directions for equivalent, appropriate methods of management for vehicles, machinery and tyres where the exact requirements specified in the IHS cannot be met for particular reasons.

Further changes to the IHS from May 2018 are now proposed by MPI in addition to those previously consulted on. These primarily relate to additional requirements for the specific cleaning and certification of used vehicles and machinery from all countries; and strengthened requirements for the management of vehicles and machinery from Japan.

3. Background and Context to Consultation

3.1 International Regulation of Risk Goods

The World Trade Organisation and Sanitary and Phytosanitary Measures (SPS) Agreements set in place rules that protect each country’s sovereign right to take the measures necessary to protect the life or health of its people, animals, and plants while at the same time facilitating trade. It embodies and promotes the use of



science-based risk assessments to manage the risks associated with the international movement of goods. “The SPS Agreement will continue to provide guidance into how New Zealand sets standards and makes decisions related to biosecurity. In particular, it will be important to maintain the standards of transparency and scientific rigour required by the SPS Agreement, and to make decisions as quickly as possible. This will encourage other countries to comply with the rules of the SPS Agreement, and also demonstrate that New Zealand’s strict controls are justified to countries that may possibly challenge them.” Balance in Trade [online reference ISBN 978-0-478-33881-2].

3.2 Domestic Regulation of Risk Goods

The New Zealand biosecurity system is regulated through the Biosecurity Act. Section 22 describes an IHS and requires all risk goods including inanimate items such as Vehicles, Machinery and Equipment (including tyres) entering New Zealand, to be covered by one. MPI is the New Zealand government Ministry responsible for maintaining biosecurity standards for the effective management of risks associated with the importation of risk goods into New Zealand (Part 3 of the Act).

MPI is committed to the principles of transparency and evidence-based technical justification for all phytosanitary measures, new and amended, imposed on importing pathways. MPI periodically reviews IHSs, related documents and other associated standards so that the legal requirements are clear and that information is consistently presented and easy as possible to understand.

4. Biosecurity Risk Associated with Vehicles, Machinery and Equipment

4.1 Biosecurity risk and the vehicle and machinery pathway

The biosecurity risks and high-risk pests associated with this pathway have been documented previously and considerable information was provided in previous *Risk Management Proposal* Documents released in 2015 and 2017. In brief, both new and used vehicles and machinery are a biosecurity risk as regulated contaminants and pests are commonly associated with them. Used items provide a higher level of risk than new items as contaminants and pests have a longer time period and greater opportunity to contaminate or infest them.

On the 19th of February 2018, MPI urgently re-issued the current version of the IHS for Vehicles, Machinery and Tyres to strengthen management requirement for vehicles and machinery imported from Japan. This revision was as a result of challenges MPI experienced during February (that were also repeated in March) 2018. At that time, significant numbers of live Assassin bugs, Brown Marmorated Stink Bugs, Conifer bugs, Yellow Spotted Stink Bugs and other pests were intercepted on board vessels transporting vehicles and machinery from Japan.

MPI was concerned that the vessels (and the vehicles and machinery being carried) had not received appropriate cleaning, management or treatment in Japan to effectively deal with the high-risk pests prior to departure for New Zealand. This concern was manifested during an inspection of one of the vessels arriving at the Port of Auckland. The situation led to increased border intervention by MPI including declining discharge of cargo from Japanese vessels carrying vehicles and machinery until a range of complementary mitigating actions were conducted. These actions included repeated inspections, fogging with insecticide, heat treatment, the use of trained detector dogs for stink bugs during controlled (staggered) discharge from vessels; and in some instances, preventing the vessels from docking at the port (place of first arrival).

MPI is committed to managing this pathway through appropriate measures that will primarily be conducted in the countries of origin under the proposed revised IHS. The details of the proposed measures provided previously and links to the 2015 and 2017 *Risk Management Proposals* may be found respectively at:

<https://www.mpi.govt.nz/news-and-resources/consultations/proposed-amendments-to-the-ihs-for-vehicles-machinery-and-tyres/>



and

<https://www.mpi.govt.nz/news-and-resources/consultations/consultation-on-the-import-health-standard-for-vehicles-machinery-and-equipment/>

5. Further planned changes to the IHS requiring consultation – 25th of May 2018

MPI has further developed the IHS and Guidance Document for Vehicles, Machinery and Equipment in order to manage the changing risk profile associated with vehicles, machinery and equipment from all countries of importation.

5.1 Proposed management of used machinery and used wire cables

Part 3.1: Used machinery and used wire cables from all countries

Used machinery (including machinery intended for use as equipment parts):

- (1) Must be thoroughly cleaned (externally and internally) before arrival in New Zealand.
- (2) Importers of used machinery must provide a cleaning certificate stating that such items have been thoroughly cleaned (externally and internally) and that these items were disassembled for cleaning.
- (3) All treated items must be physically labelled with an adhesive sticker identifying:
 - The company that applied the treatment;
 - The treatment location;
 - The type of treatment applied (as specified in *MPI Approved Biosecurity Treatments*);
 - The date and time when the treatment was applied; or
 - Whether the items were managed under an MPI-approved system.

Used wire cables:

- (4) Must be heat treated as per *MPI Approved Biosecurity Treatments* or removed prior to importation.
- (5) Importers of used wire cables must provide a treatment certificate stating that any remaining wire ropes have been heat treated as per *MPI Approved Biosecurity Treatments*.

These revised requirements are primarily aimed at all used machinery (rather than vehicles) to provide consistent outcome. In parallel, MPI also considers that vehicles from the high-profile export countries will also be appropriately managed under the IHSs generic requirements and via specific measures listed under Part 3.4.1 and 3.4.2 (for Japan and the Schedule 3 countries).

MPI has now revised its stance given the repeated arrival of badly contaminated used machinery with contaminated used wire cables that have not been limited to agricultural, forestry or horticultural purposes. Given that the main type of contaminants that are found associated with used machinery are soil and vegetation, MPI considers that there no significant difference between the risk posed by contamination on machinery used in an agricultural or rural environment to that operated in house construction, road building or tree surgery in an urban environment.



5.2 Proposed management for new and used vehicles and machinery from Japan

Part 3.4: Requirements for Management of Specific Regulated Pests

3.4.1: New and used vehicles and machinery from Japan

(1). New vehicles and machinery

a). All new vehicles and machinery from Japan must comply with Part 2.2 of this IHS.

and

b). Must be treated before arrival in New Zealand (as specified in *MPI Approved Biosecurity Treatments*) from the 1st of September until the 30th of April of any year for the Brown Marmorated Stink Bug.

or

New vehicles and machinery from Japan must be managed in Japan under an MPI-approved New Vehicle and Machinery System.

The requirements under 3.4.1 (1) exclude new bicycles, new motorised bicycles, new motor bikes, new motor scooters, new side by side (SxS) racers, and new quad bikes/racers.

(2). Used vehicles

a). All used vehicles including non-standard vehicles (such as buses, dump-trucks and motor homes) must be managed in Japan under an MPI-approved Used Vehicle and Machinery System before being exported to New Zealand.

and

b). Systems must also use a treatment component from the 1st of September until the 30th of April of any year for the Brown Marmorated Stink Bug (as specified in *MPI Approved Biosecurity Treatments*).

(3). Used machinery

a). Used machinery must be cleaned and have a certificate of cleanliness as provided by an MPI-approved cleaning provider (required 12 months per year).

and

b). Used machinery must be also treated in Japan (as specified in *MPI Approved Biosecurity Treatments*) from the 1st of September until the 30th of April of any year for the Brown Marmorated Stink Bug before being exported to New Zealand.

MPI now proposes the mandatory management of vehicles and machinery in Japan under MPI-approved New Vehicle and Machinery Systems and Used Vehicle and Machinery Systems. Both types of systems will require the use of an MPI-approved treatment between the 1st of September and the 30th of April of any year. In addition, used machinery must be cleaned and certified as so for 12 months of the year.

Brown Marmorated Stink Bug (and other high-risk pests such as Asian Gypsy Moth) conceal themselves and may actively hide when disturbed reducing inspection efficiency. The current requirement for cleaning is not considered to be appropriate to manage hidden pests. Therefore, MPI considers that requiring both cleaning and treatment to be conducted in Japan is effective in killing hidden pests, and significantly reduces the risk of non-compliant vehicles or machinery arriving in New Zealand.

Consultation

As MPI has not previously and specifically consulted on these details previously (under Parts 3.1 and 3.4), MPI will consult for a period of two weeks from the 25th of May 2018 until the 8th of June 2018 in order to receive



relevant feedback from stakeholders. MPI then intend to release the IHS for implementation after analysing feedback and making relevant adjustments on the 25th of June 2018.

The exact wording of the proposed requirements listed in Parts 3.1 and 3.4 of the revised IHS are included in the associated document – ***Proposed changes to the Draft IHS for Vehicles, Machinery and Equipment – 25th of May 2018***. This document compares and contrasts the IHS requirements first proposed during the consultation period from the 4th of December 2017 until the 29th of January 2018, with those proposed on the 25th of May 2018.