



Guidance Document

Clearance Process for Fresh Fruits and Vegetables for Human Consumption

Draft

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Title

Guidance Document: Clearance Process for Fresh Fruits and Vegetables for Human Consumption

About this document

The Ministry for Primary Industries (MPI) publishes a variety of guidance documents. Typically these provide:

- an explanation of the Import Health Standard (IHS) requirements;
- assistance to stakeholders to comply with the IHS requirements;
- details of MPI's role in biosecurity; and,
- details of the process of biosecurity clearance.

It is possible that there are ways to comply with applicable requirements other than those outlined in this document. Stakeholders are encouraged to discuss any departures from the approaches outlined in this guidance document with MPI, prior to use, to avoid expending resources on alternative approaches which may not be acceptable.

The term "must" is not typically used in guidance. When the term 'must' is used in this document, it is a quote or paraphrase from the IHS requirements.

Related Requirements

This guidance document has been issued to accompany the Import Health Standards (IHS) for fresh fruit and vegetables for human consumption.

Document history

This document is subject to ongoing review and amendment. The most recent version of this guidance document is available on the MPI website.

Version Date	Section Changed	Change(s) Description
18 November 2019	All	New document

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1 Purpose

- (1) The purpose of this guidance document is to provide information on the process of biosecurity clearance of consignments of fresh fruit and vegetables on arrival in New Zealand.
- (2) This document is intended to be read as a continuation from the Guidance Document: Import of Fresh Fruit and Vegetables for Human Consumption.

2 Background

- (1) Border Clearance Services is an essential component of New Zealand's biosecurity system. The biosecurity system helps protect New Zealand's economy, environment, human health, and a range of social and cultural values.
- (2) An IHS for fresh fruit or vegetables for human consumption contains import requirements for regulated (quarantine) pests associated with the commodity. These requirements manage the biosecurity risk of importing fresh fruit and vegetables from any approved country to meet New Zealand's appropriate level of protection.
- (3) Biosecurity New Zealand Inspectors verify and ensure that the biosecurity requirements are met and are able to issue biosecurity clearance for entry into New Zealand.

3 Definitions

- (1) For full definitions refer to Appendix 1.
- (2) Acronyms used in this document:

AD	Additional Declaration
CTO	Ministry for Primary Industries Chief Technical Officer
BACC	Biosecurity Authority Clearance Certificate
BORIC	Biosecurity Organisms Register for Imported Commodities
IHS	Import Health Standard
IPPC	International Plant Protection Convention
ISPM	International Standards for Phytosanitary Measures
MPI	Ministry for Primary Industries
NPPO	National Plant Protection Organisation

4 Importer's responsibilities

- (1) The costs to MPI in performing functions relating to the importation of fresh fruit and vegetables for consumption (including samples) will be recovered in accordance with the Biosecurity Act 1993 (the Act) and any regulations made under that Act. All costs involved with documentation, transport, storage and obtaining a biosecurity clearance must be covered by the importer or agent.

5 Biosecurity Clearance of Fresh Fruit and Vegetables for Human Consumption

5.1 Provision of documents

- (1) The importer/import agent should provide MPI with all details of each consignment prior to the arrival of goods into New Zealand:
 - i) at least 48 hours before a sea freight consignment arrives; or
 - ii) within 48 hours before an air freight consignment arrives.

Failure to do so may delay a decision on clearance of a consignment.

MPI recommend that importers/agents use electronic phytosanitary certificates, where available. This will allow MPI to process your lodgement without us having to ask for the originals.

- (2) To verify that the requirements of the IHS have been met, MPI will review all documentation accompanying the consignment.
- (3) Consignments accompanied by incorrect or incomplete phytosanitary certification will be held in a transitional facility until correct documentation is presented. Failure to present correct documentation within a reasonable time may result in the consignment being re-shipped or destroyed.

5.2 Non-compliant documentation

- (1) A consignment will be refused clearance by MPI if it is not accompanied by a phytosanitary certificate or if a phytosanitary certificate cannot be presented to a MPI Inspector within a reasonable time period of a consignment arriving in New Zealand.
- (2) In addition, a phytosanitary certificate may be rejected by a MPI Inspector if it is found to be invalid or fraudulent. Examples of unacceptable phytosanitary certificates can be found in ISPM12 Phytosanitary Certificates:
- (3) The consignment will be held in secure custody until correct documentation is received.
- (4) Minor typographical and spelling errors are permissible provided the meaning of the text is clear and in accordance with the requirements of the relevant IHS.

5.3 Transit requirements

5.3.1 Short shipped consignments

- (1) "Short shipped" consignments are consignments where a portion of the intended shipment is unexpectedly offloaded at the port of export. Short shipped consignments do not require the importer to supply a revised phytosanitary certificate as long as the balance of the shipment arrives in New Zealand within 24 hours.
- (2) The consignment will still need to meet the requirements of the relevant import standard

5.3.2 Consignments transiting New Zealand *en route* to another country

- (1) For all consignments of fresh fruit/vegetables landed in New Zealand (transiting) en route to another country, care should be taken to ensure that the phytosanitary import or transit requirements of each country are met (in accordance with ISPM 12 Phytosanitary Certificates and ISPM 25 Consignments in transit).

- (2) Fresh fruit and vegetables in transit to another country may be off-loaded at the international airports and seaports of New Zealand for reloading onto another aircraft or vessel, provided that the following conditions are met:
 - a) The fresh fruit and vegetables are held in pest proof containers*.
 - b) The consignment is stored separately from other plant material to the satisfaction of an MPI Inspector.
 - c) The consignment remains at the airport or wharf of arrival under bond.

***Note:** A pest proof container is a container or device of sound durable construction which, when closed and sealed, eliminates the possibility of pests escaping. Sea containers with the vents screened or air containers shrink wrapped are considered pest proof.

5.4 Transport to an approved inspection facility

- (1) Fresh fruit and vegetables that have correct documentation may be transported within New Zealand provided they are in pest proof containers, and moved directly from the place of first arrival to a transitional facility for inspection and biosecurity clearance under the direction of a MPI Inspector.

5.5 Pre and post-inspection security

- (1) Consignments of fresh fruit and vegetables which are not inspected within 4-6 hours of arrival in New Zealand should be stored in a transitional facility until they are inspected and given clearance.
- (2) All consignments of fresh fruit and vegetables not complying or suspected of not complying with the specifications detailed in the IHS shall be securely stored in an insect proof manner in a transitional facility, until such time as they can be inspected and/or cleared, reshipped or destroyed.

5.6 Inspection

- (1) Prior to or on-arrival to New Zealand, MPI Inspectors will conduct risk profiling activities on a consignment to determine its consignment risk. The risk determination, and any directions for action, are then communicated to MPI Inspectors. Consignment risk includes any changes to biosecurity risk (e.g. emerging pests) and pathway risks (previous non-compliance, or poor performance).
- (2) MPI Inspectors review documentation accompanying consignments to verify compliance with the IHS. Paper-based phytosanitary certificates need to be original and electronic phytosanitary certificates (e-Cert) need to be securely transmitted directly from the exporting country NPPO to MPI. All documents need to be correct and presented to a MPI Inspector before any biosecurity direction/will be considered.
- (3) Biosecurity directions and/or clearance is given via a Biosecurity Authority Clearance Certificate (BACC) when an MPI Inspector is satisfied that all requirements have been met.
- (4) Where a treatment has been applied *en route* to New Zealand, a MPI Inspector will verify treatment data to determine that the treatment has been completed before or on-arrival of the consignment in New Zealand.
- (5) MPI may conduct a reconciliation inspection to validate phytosanitary certification details (e.g. number of packages, consignment composition) for consignments arriving in New Zealand.
- (6) MPI may inspect a sample of the consignment on arrival in New Zealand to verify that product is correctly described and that the consignment is free from regulated pests, diseases or contaminants.
- (7) Typically a 600 unit sample is inspected unless otherwise specified in MPI operational procedures. If no viable regulated pests are detected, no further action would normally be undertaken unless consignment reconciliation is required.

- (8) Any reduction in the level of inspection from current on-arrival levels is based on sound evidence of compliance of a pathway.
- (9) Where the commodity within a lot or consignment has the same scientific name (e.g. *Cucumis melo*), but the commodity differs in physical characteristics (e.g. varietal differences such as rock melon and honeydew melons), the composition of the sample selected for inspection should include an equal proportion of each variety of the commodity.
- (10) Samples may be taken from each lot as specified in the appropriate sampling plan detailed below. Samples may be taken from any part of the lot and shall include a selection of cartons/packages from different areas of the lot. To ensure a representative sample is selected for inspection, consideration may be given to selecting cartons from different grower lines, different pallets, different brands, and different locations within the consignment.
- (11) The inspection sample size may be determined by the lot size, with the full sample selected being inspected, as covered by Table 1 below.

Table 1. Options for sample size based on lot size

Lot size (no. of units)	Sample size	Acceptance Level Regulated Weed Seeds
≤ 1,000	450	≤ 6
1,000 – 2,000	520	≤ 7
2,001 – 3,000	550	≤ 7
3,001 – 4,000	560	≤ 7
4,001 – 5,000	570	≤ 7
5,001 +	600	≤ 8

- (12) All inspections of imported fresh fruit and vegetables shall be carried out at an approved transitional facility (refer to MPI [Facility Standard: Standard for Transitional Facilities for General Uncleared, Risk Goods](#)). Each individual unit within the sample shall be examined by an Inspector, along with the package in which it was contained, for the presence of pests (including signs or symptoms of disease), seeds, soil or any other contamination or non-compliance with the IHS.
- (13) A biosecurity clearance, under [section 26](#) of the [Act](#), may be issued when the products meet all the requirements of the IHS, provided the applicable requirements of [section 27](#) of the Act are met.

5.7 Reconciliation

- (1) To validate phytosanitary certification details against the actual consignments, compliance checks (or are these inspections/verifications/ reconciliations) will normally be conducted at one of the following intervals:
 - a) A compliance check on every consignment for ten consecutive consignments;
 - b) A random compliance check on one in ten consignments; and
 - c) A random compliance check on one in twenty consignments.
- (2) If a compliance check identifies a non-compliance (e.g. undeclared product), the level of compliance check may drop a tier. For example, if one in twenty compliance check identifies a non-compliance, the level of compliance check for the offending pathway may reduce to the one in ten compliance check tier. Or, if a one in ten compliance check identifies a non-compliance, the next ten consignments from the offending pathway may each be fully reconciled.

5.8 Non-compliant consignments

- (1) A consignment is non-compliant if it fails to meet all the requirements prescribed in the IHS or if the inspector considers it to be a risk when it arrives in New Zealand (refer [section 27](#) of the Act).
- (2) All consignments of fresh fruit and vegetables must meet the requirements of the relevant IHSs. However, it is noted that a CTO may periodically issue guidelines or give directions on alternative measures to manage biosecurity risks under [section 27\(1\)\(d\)\(iii\)](#) of the Act.
- (3) Examples of areas where non-compliances can occur and actions taken by MPI are described below.

5.8.1 Pest interceptions

- (1) If pests are intercepted in a consignment, the identification of the pest will be conducted at the importer's expense. The quarantine status for the pest can be found in The Biosecurity Organisms Register for Imported Commodities (BORIC)
- (2) A MPI Inspector may authorise a treatment *in lieu* of formal identification except as identified in (a) below.
 - a) Treatment *in lieu* of pest identification is not an option:
 - i) for potentially high impact pests (examples include fruit flies, mites, thrips, whiteflies, ants and plant pathogens), or
 - ii) When new trade commences and pathway monitoring/survey is required.

Note: with regards to plant pathogens, if the value of the consignment is less than the cost of ID an Inspector may authorise destruction in an approved manner in lieu of ID.
 - b) If an importer chooses to treat a consignment while waiting for the pest to be identified, this is at their own risk and cost. Not all treatments are efficacious against all pests, and following identification, the consignment may need to be retreated, reshipped or destroyed.
 - c) Consignments are held in a secure manner in a transitional facility as authorised by a MPI Inspector until the pest has been identified.
- (3) If any viable regulated quarantine pests are identified, the consignment may be treated (if an approved treatment is available), reshipped or destroyed.
- (4) Treatment actions would not normally be required for non-regulated pests intercepted on arrival unless their presence indicates a pre-export [treatment failure](#).

5.8.2 High impact regulated pests

- (1) Consignments found to contain suspected viable high impact pests will be held in a secure manner until:
 - a) the intercepted pest has been identified; or
 - b) it has been determined whether a pre-export treatment, such as an effective dose of irradiation rendering pests non-viable, was applied.
- (2) Actions on interception of viable high impact pests may include treatment and/or re-shipment or destruction of the consignment and suspension of the import pathway.
- (3) No on-arrival treatments for viable fruit flies are approved. Therefore, the only options for remedial action are re-shipment or destruction at the importer's expense if a fruit fly is intercepted.
- (4) If a fruit fly is intercepted, whether dead or alive, in a consignment, the pathway from the exporting country may be suspended until the CTO is satisfied that any corrective actions and measures has been managed by the exporting country (NPPO).

5.8.3 Other regulated pests

- (1) Non-compliant consignments that require treatment authorised by an MPI Inspector should be treated by an approved method (see [Treatment Requirements: Approved Biosecurity Treatments for Risk Goods](#)). Alternatively, the consignment should be resorted (dependent on the pest) or reshipped or destroyed at the importer's request and expense.
- (2) A CTO may direct a consignment for an alternative treatment if that treatment provides an appropriate level of protection against the target pest(s). Pests that are unable to be identified to genus or species level (e.g. family or order taxonomic level) are actioned as regulated pests.
- (3) For pests that can easily be removed, re-sorting may be an option.

5.8.4 Soil and foliage contamination

- (1) Under the requirements of the IHS consignments should be free from soil and foliage contamination in the pre-clearance inspection sample.
- (2) Consignments contaminated with soil in excess of 25 g per 600 units (or an equivalent proportion e.g. 50 g per 1200 units) sampled may be washed free of soil or reshipped or destroyed at the importer's option and expense.
- (3) Consignments contaminated with foliage in excess of one leaf per 50 units may be resorted, reshipped or destroyed at the importer's option and expense.
- (4) Resorting or washing to remove contamination should be carried out by the importer or their agent under supervision of a MPI Inspector. Resorted consignments should be re-sampled and re-inspected by a MPI Inspector to determine whether or not they comply with the IHS.

5.8.5 Weed seed contamination

- (1) Consignments contaminated with regulated weed seeds at levels exceeding the acceptance level stated in the appropriate sampling plan may be refused clearance.
- (2) Contaminated lots may be treated (e.g. resorted), reshipped or destroyed at the importer's option and expense.
- (3) Treatments for regulated weed seeds on pineapples may include resorting, or elimination of contamination site (i.e. cutting/removal of pineapple crown).
- (4) Resorting should be carried out by the importer or their agent under supervision of a MPI Inspector. Resorted consignments are to be re-sampled and re-inspected by a MPI Inspector to determine whether or not they comply with the IHS.
- (5) Regulated seed species can be found within [The Schedule of Regulated Weed Seeds](#).

5.8.6 Treatment failure

- (1) Consignments contaminated with live pests, which should have been effectively killed by a pre-export treatment, may be considered non-compliant and will be treated, reshipped, or destroyed at the importer's option and expense.
- (2) Treatments *en route* to New Zealand are expected to be completed by the time of arrival in New Zealand.
 - a) A MPI Inspector may authorise a treatment of a consignment that has failed in transit treatment if an option is available.
 - b) A CTO, if requested, may consider treatment completion on-shore on a case-by-case basis.
 - c) A CTO will direct a consignment that fails in transit treatment for reshipment or destruction if no other feasible options are available.

5.9 National clearance

- (1) Consignments of fresh fruits/vegetables shipped as sea cargo may be cleared on a national basis at the first port of entry when they are to be discharged at more than one port, provided that all the following conditions are met:
 - a) The consignment is destined for more than one port, is sea cargo and is covered by one phytosanitary certificate.
 - b) The importer should advise a MPI Inspector of their desire to obtain national clearance at least 48 hours prior to the arrival of the consignment.
 - c) Correct certificates/documents should be presented prior to arrival of the consignment.
Note: the consignment should be covered by one phytosanitary certificate
 - d) The consignment shall remain under the control of a MPI Inspector at all times during transport.
- a) A MPI Inspector(s) at the subsequent port(s) of discharge/inspection shall be notified by the importer of the consignment and movement details accordingly.
- b) All consignments under national clearance shall be reconciled at subsequent ports in accordance with the rate specified in [Section 2.1](#) of this document.
- c) Following evaluation, the consignment and packaging will be destroyed within 48 hours of importation (at the importers cost) to the satisfaction of a MPI Inspector.

5.10 New Zealand product returning from overseas

- (1) All returning product of New Zealand origin will be reshipped or destroyed on arrival except under the below circumstances:
 - a) Product “unopened” offshore - Product in its original (pest proof) container with the original seals intact is permitted entry subject to a product reconciliation check on arrival to verify that it is New Zealand produced fruit and vegetables.
 - b) Product “opened” offshore - Fresh fruit/vegetables inspected offshore, and rejected for any reason, is permitted entry subject to the following:
 - i) satisfactory information is provided about the reason for rejection offshore;
 - ii) verification that the commodity was either returned to the original pest proof container and resealed immediately after inspection or stored in pest proof facilities prior to re-export;
 - iii) the consignment was reshipped back to New Zealand by the first available means; and
 - iv) Inspection, clearance, and reconciliation of the consignment on arrival in New Zealand.
- (2) The consignment may not be inspected on arrival by MPI inspectors if the Inspector is confident that phytosanitary security of the commodity was maintained during and following overseas inspection.
- (3) If a consignment consists of multiple containers that are both opened and unopened, any unopened containers with original seals intact are considered to be “unopened” and the sampling will be based on the remaining “opened” containers.

6 Biosecurity Clearance of Private Consignments of Fruit and Vegetables for Human Consumption

6.1 Documentation

- (1) All private consignments of fresh fruits or vegetables shall be accompanied by an original phytosanitary certificate:
 - a) issued by the National Plant Protection Organisation (NPPO) in accordance with ISPM 12. Phytosanitary certificates; and
 - b) meet the requirements of the relevant commodity IHS.

6.2 Inspection

- (1) A MPI Inspector will verify that:
 - a) the consignment is packaged in pest proof packaging*;
 - b) seal(s) or package(s) are secured and have not been tampered with; and
 - c) the consignment meets the requirements of the relevant commodity IHS.

***Note:** Packaging that eliminates the possibility of pests escaping from or entering into the consignment.

6.3 Non-compliant consignments

- (1) If seal(s) or package(s) are insecure and have been tampered with, the fresh fruits and vegetables shall be reshipped or destroyed.

Appendix 1: Definitions

Definitions have the same meaning as defined in **ISPM 5. Glossary of phytosanitary terms** or the Act unless set out below. Other definitions can be found in Schedule 1 of each Import Health Standard.

Additional declaration

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Arrive in New Zealand

Definition as per the Act.

Biosecurity Act 1993 (the Act)

Definition as per the Act.

Biosecurity clearance

A clearance issued by a MPI Inspector under [section 26 in accordance with section 27](#) of the [Biosecurity Act 1993](#).

Commodity

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Consignment

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Contamination

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Country/place of origin

Country/place of origin is defined as country where the plants from which the plant products are derived, were grown.

Direction

The method whereby a MPI Inspector informs an importer that the risk good does not comply with any known Import Health Standard and may only be:

- d) permitted entry subject to certain conditions being met; or is
- e) prohibited and is to be reshipped or destroyed.

If the direction is required in writing, then it should contain the name of the importer, the method of arrival, a description of the risk good, the date, the location, and the MPI Inspector who is issuing the written notice. It may also contain other information at the discretion of the MPI management representative.

Entry (of a consignment)

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Free from (of a consignment, field or place of production)

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Fresh

Definition as per **ISPM 5. Glossary of phytosanitary terms**

Import

Definition as per the Act.

Import health standard (IHS)

Definition as per the Act.

In transit

Refers to risk goods (consignments) in the process of being shipped to New Zealand, for example risk goods in sea containers on board a vessel. These risk goods or consignments may have treatments applied (for example, cold treatment) while the risk goods are *en route* to New Zealand.

Incidentally imported new organism

Definition as per the Act.

Infestation (of a commodity)

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Inspection

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Inspector

A person appointed as an Inspector under [section 103](#) of the [Biosecurity Act 1993](#).

Interception (of a pest)

The detection of a pest during inspection or testing of an imported consignment.

Lot

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Monitoring

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Non-regulated pest

A pest that is not identified as a regulated pest in [BORIC](#) or the [Schedule of regulated \(quarantine\) weed seeds](#).

Official

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Official control

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Organism

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Packaging

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Pathway

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Pest

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Pest list

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Pest Proof Container

A container or device of sound durable construction which, when closed and sealed, eliminates the possibility of pests escaping. Sea containers with the vents screened or air containers shrink wrapped are considered pest proof.

Phytosanitary certificate

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Phytosanitary certification

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Phytosanitary measure

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Phytosanitary security (of a consignment)

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Place of production

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Private consignment

Consignments imported as personal property which are not intended for sale. Private consignments may either accompany a passenger (“accompanied”) or not accompany a passenger (“unaccompanied”).

Quarantine

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Quarantine pest

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Re-export consignment

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Regulated pest

A pest that is identified as a regulated pest in [BORIC](#) or the [Schedule of regulated \(quarantine\) weed seeds](#). MPI continues to use the term ‘Regulated pest’ to include the terms ‘Quarantine Pests’, as defined by IPPC, and ‘unwanted organisms’, as defined by the [Biosecurity Act 1993](#).

Resort

To remove the pest or contamination from a consignment by a process of inspecting and securely discarding infested/infected units or trash.

Risk goods

Means any organism, organic material, or other thing, or substance, that (by reason of its nature, origin, or other relevant factors) it is reasonable to suspect constitutes, harbours, or contains an organism that may:

- a) cause unwanted harm to natural and physical resources or human health in New Zealand; or
- f) interfere with the diagnosis, management, or treatment, in New Zealand, of pests or unwanted organisms.

Short shipped

A portion of the intended consignment is unexpectedly offloaded at the port of export and does not arrive in New Zealand at the same time as another portion of the consignment.

Transitional facility

Transitional facility means:

- a) any place approved as a transitional facility in accordance with section 39 of the Act for the purpose of inspection, storage, treatment, quarantine, holding, or destruction of uncleared goods;
or
- g) a part of a port declared to be a transitional facility in accordance with section 39 of the Act.

Treatment

Definition as per **ISPM 5**. *Glossary of phytosanitary terms*

Unit

An individual fresh fruit or vegetable. In the case of banana, a unit is an individual hand of fresh banana fruits and for grapes, a unit is an individual bunch of fresh grape berries.

Viable

Any organism that is capable of development and/or reproduction, including insects, plants, seeds and other organisms that have not been through a de-vitalisation or sterilisation treatment.

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