



CTO DECISION DOCUMENT – Equivalence for non-compliant consignment

A CTO direction is required to fulfil MPIs reporting requirements - section 27(3) of the Biosecurity Act.
This direction should not be attached to the PDF version of the permit; but must be retained in Piritahi for reporting purposes

Decision document and CTO direction to be signed by (highlight):			
Director (PFE)	Group Manager (PIE)	Team Manager	Senior Adviser (not currently delegated)

Under what authority is the decision being made (highlight):		
Appointed Chief Technical Officer – Peter Thomson	Appointed Deputy Chief Technical Officer – Stephen Butcher	Delegated CTO authority <Rosalynn Anderson-Lederer
Section of the Act the decision is being made under:	27(1)(d)(iii) – a chief technical officer has issued guidelines, or given directions, on measures, different from those in the standard, that may be applied to manage effectively risks of the kind arising from the non-compliance	
The Biosecurity Act can be viewed on the website: http://www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html Delegations under the Biosecurity Act can be searched on the following website: http://kotahi.maf.govt.nz/do/policies/view/article/1169/delegations-and-authorisations - CTO delegations can be searched under the heading: Biosecurity (Chief Technical Officer)		

Author:	Brendan McDonald	Team:	PPI
Subject:	CTOPlantsDir:2019020 Bird Feed for sick Kakapo	Due date:	18 June 2019
The unique CTO decision number can be found under the tab 'CTO27(1)(d)(iii)decisions' in the spreadsheet: 2015-16 Plants Non-compliance Log (s27 functional).xlsx			

Review steps	Name	Team	Date
Peer review	Barry Wards	Plant Product Imports	18 June 2019
Consultation with other MPI groups			
External			
Review and Team Manager sign out			
Group Manager sign out			
Director sign out	Peter Thomson	Director	18 June 2019

Link to Word version of this Decision Document:

- This document will be stored in the Decisions Document library
<https://piritahi.cohesion.net.nz/Sites/SAI/PP/PIM/DecisionDocuments/20190611%20CTO%20Decision%20Document%20Harrison%20Bird%20Feed.doc?d=w56fe2e20c7824cac8f8675e8ec927538>

Insert other relevant documents here, this may include:

- Piritahi links to previous relevant decisions
- correspondence with other groups relevant to this decision, e.g. emails and lab submission forms

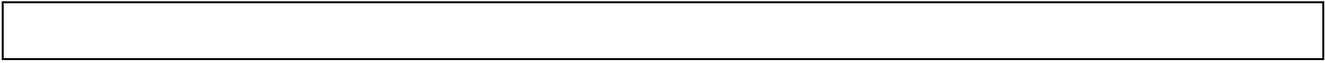
Note: emails or other documents can be dragged and dropped into this Word document


 1460_001.pdf


 Re Importing Harrison's bird food

Insert copy of Decision Document here once signed


 20190618 Harrisons
 Kakapo CTOPlantsDi
 (i.e. link in Piritahi or PDF attachment)



CTO DECISION DOCUMENT

CTOPlantsDir: 2019020 Bird Feed for sick Kakapo

ISSUE

A CTO decision is required under section 27(1)(d)(iii) of the Biosecurity Act 1993, to direct that measures, different from those required by the import health standard (IHS) *Importation into New Zealand of Processed Animal Feeds of Plant Origin* (BNZ-PAFP-IMPRT) be applied to effectively manage the risks posed by Harrison's bird feeds imported from the USA via Australia.

This is a generic CTO decision, the outcome of which may apply to imports by multiple importers to import Harrison's bird feeds for zoos, bird rescue shelters and private importers.

BACKGROUND

Harrison's bird feeds are eligible for import under BNZ-PAFP-IMPRT. Section 7.2 requires that the products must be accompanied by an original manufacturer's certificate providing a range of information including declaring that:

- there are no whole or kibbled seeds in the product; and
- the whole product has been through high temperature processing [details to be provided] or contains dried non-viable plant material.

The product can no longer be sourced from the distributor in New Zealand but can be imported from Harrison's Australian distributor Priam Australia Pty Ltd (Priam); Priam have advised that they can supply New Zealand by Tuesday 18 June 2019. However, the requirement for an original manufacturer's certificate cannot be met as this was used for entry into Australia. That certificate also differs slightly to the New Zealand wording requirements in section 7.2.

Harrison's bird feeds have been imported into New Zealand for a number of years and is a highly regarded product in the bird industry. Zoos and vets use Harrison's products as their main feed for sick birds or those recovering from surgery to help them gain weight. Since being unable to source the product in New Zealand, vets have had difficulty finding a good replacement on the NZ market. MPI has also been approached by Auckland Zoo requesting assistance in accessing the product from Australia in order to facilitate weight gains of Kakapo chicks infected with aspergillosis (refer to recent national news articles). The situation has become urgent due to the seriousness of the aspergillosis to the Kakapo recovery programme.

ASSESSMENT OF RISK

Jo-Anne Soper, an MPI Target Evaluator, who volunteers for Auckland Bird Rescue, has examined the product and advises that it is made of coarse ground plant products that have been pelleted. There are no visible signs of seeds. The product almost falls under section 7.7.2 of the IHS, which is for powdered material, but this may be debated on arrival as Harrison's products from the USA have been imported by the previous distributor under section 7.2 so require an original manufacturing certificate.

The original manufacturers certificate into Australia states that the product has undergone the following processing:

- Conditioning with direct steam at a minimum core temperature of 82°C for a minimum of 5 minutes;

- Extrusion with direct steam at a minimum core temperature of 82°C at 188psi for at least 90 seconds; and
- Drying at a minimum temperature of 90.5°C for at least 24 minutes.

The Australian certificate also states “*the final product does not contain any whole seeds or viable plant materials*”. The outcome of both declarations is similar in that only processed non-viable product is contained in the pellets.

Consequently, it is considered that the product is low risk and highly unlikely to have viable seeds or other organisms present. In addition, the product is bagged at export in the USA and undergoes no repackaging in Australia – it is exactly the same product in the same packaging that has been imported directly from the USA into New Zealand until now.

As the product is urgently needed for helping nurse sick Kakapo chicks back to health allowing a copy of the manufacturing certificate used to enter Australia (Titled: *Manufacturer’s Declaration for Australia*) in lieu of a NZ original is seen as managing the risk effectively.

LEGAL

A CTO decision is required, under section 27(1)(d)(iii) of the Biosecurity Act, to give directions to the MPI Inspector that certain measures, different from those set out in the current IHS, be applied to manage the risks set out in the IHS to enable biosecurity clearance.

DECISION

To enable the rapid import of this bird feed for sick birds, the requirement to use a copy of the *Manufacturer’s Declaration for Australia* on arrival in New Zealand is equivalent to the requirement of obtaining an original certificate from the manufacturer in the USA under section 7.2 of BNZ-PAFP-IMPRT and will effectively manage the risks identified in that IHS.

RECOMMENDATION

It is recommended that you accept the proposal described below.

1. That a CTO direction is issued to the MPI Inspector to direct that consignments of Harrison’s Food Products (USA) imported via Priam Australia Pty Ltd be given biosecurity clearance, as acceptance of a copy of the Harrison’s Manufacturer’s Declaration for Australia, which are different to those specified in section 7.2 of the import health standard, *Importation into New Zealand of Processed Animal Feeds of Plant Origin* (BNZ-PAFP-IMPRT), may be applied to effectively manage risks of the kind arising from the non-compliance. The CTO direction will be valid for 6 months or unless it is revoked when a new distributor is established in New Zealand.

AGREE / DISAGREE

Peter Thomson
Director
Plant and Pathways Directorate

Chief Technical Officer

Date:



CTO Direction to MPI Inspector

Biosecurity clearance of Harrison's bird feed from Priam Australia PLY LTD

CTO direction code for recording in Quantum: CTOPlantsDir: 2019020

Pursuant to section 27(1)(d)(iii) of the Biosecurity Act 1993 I, Peter Thomson, give the following directions for consignments of *Harrison's Bird Foods* from the USA sent via Priam Australia Pty Ltd, to be given biosecurity clearance in accordance with the following measures, different from those required by section 7.2 in the import health standard (IHS) *Importation into New Zealand of Processed Animal Feeds of Plant Origin* (BNZ-PAFP-IMPRT):

- The Harrison's brand bird foods are consigned to importers by Priam Australia Pty. Ltd
- A copy of the *Manufacturer's Declaration for Australia* from Harrison's Bird Foods (USA), used to import the foods into Australia, can be accepted in lieu of an original manufacturer's certificate from the USA.
- The declarations on *Manufacturer's Declaration for Australia* can be accepted as meeting the declarations required for a manufacturer's certificate under section 7.2.

All other relevant sections of the IHS *Importation into New Zealand of Processed Animal Feeds of Plant Origin* (BNZ-PAFP-IMPRT) must be complied with.

This direction takes effect from the date of signing, and may apply to multiple consignments of Harrison's Bird Foods from the USA imported via Australia which are not compliant with the measures required by section 7.2 in the import health standard (IHS) *Importation into New Zealand of Processed Animal Feeds of Plant Origin* (BNZ-PAFP-IMPRT). This CTO direction is valid until no more than 6 months after the issuance date at which stage it must be reviewed, unless it is amended or revoked.

Peter Thomson
Director
Plant and Pathways Directorate

Chief Technical Officer.

Date: