



## CHIEF TECHNICAL OFFICER DIRECTION DOCUMENT: CTOPlants2019014

Decision document and CTO direction to be signed by (highlight):

Director (PaP)	Manager (TIPG)	Team Manager	Senior Adviser (not currently delegated)
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Under what authority is the decision being made (highlight):

Appointed Chief Technical Officer – Peter Thomson	Appointed Deputy Chief Technical Officer – Paul Hallett	Delegated CTO authority <insert position title>
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Section of the Act the decision is being made under:	104(1) — All inspectors must comply with any lawful direction or instruction given by a relevant chief technical officer in relation to the exercise and performance of their powers, duties and functions under the Act.
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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:	<b>Dave Nendick</b>	Team:	Facilities & Pathways
Subject:	<b>Re-issue of the Amended CTOPlants2019014: CTO Direction Document: CTO Direction on the expansion of commodities where inspection may be undertaken as equivalence instead of treatment for Brown Marmorated Stink Bug; and where inspection may not be required for specific commodities under the Import Health Standard for sea containers from all countries.</b>	Due date:	20/08/19
	<b>Addendum: MPI received a request to add sensitive food grade packaging commodities (for example, thermal plastic film) to the list.</b>		

The unique CTO Direction number can be found under the tab 'CTODir' in the spreadsheet:

Link to [2015-16 Plants Non-compliance Log \(s27 functional\).xlsx](#)

Review steps	Name	Team	Date
Peer review	Ken Glassey	TIPG	20/08/19
Consultation with other MPI groups	Paul Gibb	TET	20/08/19
Manager/Deputy CTO sign out	Paul Hallett	TIPG	20/08/19
Director sign out			

Link to Word version of this Decision Document:

<https://piritahi.cohesion.net.nz/Sites/SAI/PP/PIM/DecisionDocuments/20191014%20CTOD%20-%20Inspection%20as%20option%20for%20commodity%20clearance%20equivalent%20to%20tmt%20under%20IHS%20for%20Sea%20Containers%20-%20modified%20July%202019.docx?d=wa5c41527325343e0aa9bcc19c52c28e2>

Insert other relevant documents here, this may include:

Open CTO Plants20180002 Italian containers.pdf

<https://piritahi.cohesion.net.nz/Sites/SAI/BGIC/IMS/SeaContainersfromAllCountries/CTO%2020180004%20SEACO%20BMSB%20extention.pdf>

Insert copy of CTO Dir here once signed  
(i.e. link in Piritahi or PDF attachment)



## **Amended CTO Direction Document: CTO Plants2019014: CTO Direction on the expansion of commodities where inspection may be undertaken as equivalence instead of treatment for Brown Marmorated Stink Bug; and where inspection may not be required for specific commodities under the Import Health Standard for Sea Containers from All Countries.**

### **ISSUE**

The CTO Direction Document (CTO Plants2019014) requires amendment and to be re-issued to extend the list of commodities for which inspection may be undertaken as equivalent measure to treatment, where treatment is required under the Import Health Standard for Sea Containers from All Countries (the Import Health Standard) for consignments of risk goods from Italy.

This extension of equivalence is needed because the approved treatments (and treatment processes) may cause damage or may not be appropriate for treating specific commodities for Brown Marmorated Stink Bug (BMSB). Another type of good, commercial consignments of food grade packaging products (such as thermal plastic film) needs to be added to the list of other sensitive products previously agreed by the CTO. As for other the products previously agreed on the list, this food grade thermal plastic film cannot be effectively treated because they may be tainted by the fumigants, and they cannot be heat treated as any application of heat will prevent them from being re-heated and used to package food products for internal use within New Zealand, or for export of food products out of this country.

### **BACKGROUND**

The Import Health Standard requires that all sea containers from Italy must be treated for BMSB, or where a Chief Technical Officer (CTO) determines the approved treatments may not be suitable, MPI inspection may be used upon arrival. Specifically, inspection as a mitigation measure may be an option where it has been determined that the approved treatments and treatment processes may damage some commodities, products or packaging or may not be able to be treated (as above). The BMSB is a regulated pest of concern to New Zealand which could have a significant impact on our horticultural industries and would be a public nuisance if it were to establish in New Zealand. Since the establishment of BMSB in Italy, its population has reached levels causing severe damage to crops and fruit trees and it has become a domestic nuisance. Correspondingly, MPI has increased its surveillance of containerised risk goods from Italy, and for the risk period from the 1<sup>st</sup> of September 2017 until the 30<sup>th</sup> of April 2018, MPI attempted to treat or inspect 100% of the sea containers arriving from Italy.

### **DISCUSSION**

#### ***CTO Direction and Import Health Standard Management***

After increased interceptions of live BMSB in sea containers from Italy in December 2017, MPI issued a CTO Direction (CTOD20170039) to manage this increased risk with mandatory treatment of all sea containers from Italy. Subsequently, two CTO Directions were issued (CTOD2018002 and CTOD2018004). One adjusted the treatments required for management and the other extended the expiry date of CTOD20170039 from the 28<sup>th</sup> of February 2018 until the 30<sup>th</sup> of April 2018.

Subsequently, the Import Health Standard was urgently amended on the 28<sup>th</sup> of August 2018 as issuing another CTO Direction for the 2018/2019 and 2019/2020 risk seasons was not considered an appropriate legal tool to manage the risk. This amendment required that all sea containers from Italy were treated or inspected for BMSB between the 1<sup>st</sup> of September and the 30<sup>th</sup> of April of every year up until the 30<sup>th</sup> of April 2020 when the Import Health Standard will be reviewed.

**Section 2.3 - Sea Containers from Italy**, specifies the following requirements:

#### **Guidance**

Note 1: Sea containers containing only vehicles, machinery and parts (and no other types of cargo) that are treated or managed by an MPI-approved system for Brown Marmorated Stink Bug (BMSB), under the IHS for Vehicles, Machinery and Parts are exempt from the requirements of this section. This is because the BMSB requirements for vehicles, machinery and parts meet equivalent management measures under the IHS for Vehicles, Machinery and Parts.



- (1) For all sea containers and cargo (considered under this Standard to be risk goods) that depart from Italy on or after the 1<sup>st</sup> of September and arrive on or before the 30<sup>th</sup> of April of any year must meet the requirements of Option A or Option B as below:

#### Option A: Treatment

- a) Sea container must be treated for BMSB in accordance with MPI Approved Biosecurity Treatments by an MPI-Approved Offshore Treatment Provider before arrival in New Zealand; and
- b) Meet the relevant post treatment requirements for a fully enclosed sea container or a non-fully enclosed sea container as below:

#### Fully enclosed sea container (six sided metal container):

- i) The container must be closed immediately after treatment and must remain sealed; and
- ii) The risk goods must be treated and held no longer than 21 days before export to New Zealand.

#### Non-fully enclosed sea container (includes flat rack, open sided/topped and soft topped sea containers):

- iii) The container must be exported to New Zealand or moved to another country within 120 hours of treatment; and
- iv) The container must be segregated from untreated goods or other sources of possible BMSB contamination prior to export.

#### Guidance:

Note 1: Segregation for non-fully sealed containers can be achieved through closing/covering of the open parts or side(s) of the sea container, physical distance or physical protection (nets).

Note 2: The sea container (including risk goods) may be subject to MPI verification activities on arrival.

#### Option B: Sea containers holding sensitive risk goods:

- c) **Sea containers (and cargo) may be inspected by an MPI Inspector instead of treatment where:**
  - i) The importer has notified MPI that the sea container contains cargo that the importer considers is sensitive and 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.

#### Guidance

Note 1: if an importer believes that their risk goods are sensitive to treatment, they should contact the local MPI office or refer to the MPI website at: <https://www.biosecurity.govt.nz/importing/border-clearance/containers-and-cargo/> for examples of risk goods that an MPI CTO generally considers to be sensitive to treatment.

Note 2: After authorised MPI inspection for sensitive cargo has been conducted, MPI may require additional risk mitigation actions where non-compliance is found such as the consignment being treated, re-shipped or destroyed. Where treatment is agreed, it is at the importer's risk.

Note 3: MPI is likely to deny all other untreated sea containers and cargo from Italy from being unloaded from arriving vessels (not considered by a CTO to be sensitive to treatment).

### 2.3.1 Sea containers transhipped through Italy

- 1) Fully enclosed sea containers originating from a country other than Italy and transhipped through an Italian port, must remain closed during the transhipment period.
- 2) Non-fully enclosed sea containers originating from a country other than Italy and transhipped through an Italian port, must:
  - a) Be transhipped through an Italian port for no longer than 120 hours; and



- b) Remain segregated from untreated cargo or other possible sources of BMSB, during this period.
- 3) If requirements 1) or 2) are not met, the container must be treated in Italy as per Option A above.

### ***Inspection instead of treatment***

The wording of the measures in the IHS (as above) states the CTO can determine which commodities may be inspected on-arrival rather than treated. As such, a CTO in exercising their discretion needs to determine what commodities may be damaged or not be managed appropriately by the use of approved treatments; are of a low risk nature and therefore suitable for inspection (such as food products and including fresh produce, medical supplies, polyurethane foam products, other sensitive appliances, tank-tainers (holding bulk gases or liquids) and textiles. The CTO in using "inspection" conducted by an MPI Inspector is aligning with ISPM 23 which recognises inspection as an internationally appropriate mitigation measure. Furthermore, it should also be considered that where MPI has an extensive history of compliance when inspecting specific commodities, a randomised inspection regime should be implemented that reflects the level of compliance and this regime should only require an appropriate percentage of such containers to be inspected.

This revised CTO direction outlines the generic commodities for which the CTO considers inspection to be an appropriate mitigation measure under an appropriate inspection regime rather than using approved treatments on the basis that the treatment processes and/or treatment may damage the commodity, product or packaging, or even be ineffective in reaching the required parameters for killing BMSB. The new and existing commodities listed are known to negatively react with Methyl bromide or Sulfuryl fluoride, or are not able to be treated due to residues being left associated with the products or excessive absorption. In addition, heat treatment and/or the process associated with heat treatment may also adversely affect the commodity. For example, unwrapping or warming the commodities such as chilled food to the required temperature will effectively ruin them or eliminate any kind of shelf life. For thermal plastic film used for food packaging, heat is used in initially during commercial production as a "one-time process" to effectively seal food products so that food freshness (shelf stability) and hygiene are maximised.

### **Considerations for the use of inspection instead of treatment and whether frozen consignments can be exempt from inspection and treatment.**

In determining whether an MPI inspection is an appropriate alternative mitigation measure for a commodity, product or packaging; the CTO has taken the following information into consideration:

1. Whether the treatment and/or treatment process may damage a commodity, product or packaging; or be ineffective in killing BMSB given the treatment's chemical or physical interactions with some commodities;
2. Whether the treatments may render the commodity or product unsafe for consumption or use or unviable; and
3. Evaluation of internationally accepted guidelines or standards covering treatments on commodities, packaging and products.

### ***Agricultural compounds and veterinary medicines (ACVM) and pharmaceutical products***

Consideration has been given as to whether approved treatments or the process to treat ACVM and pharmaceutical products will damage the products or its packaging or render them unviable or unsafe for use. It is acknowledged that such products may be treated in some manner prior to importation into New Zealand. However, there are ACVM and pharmaceutical products where uncertainty exists as to whether one or any of the approved treatments or the treatment process will render them unsafe for use, unviable or damage the product or its packaging. As uncertainty exists that all ACVM and pharmaceutical products will remain safe for use or undamaged by the approved treatments or treatment process, inspection is considered the most appropriate mitigation measure for the level of risk with this commodity for BMSB.

### ***Food for animal or human consumption (including fresh produce, pet food and beverages);***

Consideration has been given as to whether approved treatments or the process to treat food products, whether for animal or human consumption will damage the products or its packaging or render unsafe or unviable for consumption. It is acknowledged that some food products (including some fresh produce risk goods) are treated with approved treatments prior to or on importation into New Zealand. However, there are also food products where uncertainty exists as to whether one or any of the approved treatments or the treatment process will render them unsafe for consumption or damage the product or its packaging. Considering the treatment waiting times seen for the 2017/2018 risk season for



such commodities, and the volume of imported risk goods from Italy (and other BMSB risk country commodities that require treatment), the possibility exists that the process leading to treatment will damage or render some food products unsafe for consumption. As uncertainty exists that all food products for consumption will remain safe or undamaged by the approved treatments or treatment process, inspection is considered the most appropriate mitigation measure for BMSB.

#### ***Food packaging products (for example, thermal plastic films)***

Consideration has been given as to whether approved treatments or the process to treat food packaging products, will damage these packaging products or render them unsafe or unviable for packaging food for animal or human consumption. The food packaging products (thermal plastic film) has been reported as absorptive retaining fumigants and tainting may occur making them unsuitable for food packaging. In addition, for thermal plastic film used for food packaging, heat is used initially during commercial production as a “one-time process” to effectively seal food products so that food freshness (shelf stability) and hygiene are maximised. In this regard, heat treatment for BMSB management could render such products useless for the purpose intended. As the food packaging film will not remain suitable or undamaged by the approved treatments or treatment process, and also due to high standard of hygiene required during the manufacturing process, and packing of the consignments renders this type of good negligible risk of BMSB contamination, inspection is considered the most appropriate mitigation measure for BMSB

#### ***Frozen food consignments where treatment and inspection is not required***

Consideration has been given as to whether the processes for the approved treatments or inspection will damage frozen food consignments. For frozen goods to be adequately treated, each treatment would require an increased temperature to be effective. Additionally, frozen consignments are considered to be very low risk as they present an environment that is lethal to BMSB when an appropriate freezing temperature and a continuous frozen time period are achieved during transportation from the country of origin to New Zealand. Specific feedback received from the MPI Biosecurity Science and Risk Assessment Group on this topic provided agreement that freezing was highly detrimental to BMSB survival. If food commodities are frozen to minus 10 °Celsius (or at a colder temperature) for 240 hours continuously (or for a longer period), it is considered that any BMSB in the consignment would be killed and inspection on arrival in New Zealand would not be required. Many products (but not all) are also processed (blanched and packaged) before being shipped to New Zealand from Italy frozen at minus 18 °Celsius for 840 hours continuously or longer period due to the usual transit duration from Europe. It is therefore recommended that frozen food consignments are excluded from treatment or mandatory inspection as the extremely cold conditions inside such containers are considered to be lethal to BMSB.

#### ***Live animals***

All of the approved treatments are known to be lethal for use on live animals, therefore, inspection is considered to be the only appropriate mitigation measure for live animals for BMSB.

#### ***Leather goods (apparel and furniture) and textiles (including yarn)***

Consideration has been given as to whether approved treatments or the process to treat leather goods and textiles will damage the products or its packaging. Some of the approved treatments are known to damage leather goods and other textiles. In addition, furniture may also include polyurethane foam which absorbs fumigants and can cause post-treatment off-gassing issues that may affect human health and safety. There are also textiles where uncertainty exists as to whether one or any of the approved treatments or the treatment process will damage the product or its packaging. As such, inspection is considered the most appropriate mitigation measure for BMSB.

#### ***Refrigerated goods***

Consideration has been given as to whether approved treatments or the process to treat refrigerated commodities will damage them. For refrigerated goods to be adequately treated each treatment would require an increased temperature. As such, inspection is considered to be the most appropriate mitigation measure for refrigerated commodities for BMSB.

#### ***Polyurethane Foam***

Consideration has been given as to whether approved treatments or the process to treat commercial consignments of polyurethane foam (bales/other products imported for use in industrial applications). It is considered that polyurethane foam cannot be effectively treated as it absorbs large amounts of fumigants such as Methyl bromide and Sulfuryl fluoride and will not effectively reach the concentration for required BMSB mortality. It is also an excellent insulator and is unable to physically reach temperatures required for BMSB mortality. Specific feedback received from the MPI Biosecurity



Science and Risk Assessment Group on this topic also provided confirmation that BMSB do not burrow and that inspection of areas between bales, sheets and products provides suitable mitigation. As such, inspection is considered to be the most appropriate mitigation measure for polyurethane foam products for BMSB.

### ***Seed for sowing***

Consideration has been given as to whether the processes for the approved treatments will damage the packaging of seeds imported for sowing, and thus reducing the integrity of the consignments. It is acknowledged that in order to the approved treatments to be effective, the packaging of the seeds needs to be damaged (cut into or punctured) to allow for penetration. As such, inspection is considered the appropriate mitigation measure for BMSB.

### ***Tank-tainers (holding bulk gases or liquids)***

Consideration has been given as to whether approved treatments would damage bulk gases or liquid products transported inside tank-tainers. It is considered that bulk gases and liquids transported in tank-tainers are not able to be treated and therefore constitute sensitive consignments. In addition, it is considered that BMSB would be unable to infest the bulk gases or liquids held inside such tank-tainers.

## **CONCLUSION**

1. Due consideration has been given to the above points and the CTO considers inspection may be used as an appropriate alternative mitigation measure for the following commodities:

- ACVM goods;
- Food for human consumption (including beverages);
- Food grade packaging materials (such as thermal plastic film);
- Fresh produce;
- Frozen food/products;
- Live animals;
- Leather goods (apparel and furniture)
- Pet food;
- Pharmaceutical products;
- Polyurethane foam products;
- Refrigerated goods;
- Seed for sowing;
- Tank-tainers (holding bulk gases or liquids) and
- Textiles (including yarn).

Note: This list of x date has been modified to include food grade packaging materials such as thermal plastic film.

Where contamination of the above commodities is identified during inspection, MP' will follow standard non-compliance procedures (treat where possible, re-ship or destroy) for the consignments.



## RECOMMENDATION

I, Dave Nendick, Specialist Adviser, Facilities and Pathways, recommend that you accept the following recommendation:

Issue a CTO Direction under **Section 104 of the Act to MPI Inspectors that:**

1. Consignments of the commodities listed as follows may be inspected rather than treated to manage the risk of the Brown Marmorated Stink Bug;

- ACVM goods;
- Food for human consumption (including beverages);
- Food grade packaging materials (such as thermal plastic film);
- Fresh produce;
- Frozen food/products;
- Live animals;
- Leather goods (apparel and furniture)
- Pet food;
- Pharmaceutical products;
- Polyurethane foam products;
- Refrigerated goods;
- Seed for sowing;
- Tank-tainers (holding bulk gases or liquids) and
- Textiles (including yarn).

**Agreed/Not agreed**

Paul Hallett, Deputy Chief Technical Officer  
Manager, Treatments and Inanimate Pathways Group

Date:



**Amended Chief Technical Officer Direction - CTOPlants2019014: Updated list of commodities where inspection may be undertaken as equivalence to manage the risk of the Brown Marmorated Stink Bug; and where inspection may not be required for specific commodities under the Import Health Standard for sea containers from all countries.**

1. Commodities for which inspection may be considered to be an appropriate alternative mitigation measure for BMSB under the Import Health Standard for Sea Containers from All Countries;

Pursuant to section 104 (1) of the Biosecurity Act 1993, I, Paul Hallett, give the following direction that under clause 2.3(2)(b)(ii) of the Import Health Standard for Sea Containers from All Countries the following commodities may be inspected:

- ACVM goods;
- Food for human consumption (including beverages);
- Food grade packaging materials (such as thermal plastic film);
- Fresh produce;
- Frozen food/products;
- Live animals;
- Leather goods (apparel and furniture)
- Pet food;
- Pharmaceutical products;
- Polyurethane foam products;
- Refrigerated goods;
- Seed for sowing;
- Tank-tainers (holding bulk gases or liquids) and
- Textiles (including yarn).

This direction takes effect from the date of issue and expires 30 April 2021.

Paul Hallett, Deputy Chief Technical Officer  
Manager, Treatments and Inanimate Pathways Group

Date: