



Risk Management Proposal

Amendments to the Craft Risk Management Standard: Vessels

CRMS.VESSELS

29 June 2022

Disclaimer

This risk management proposal does not constitute, and should not be regarded as, legal advice. While every effort has been made to ensure the information in this document is accurate, the Ministry for Primary Industries does not accept any responsibility or liability whatsoever for any error of fact, omission, interpretation or opinion that may be present, however it may have occurred.

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Draft for consultation

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Submissions

The Ministry for Primary Industries (MPI) invites comment from interested parties on the amended craft risk management standard *Vessels* (the standard).

A craft risk management standard (CRMS) “specifies requirements to be met for the effective management of risks associated with arrival of craft” (section 22E Biosecurity Act 1993).

MPI would like comment on the following changes to the standard:

- (1) Merging of current craft risk management standards *Vessels* and *Biofouling* into a single standard by incorporating the biofouling requirements into the standard *Vessels*;
- (2) Change in common name for Asian Gypsy Moth (AGM) and changes to risk areas and risk periods; and
- (3) Changes to biofouling requirements.

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.

Send submissions to standards@mpi.govt.nz by 29th August 2022 at 5pm.

Feel free to include any technical information you have that supports your submission. While we prefer email, if you would like to send your submission by post, you can mail it to:

Invasive Species Team
Animal and Plant Health Directorate
Biosecurity New Zealand
Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand

Submissions received by 29th August 2022 at 5pm will be considered during the development of the amended standard. Submissions received after the closing date may be held on file for consideration when the issued standard is next revised/reviewed.

Official Information Act 1982

Please note that your submission is public information, and it is MPI policy to publish submissions and the review of submissions on the MPI website. Submissions may also 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 information being commercially sensitive or personal. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

1 General information

1.1 Purpose

The purpose of this document is to:

- Provide relevant background information on the changes to the craft risk management standard *Vessels* (the standard);
- Outline the proposed amendments to the requirements for the standard;
- Provide the rationale for the changes to the proposed standard and explain how they manage risk; and
- Ask for feedback on the proposed amendments.

1.2 Timing and consultation

The proposed amendments to *Vessels* were released for consultation on 30th June 2022 and will remain open for consultation until 29th August 2022 at 5pm.

1.3 Background and context to consultation

1.3.1 International regulation

“The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) sets 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 guides how New Zealand sets standards and makes decisions related to biosecurity.” (MAF et al., 2009, p. 1)

“In particular, [it is] 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 challenge them.” (MAF et al., 2009, p. 13)

1.3.2 Domestic regulation of biosecurity risks associated with craft arrivals

The New Zealand biosecurity system is regulated through the Biosecurity Act 1993 (the Act). Section 24E describes a craft risk management standard and requires all craft entering New Zealand to be managed by one. MPI is the New Zealand government ministry responsible for maintaining biosecurity standards that effectively manage risks associated with importing risk goods and craft into New Zealand (Part 3, Biosecurity Act 1993). MPI is committed to the principles of transparency and evidence-based technical justification for all phytosanitary measures we impose on importing pathways, whether new or amended. MPI periodically reviews all craft risk management standards, related documents and other standards so that the legal requirements are clear and so that information is consistently presented and as easy as possible to understand.

1.4 Summary of proposed changes

This document shows all the proposed changes made to the current *Vessels* standard.

The requirements for vessels arriving to New Zealand are currently described in two separate craft risk management standards, *Biofouling* and *Vessels*. One of the purposes of this review is to vary the current *Vessels* standard to include all biofouling requirements.

Having the requirements in two separate documents has caused confusion for vessel operators and owners when determining the steps they need to take when planning for a vessel to arrive in New Zealand. Merging all the requirements into *Vessels* should remove confusion.

MPI proposes using the current standard *Vessels* as the structural base for all vessel requirements, with the biofouling requirements inserted throughout. The process of moving and integrating the biofouling requirements into the proposed *Vessels* standard has meant that the location and wording of some requirements have changed.

MPI has also reviewed all the requirements in both standards to ensure they will continue to remain fit for purpose—including after the pandemic. The review process involved continual engagement with stakeholders in the form of surveys, webinars and workshops. Stakeholders were encouraged to discuss any issues they had with the current standards and to make suggestions for the future. This provided MPI with the knowledge and insight needed to ensure the proposed standard *Vessels* is fit for purpose.

As a result of this process, there are a number of proposed changes. Some are very minor and include structure and numbering changes or extra clarifications to reduce confusion. Other proposed changes change the intent or function of current requirements or are new requirements.

This document explains all the amendments in detail, including how and why the changes are proposed. This proposal has two sections – a structure section that explains changes that do not change the overall intent or outcome of the requirements (section 3.1), and a requirement change section for the proposed amendments to the current requirements (section 3.2). In each section, the document lists and explains the changes in the same order in which they appear in the proposed *Vessels* standard.

Summary of notable proposed changes

- Update to the ‘Application’ of the standard to combine versions from the two current standards;
- Changes to the information requirements relating to vessel biofouling inspections;
- Addition of schedules containing the minimum evidence requirements for vessel biofouling inspections;
- Clarification of ‘Acceptable measures for meeting the biofouling requirements’;
- An increase to the number of days a short-stay vessel can remain in New Zealand;
- Addition of a clause specifically for cruise vessels;
- Changes to Asian Gypsy Moth (AGM) common name, risk periods and risk areas; and
- Alteration to the biofouling thresholds.

2 Biosecurity risk associated with vessels

The biosecurity risks associated with the arrival of a vessel to New Zealand are described in three separate documents; [*Risk Management Proposal: Craft Risk Management Standard for Vessels \(June 2016\)*](#) and [*Science Underpinning the Thresholds Proposed in the CRMS: Biofouling on Vessels Arriving to New Zealand*](#). The third document, “[*Asian gypsy moth \(AGM\) specified risk periods in Japan, Russia, Republic of Korea, and China*](#)”, describes the biosecurity risk associated with some species of *Lymantria* moths (AGM) and is produced by the North American Plant Protection Organization (NAPPO). New Zealand continues to harmonise our management of biosecurity risk of *Lymantria* moths with our counterparts from NAPPO (Canada and USA), as well as requirements from Chile and Argentina.

2.1 Description of risks associated with vessel inspection reports

One of the key elements to the *Biofouling* requirements is that vessels must have certain documentation available on request for assessment of compliance. Overall, the shipping industry continues to be highly compliant with this requirement.

Vessel inspection reports are a crucial part of the required documentation. While other documents feed into risk assessment for targeting purposes, vessel inspection reports are what can confirm the state of a vessel’s hull.

If biofouling is present, a vessel inspection report helps inform MPI of the actual level of risk. This allows MPI to make accurate and proportional risk management decisions that manage biosecurity risk while also enabling trade.

The risks associated with vessel inspection reports relate to two key issues: quality of reporting, and fraudulent reporting.

The primary issue with vessel inspection reports is the range in the quality of reporting. Reports often:

- contain images of low quality (due to image quality or being taken in unfavourable conditions);
- are missing evidence of key areas or do not have enough evidence of key areas; and
- are formatted in an unclear and unverifiable manner.

A second issue is that of fraudulent vessel inspection reports being presented to make a vessel’s hull appear to be clean, when it is not. Occurrences of this are infrequent, however, vessel operators displaying this behaviour have been found to have vessels that present high biosecurity risk.

Without clear and robust vessel inspection reports, MPI cannot be sure of the status of a vessel’s hull and the actual level of risk it presents. Clearance processes are slowed down by the additional correspondence required when a low-quality report is submitted. Risk management decisions are difficult to make promptly and concisely when there is ambiguity in the report, or if the information is misleading.

There are also negative impacts for industry caused by these issues. The current variation in the quality of reporting from underwater vessel inspection providers leads to a lack of consistency and predictability. This has meant that some vessel operators only find out on

arrival in New Zealand territorial waters (NZTW) that their vessel inspection report did not suffice. This results in delays in clearance and potentially additional costs associated with risk management measures, such as needing to obtain new or additional photographs of the hull.

MPI considers that low quality and fraudulent vessel inspection reports can result in unnecessary exposure of marine invasive species to New Zealand's environment, and cause operational costs and delays for industry and MPI.

MPI proposes the addition of minimum information requirements for vessel biofouling inspection reports to ensure that accurate assessments of the risk of the vessel can be made. MPI also considers that providing consistent evidence for the assessment of the state of a vessel's hull will deliver more certainty for industry that their evidence will be accepted by MPI.

2.2 Emerging risks

MPI constantly monitors all commodities and pathways for new and emerging risks. MPI will change the requirements of any standard where required. If you become aware of any changes to a pest's host or geographic range, establishment, or any other new or unmanaged biosecurity risks on a pathway that may need us to review or amend an existing standard, please email EmergingRisks@mpi.govt.nz with any available technical information.

3 Proposed changes to the standard

3.1 Non-regulatory changes to the standard

MPI has made some changes to format of the standard to align with MPI's current formatting and to ensure that the legal requirements are clear, consistently presented, and as easy as possible to understand. Layout changes have also arisen due to content from the current *Biofouling* standard being directly transferred into the proposed standard *Vessels*.

These include:

- Changes to the order of requirements within the standard, which in turn changes the numbering of the requirements; and
- Updates to the generic wording associated with the craft risk management standards.

None of these changes alter the requirements in the standard or the intent of the requirements. They are minor changes in accordance with section 24H(2) of the Act and, as such, do not require consultation under section 24F(3) of the Act.

The purpose of this review is to amend the current standard *Vessels* to include all biofouling requirements. MPI has also altered existing requirements where necessary. As such, this document is structured to show any changes made.

As a result of the review, MPI has made various changes to the current structure of the *Vessels* standard. This has changed the numbering of parts, clauses and subclauses. Some changes in wording relate directly to the insertion of the requirements from *Biofouling*. These changes can be found in Table 1.

The introduction sections at the beginning of the standard have been amended to include all the biofouling background information. These changes do not alter the intent or meaning of the requirements.

3.1.1 Changes to non-regulatory information

Why is this important?

The section listing which sections of the Act can be used to issue notice of directions has been removed. This is because there are many more sections of the Act that can be used to issue directions than what is currently listed in the *Vessels* standard.

Some content has also been directly transferred from the current *Biofouling* standard.

3.1.2 Guidance documents and guidance boxes

Currently both standards provide guidance in two ways. Firstly, with guidance boxes inserted throughout the standard and secondly with a separate guidance document.

MPI is not providing a separate guidance document for the proposed standard *Vessels*. Instead, all important guidance on vessels and biofouling appears in text boxes throughout the standard.

The information in the guidance boxes has no legal effect.

Any information from the current *Biofouling Guidance Document* and *Guidance Document to the CRMS for Vessels* that has not been included in guidance boxes will be transferred to the “[Arrival process steps](#)” and “[Biofouling management](#)” pages of the MPI website.

3.1.3 Revoking *Biofouling*

With the proposed amendments to the standard, the standard *Biofouling* is no longer required. Therefore, there is a section within the proposed revoking the *Biofouling* standard. All biofouling requirements have been transferred into the proposed standard. No biofouling requirements have been removed.

3.1.4 Minor numbering and language changes

There are a number of alterations within the requirement sections of the proposed standard *Vessels* that have come from the incorporation process. These minor language and numbering changes that are not considered to impact the intent or meaning of the requirements. These can be found in Table 1.

Table 1. Minor language and numbering changes that are the result of transferring biofouling information into *Vessels* and updates to guidance for clarity

Change	Reason for Change
Removal of references to the standard <i>Biofouling</i> throughout	Integrating biofouling information into <i>Vessels</i> because <i>Biofouling</i> is being revoked.
Change in numbering throughout <i>Vessels</i> standard	Changes in numbering due to the insertion of a biofouling section.
Addition of wording to “Who should read this?” section	Integrating biofouling information into <i>Vessels</i>
Change in wording of guidance box under “Other requirements of the Act”	The titles of some import health standards have changed.
Addition and change to wording of 1.3(1) “Required Information” (proposed 1.4(1))	Addition to clause 1 to include reference to the requirements copied from <i>Biofouling</i>
Change in wording under section 1.3 “Required information” (proposed 1.4)	Current vocabulary has changed.
Addition of wording to section 1.3 “Required Information” (proposed 1.4)	Integration of biofouling information into proposed section 1.4 as 1.4(4) and 1.4(5).
Removal of clause and change in wording under section 1.3 “Required Information” (proposed clause 1.4(4))	Removal of clause requiring information about intended length of stay and itinerary as it is covered above in 1.4(3)(c) and 1.4(3)(d). Minor language updates throughout to reflect the vocabulary currently used.
Change in wording under section 1.3 “Required information” (proposed clause 1.4(5)(c))	Minor wording change to clarify when antifouling certificates need to be supplied.

	Some vessels (i.e. ice-breakers) do not operate under normal antifouling regimes.
Change to guidance box below section 1.3 “Required information” (proposed 1.4)	Change in names of required forms to reflect those currently used.
Addition of clause to Section 1.4 “Risk management” (proposed 1.5(2))	Addition and rewording of biofouling requirement transferred from section 2.1 of <i>Biofouling</i> . This does not change the outcome of the requirement.
Addition to guidance box under section 1.4(1) (proposed 1.5(2))	Addition of guidance that reminds operators that the next part separates vessels into three categories and that the ‘clean hull’ thresholds depend on which category the vessel fits into.
Addition of clause to section 1.4 “Risk management” (proposed 1.5(3))	Transfer of ‘Acceptable Measures for Meeting the Standard’ from <i>Biofouling</i> (section 2.2). For more details on changes to this clause, see Table 2 in this document.
Addition of guidance box and wording to guidance box under section 1.4(1) (proposed 1.5(3))	Guidance box transferred from <i>Biofouling</i> . Section added to guidance box on clarification to MPI-STD-ABTRT.
Addition to guidance box under 1.4(3) (proposed under 1.5(5))	Addition of description of examples of marine related pests and biosecurity contamination
Addition of guidance box under 2.1 – “Short-stay vessels”	Two guidance points added: First point added to remind operators to notify MPI if they wish to extend a vessel’s stay past the short-stay limit. Second point added as a reminder that all short-stay vessels must continue to manage any uncleared goods or risk goods appropriately.
Change to clause 2.2 – “Long-stay vessels and other vessels”	Clarification that long-stay clearance must be obtained from an inspection at a place of first arrival.
Addition of clause to 2.2(2) – “Long-stay vessels and other vessels”	Integrating biofouling information into <i>Vessels</i> (Clause 2.2(2)(b)(iii))
Change to 3.1(4)(a) – “Additional Requirements for Specific Regulated Pests”	Clarification that a certificate of freedom should be obtained on the same calendar day as the vessel’s departure
Addition to Guidance under 3.1 – “Additional Requirements for Specific Regulated Pests”	Clarification that vessels may sometimes need to arrive at specific ports for inspection.

Change to definition for ‘Biosecurity Contaminant’	Addition of description of examples of marine related pests and biosecurity contamination
Change to definition for ‘Goose barnacle’	Addition of physical description of the organism
Addition of Schedule 3	The Biofouling Thresholds have been directly transferred from <i>Biofouling</i> into proposed <i>Vessels</i> as Schedule 3.

3.2 Proposed changes to the requirements for vessels

The structure of this section follows the order the requirements appear in the proposed standard *Vessels*.

Table 2. Showing requirement changes and a short summary of these changes

Change	Reason for Change
Revised wording of 1.1 “Application”	The application in the proposed standard is a combination of applications from both the current standards. Together they create an improved application that is fit for purpose for the proposed standard.
Revised wording of proposed Clause 1.5(3) “Acceptable measures for meeting the standard”	Changes to clarify the acceptable measures for ensuring a vessel has a ‘clean hull’. These revisions will ensure the options are clear and will also specify the times when certain options are not operationally feasible.
Addition to Clause 1.5(4) (previously <i>Vessels</i> 1.4(2))	Reminder that there should be no removal of biofouling from an international vessel within NZTW.
Change, rewording and addition to parts 2.1 and 2.2 “Short-stay and long-stay requirements”	Extension in time allowed in NZTW for short-stay vessels to ensure requirements remain fit for purpose.
Addition of clause for cruise vessels (proposed 2.3)	New clause to cater for the unusual operating profile of cruise vessels to ensure they can meet the proposed standard.
Change in Part 3: Additional requirements for specific regulated pests	Asian Gypsy Moth (AGM) is now “species of the <i>Lymantria</i> complex”. There is also a proposed change in risk areas and risk periods to align with the new changes being adopted

	internationally due to new data on flight areas and flight periods of the moths.
Addition of definition for ‘cruise vessel’	A clause specifically for cruise vessels has been added and a definition is required alongside this.
Addition of definition for ‘niche area’	Previously there was no niche area definition. Because it is a commonly referred to term, the definition in IMO <i>Biofouling Guidelines</i> (2011) has been added to the definitions list.
Change in wording of “Schedule 2: Biofouling thresholds”	Change in wording of Schedule 2 to simplify the thresholds for vessels aiming to comply with the proposed <i>Vessels</i> .

3.2.1 Section 1.1: Application

The “Application” section is found in both current versions of the craft risk management standards. The Application in the proposed *Vessels* is a combination of both applications that creates an improved application that is fit for purpose for the proposed *Vessels*.

The proposed standard *Vessels* will apply to all vessels that enter New Zealand territory after a voyage originating outside New Zealand’s territorial waters. It will not apply to vessels that are passing through New Zealand territory on innocent or transit passage as defined in the United Nations Convention on Law of the Sea.

The proposed *Vessels* standard captures vessels that enter New Zealand territory after a voyage originating outside New Zealand’s territorial waters. To remove any further confusion, alongside the application, a proposed definition for ‘voyage’ has been included within Schedule 1 – Definitions. This aims to explain which vessels are required to meet the standard and which are not.

MPI proposes to alter when a vessel triggers the biofouling requirements. It is proposed the trigger for biofouling moves from when a vessel ‘anchors, berths or will be brought ashore’, to align with the current *Vessels* trigger, which is ‘when a vessel ‘enters New Zealand territory’. The proposed alignment for when the requirements are triggered removes any ambiguity as it specifies the exact point all requirements for vessels come into effect. Operationally, there should be no noticeable difference from current practice.

3.2.2 Required information – 1.4(5)(d)

Required information clauses 1.4(4) and 1.4(5) have been transferred from *Biofouling*. In addition to the existing requirements, MPI proposes clause 1.4(5)(d), which requires vessel operators to obtain underwater inspection reports that meet the criteria and are obtained in accordance with Schedule 2 and 3 (these schedules are discussed in detail in section 3.2.9).

A key part of meeting the biofouling requirements of the proposed *Vessels* relies on vessel operators submitting recent evidence of the vessel’s hull in the form of a vessel biofouling inspection report. This allows MPI to assess whether a vessel is compliant with the biofouling

thresholds and/or is following continual maintenance using the International Maritime Organisation best practise guidelines (IMO 2011).

In the time since the *Biofouling* requirements have been enforced, MPI has observed a broad range in the quality of vessel biofouling inspection reports. This inconsistency in reporting has been identified as a risk to New Zealand’s marine environment, and the shipping industry have indicated that it can directly result in monetary loss.

MPI proposes to manage the issue of inconsistent reporting quality through setting minimum requirements for vessel biofouling inspection reports. MPI considers the review and merging of *Biofouling* and *Vessels* as the right time to introduce the proposed information requirements.

MPI acknowledges that industry will require time to adapt to the proposed new minimum requirements for vessel biofouling inspection reports, and as such proposes a 12 month lead in period (after issuance) for these specific requirements.

3.2.3 Section 1.5(3) – “Acceptable measures for ensuring a vessel has a ‘clean hull’”

The proposed standard aims to clarify the acceptable measures for ensuring a vessel has a ‘clean hull’. Members of the shipping industry regularly seek clarification to ensure they can comply as some find the current wording confusing. The proposed rewording is intended to ensure the options are clear and specify the circumstances when MPI considers certain options to be operationally unfeasible.

The explanatory paragraph at the beginning of the clause now includes a reminder that the operator or person in charge of vessel must show compliance with the standard by using one of the below measures.

The main change is that Option A in *Biofouling* has been split into two separate options to provide clarity for vessel operators. In the proposed standard the two separated options are Option A “Inspect before arrival” and Option B “Clean out of water on arrival”. Some vessels may not need cleaning if they are already compliant with the long-stay thresholds of a slime layer and gooseneck barnacles only. Because of this, Option A has been split to provide clarification that vessels that have been inspected less than 30 days before arriving in New Zealand and can show evidence they meet the long-stay requirements do not have to clean their vessel before arrival. More emphasis is also given in Option B to ensure it is obvious that cleaning on arrival must be undertaken out of the water.

The measure “Continual maintenance using best practice” is now Option C.

“Application of approved treatments” is now Option D “Treat on arrival”. The measure specifies where approved treatments can be found. A note has been added to highlight that removing biofouling in an approved haul-out facility is excluded from this option because it is covered under Option B.

An addition to the guidance box explains that there are currently no MPI-approved treatments under MPI-STD-ABTRT but that Option D has been included in the standard for when treatments become available in the future.

3.2.4 Risk management 1.5(4)

Clause 1.4(2) in the current *Vessels* standard is 1.5(4) in the proposed standard. It details risk management steps that an operator or person in charge of vessel must ensure are taken when a vessel is in New Zealand territory. A subclause has been added as a reminder that biofouling cannot be removed from an international vessel within NZTW.

Guidance has been added to the guidance box to clarify that the risk goods managed under 1.5(4)(a) includes any cargo, packaging and equipment used overboard (i.e. fishing equipment or aquaculture equipment), but does not include safety equipment such as anchors.

3.2.5 Specifications of short-stay and long-stay

Since MPI introduced biofouling requirements in 2018, our understanding of operational constraints and the logistics chain for vessel movements has evolved, along with our understanding of the condition of vessels' hulls on arrival. MPI gained its understanding through managing the movement of vessels during the pandemic, continuous engagement with stakeholders and ongoing operational research.

Shifts in global shipping patterns due to the ongoing impacts of COVID-19, such as congestion and increased shipping volumes, have impacted the length of stay of vessels in ports worldwide, including in New Zealand.

To complete scheduled itineraries and fulfil contracts, vessels have needed to stay longer in NZTW than in previous years. This has increased the overall itinerary of many visiting vessels. Some increases are in length of port visits; however, most increases are due to increased time waiting for berths, which results in vessels idling at anchor outside ports but within NZTW.

This was particularly apparent during a large-scale congestion event in New Zealand in mid-2021. As MPI worked closely with vessel operators to maintain the movement of vessels, it became evident that the definition of a short-stay vessel would need to be reevaluated as the industry predicted no improvement in logistic constraints. Throughout the process, MPI considered operational constraints and changes in the logistics chain (e.g. due to congestion and COVID-19) as well as the data collected since the standards were implemented. This is to ensure that requirements remain fit for purpose, feasible and continue to sufficiently manage biosecurity risk while still enabling trade. This information has contributed to our assessment of the vessel categories. The following explains the proposed amendments to the definitions for short- and long-stay vessels.

MPI proposes amending the short- and long-stay vessel categories (as in the current standard *Vessels*) to include the requirement from *Biofouling* that requires vessels to arrive in New Zealand with a clean hull as per the relevant section of "Biofouling thresholds" in proposed Schedule 2. MPI also proposes extending the length of stay for short-stay vessels from 20 to 25 consecutive days.

MPI acknowledges that the technical paper *The Science Underpinning the Thresholds* states "the longer a vessel remains in New Zealand the greater the risk". However, this paper also notes that a vessel that meets the short-stay thresholds should be able to remain in New Zealand for four weeks (less travelling time to New Zealand) without posing a significant biosecurity risk (Ministry for Primary Industries, 2014).

With the changes in global vessel movements, 20 consecutive days has become less feasible and is no longer considered fit for purpose. MPI considers the science provides sufficient evidence to enable a small extension in the number of days a short-stay vessel can remain in NZTW before an unacceptable increase in biosecurity risk occurs. The measures that remain in place (detailed below) ensure that propagule pressure¹ remains low.

Taking into account vessel movements in the past 12 months, MPI proposes an extension of five days for short-stay vessels. This will enable vessels struggling to complete their commercially itineraries within 20 days to remain short stay and continue to manage the biosecurity risk to the intended level. This will enable approximately 100 additional vessels per year to remain short-stay and complete their commercial itineraries (reducing costs and delays) while still managing biosecurity risk.

In addition, the current 20 days includes allowance of a buffer for travel time. Due to the wide variety in travel times to New Zealand (from one to two days to over a month), reducing the buffer time is unlikely to significantly increase the biosecurity risk to New Zealand.

The clean hull requirements sufficiently mitigate the risk of organisms reproducing while the vessel is in NZTW, but as there is no accurate way of determining the age of any biofouling on a vessel when they enter our waters, there remains a residual risk that some organisms will reproduce in our waters.

The proposed extension does not change the organisms permitted under the short-stay thresholds or their overall abundance of these organisms, so the threshold remains the same. When kept to a low threshold, the early-stage macrofouling species permitted under the short-stay thresholds are not likely to become highly damaging invasive species. They are globally common and likely vessel hitchhikers. Restrictions on the abundance and density of fouling allowed ensures that propagule pressure remains low, as they are less likely to breed in scattered and low-density aggregations.

Species other than those listed in the short-stay thresholds are not allowed in any number because they are high risk and have the potential to cause biological and economic damage to New Zealand's marine environment. MPI does not propose changing the long-stay organism thresholds, and they will remain at a "slime layer" level of fouling with allowance for goose barnacles. The evidence needed to show compliance with long stay thresholds remains unchanged.

In 2014, MPI acknowledged the unknown impacts the standard may have on industry and trade and MPI's ability to enforce them. With this in mind, MPI gave a four-year lead-in period before enforcing requirements, enabling industry to understand the requirements and begin to incorporate biofouling management into the vessel management. Since the standard was implemented, MPI has gradually been moving vessels onto an audit schedule based on level of risk. This ensured that vessel movement continued and MPI managed fouled vessels appropriately. Currently, all vessels coming to New Zealand are audited regularly and are better aware of effective risk management practices.

As such, MPI considers that extending the short stay thresholds will continue to manage the risk of biofouling on vessels with short stays in our waters to the same level intended by the

¹ Propagule Pressure: a measure of the number of individuals of a species released into a region to which they are not native.

Biofouling standard and be more feasible for the global shipping movements and trade enabling.

MPI has made minor language amendments to this section to avoid repetition and provide clarity. The text originally in clause 2.1(2) has now been moved to 2.1(1).

MPI has also added a guidance box under section 2.1 “Short-stay vessels”. This guidance advises an operator or person in charge of a vessel to notify MPI as soon as possible when a vessel wishes to extend its stay past 25 days or visit places that are not places of first arrival. This reiterates that MPI must be notified in situations such as these.

3.2.6 Addition of a requirement for cruise vessels

When MPI reviewed all cruise vessel data, it became apparent that neither the short-stay or long-stay requirements are fit for purpose for their unusual operating profile. The operating profiles of all other vessel types fall within the existing short- and long-stay categories.

Cruise vessels carry large numbers of passengers, high volumes of food and have other onboard structures such as gardens and golf courses, and none of these can be given biosecurity clearance. They also often remain in New Zealand longer than 20 days and visit areas that are not approved as places of first arrival, i.e. scenic areas such as the Bay of Islands and Fiordland. As a result, cruise vessels usually cannot meet either existing requirement.

MPI proposes new requirements specifically for cruise vessels that will address this gap in the requirements. The proposed requirements give cruise vessel operators two options for managing the risks associated with their vessels. The first is to meet the current long-stay requirements. The second option is to operate under an MPI-approved system.

While some cruise operators may be able to comply under option 1 (particularly the smaller vessels with less complicated schedules in New Zealand), MPI anticipates that most operators, (particularly the larger companies) will find it more feasible to operate under an MPI-approved system (option 2).

MPI approved systems will detail approved ways in which the operators will manage the biosecurity risk of their vessel or fleet of vessels and will encompass all existing approvals operators obtain from MPI, such as the Recognised Cruise Line Programme (formerly the Cruise Accreditation Scheme) and Craft Risk Management Plans for Biofouling. Details of this system are dependent on the operator and cruises they will operate in New Zealand but will replace all existing approvals for management of biosecurity risk. With this proposed MPI Approved System, MPI will be streamlining the approvals needed as cruise operators will only need to submit one document for approval to MPI to cover all biosecurity management processes.

MPI has also defined ‘cruise vessel’. The proposed definition has been written to accurately include the vessels that should be covered by this new requirement and exclude those that should not be covered.

3.2.7 *Lymantria* complex (formerly referred to as Asian gypsy moth (AGM))

Common name

Currently there is an international move, led by the Entomological Society of America, to change the common names of species to reflect the visual appearance of the insect rather than names that reflect regions, groups of people or individual people (Osborne, 2022). The *Lymantria* species that have historically been managed by the standard *Vessels* were previously referred to as Asian gypsy moth (AGM). This grouping of species will now be commonly referred to as the ‘flighted spongy moth complex’.

Alongside this change, MPI will only refer to this species’ scientific name rather than its common name within its standards and requirements. This will ensure that the requirements are clear and will not need future amendments if the common name changes again.

The proposed change aligns with other regulators, scientists and industry members who are also phasing out the current common name.

It is proposed the scientific name is used inside formal requirements as ‘species of the *Lymantria* complex’ and that the common name; ‘flighted spongy moth complex’ will be used in industry communication and public engagement. MPI acknowledges that this is a significant change in language for industry. MPI will be working with other countries that regulate these species and all industry groups affected by this name change to ensure this change is communicated effectively, and there will be a transition period as the old name is phased out.

Risk periods and areas

The proposed standard also includes revised risk areas and risk periods that align with the changes the North American Plant Protection Organization (NAPPO) recently made for the 2022 *Lymantria* complex season. NAPPO consulted on these changes between May and July 2021 and they came into effect for the 2022 flight season. The new NAPPO requirements combined Western Japan and Eastern Japan into one risk area called Central Japan, because there is little environmental difference between the two areas. The behaviour of *Lymantria* complex moths has changed, and the moths are flying earlier than in the past. This led to NAPPO to changing the risk periods for these moths as follows (NAPPO (2021)):

- Russian and Northern Japan risk period is now 15 June – 15 October;
- Southern Japan period is now 15 May – 31 August; and
- the Central Japan risk period is 1 June – 30 September.

The details for the NAPPO new risk areas and periods for *Lymantria* species can be found in Appendix 1.

To harmonise our requirements for species of the *Lymantria* complex with international requirements, MPI proposes adopting the NAPPO’s changes. This will reduce the impact on the movement of vessels and international trade.

The change in risk periods and risk areas for species of the *Lymantria* complex will alter the time periods that operators are obligated to obtain an inspection and certificate. Some

operators that previously didn't require one will now require them. Many industry stakeholders have already adapted to the new risk periods and regions as other countries have already implemented these regulatory changes. MPI does not expect this change to significantly impact industry. There will also be a lead-in period before the implementation of the new risk periods and risk areas, and MPI will regularly engage with industry to ensure awareness of the changes.

3.2.8 Addition of 'niche area' definition

At the request of shipping industry stakeholders, MPI proposes the addition of a definition for 'niche area'. Niche areas are commonly referred to in the biofouling requirements and it is important to have a clear and robust definition to ensure that operators have certainty about which areas of their vessels are considered niche areas for biosecurity management.

3.2.9 Schedules 2 and 3: Minimum Reporting Requirements

Part 1.4(5)(d) of the proposed *Vessels* (see section 3.2.2) references Schedule 2 and 3. The proposed new schedules outline the criteria and processes for vessel biofouling inspections.

A minimum requirement that all underwater inspection reports must follow will create consistency and reduce the biosecurity risk, operational delays and poor evidence being presented to MPI. It aims to foster better vessel management for the shipping industry themselves as they will be better informed of a vessel's biosecurity risk.

Proposed Schedules 2 and 3 outline minimum information that must be provided in a vessel biofouling inspection report for it to comply with the proposed *Vessels* evidence requirement. This will ensure that providers will have a clear standard of reporting to meet and will aid in improving their reporting. MPI considers that this will reduce low-quality reporting that currently hinders MPI's compliance and risk assessment abilities and causes delays for industry.

MPI recognises that while the requirements of the proposed *Vessels* apply to vessel operators or persons in charge of a vessel, third-party service providers will need to access, understand, and deliver reports that meet the requirements. To make them more accessible, MPI has also proposed a *Guidance Document: Vessel Biofouling Inspections*. This contains proposed Schedules 2 and 3 as well as additional resources and supplementary information. This document can be found on the public consultation page. The intent of this is to make the applicable requirements more readily accessible for providers.

Alongside these changes, MPI also proposes an approval scheme for vessel biofouling inspection providers to voluntarily become MPI-approved. This will also provide vessel operators a list of providers they can use with the confidence that they will provide underwater inspection reports which align with the required information of the proposed *Vessels*.

For further information on the approval scheme and the opportunity to provide feedback, see the proposed *Operational Code: Vessel biofouling inspection provider approval scheme*. This document is out for public consultation at the same time as the proposed *Vessels*.

MPI would like to receive feedback on whether the guidance is in a usable form and format; if not, then we welcome feedback on what form and format would work better for industry.

3.2.10 Schedule 4: Biofouling thresholds

Stakeholders have often described the short-stay biofouling thresholds in the current standard *Biofouling* as overly complicated and operationally unfeasible. At times, they are also difficult for MPI to enforce. MPI proposes simplifying the thresholds to provide stakeholders with a clearer and more feasible target to aim for while still managing biosecurity risk to the same level. The types of species permitted under the short-stay thresholds will not change, however we propose to slightly alter the composition of how these can appear on the vessel to provide clarity.

The requirements within the thresholds that the shipping industry found most confusing were the restrictions on the number of species permitted on hulls of short-stay vessels. Currently on the flat sides and flat bottom of a hull, biofouling is limited to 1% coverage of only one species. A similar requirement exists for niche areas where 5% coverage of one species and 1% coverage of a second species is permitted.

As an example, under the current *Biofouling* standard, a vessel with a single barnacle and a single tubeworm on the flat side of a hull would not meet the short-stay thresholds, even though the overall risk of these two specimens can be considered lower than the risk of a full 1% coverage of a single species.

MPI considers that vessels with very low quantities of biofouling of one or more types maintain lower propagule pressures than vessels that have higher quantities of single species biofouling. The species allowed (barnacles, tubeworms and bryozoans) are early-stage colonisers, and all tend to appear on vessel hulls around the same time. This contributes to the infeasibility of this threshold. As mentioned in section 3.2.5 above, these species are permitted on short-stay vessels due to their low likelihood of causing significant damage to New Zealand's marine environment.

As noted, MPI considers that changing the number of species that can contribute to the total allowed coverage for a short-stay vessel is unlikely to significantly increase the risk of new species establishment in New Zealand. MPI proposes no change to the types of species within the short-stay threshold. MPI also considers this proposed change to the threshold to be operationally more realistic for vessel operators than the current requirements.

4 Feasibility of the proposed change to the standard

The proposed standard does not fundamentally change the existing risk settings in place for international vessels arriving to New Zealand.

With the proposed amendments to the existing requirements, MPI aims to streamline the process vessel operators must follow when bringing a vessel to New Zealand by formalising existing procedures and making changes to ensure *Vessels* remains fit for purpose and operationally feasible while maintaining the same risk settings. Most vessel operators should find that the proposed standard *Vessels* will simplify processes and provide more flexibility.

Draft for consultation

5 References

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6 Appendix 1: Change to Schedule 3 (Risk Areas and Risk Periods)

Current Vessels Standard

Column 1	Column 2	Column 3
Risk Area	Requirements apply where visited any ports	Specified Risk Period
Russian Far East	south of 60° North and west of 147° longitude (excluding those ports on the Kamchatka Peninsula)	July 1 to September 30
China	north of latitude of 31° 15' N	June 1 to September 30
Republic of Korea	in all areas	June 1 to September 30
Japan - Northern	in prefectures of Hokkaido, Aomori, Iwate, Miyagi, Fukushima	July 1 to September 30
Japan - Western	in prefectures of Akita, Yamagata, Niigata, Toyama, Ishikawa	June 25 to September 15
Japan - Eastern	in prefectures of Fukui, Ibaraki, Chiba, Tokyo, Kanagawa, Shizuoka, Aichi, Mie	June 20 to August 20
Japan - Southern	in prefectures of Wakayama, Osaka, Kyoto, Hyogo, Tottori, Shimane, Okayama, Hiroshima, Yamaguchi, Kagawa, Tokushima, Ehime, Kochi, Fukuoka, Oita, Saga, Nagasaki, Miyazaki, Kumamoto, Kagoshima	June 1 to August 20
Japan - Far Southern	in prefecture of Okinawa	May 25 to June 30

Proposed Merged Standard

Column 1	Column 2	Column 3
Risk Area	Requirements apply where visited any ports	Specified Risk Period
Russian Far East	south of 60° North and west of 147° longitude (excluding those ports on the Kamchatka Peninsula)	June 15 to October 15
China	north of latitude of 31° 15' N	June 1 to September 30
Republic of Korea	in all areas	June 1 to September 30
Japan - Northern	in prefectures of Hokkaido, Aomori, Iwate, Miyagi, Fukushima, Akita, Yamagata	June 15 to October 15
Japan - Central	in prefectures of Niigata, Toyama, Ishikawa, Fukui, Ibaraki, Chiba, Tokyo, Kanagawa, Shizuoka, Aichi, Mie	June 1 to September 30
Japan - Southern	in prefectures of Wakayama, Osaka, Kyoto, Hyogo, Tottori, Shimane, Okayama, Hiroshima, Yamaguchi, Kagawa, Tokushima, Ehime, Kochi, Fukuoka, Oita, Saga, Nagasaki, Miyazaki, Kumamoto, Kagoshima	May 15 to August 31
Japan - Far Southern	in prefecture of Okinawa	May 25 to June 30

Draft