



CTO DECISION DOCUMENT – Equivalence for non-compliant consignments

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

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

Director (PFE)	Group Manager (B&E)	Team Manager (not currently delegated)	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
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:	Mike Tana	Team:	B&E
Subject:	CTO Plants: 20150036[B]	Due date:	10/02/15

The unique CTO decision number can be found under the tab 'CTO27(1)(d)(iii)decisions' in the spreadsheet:
<http://fcs.maf.govt.nz/webtop/drl/objectId/090101b380d69fea>

Review steps	Name	Team	Date
Peer review	Paul Hallett	B&E	4/02/15
	Jo Anne Stokes	B&E	4/02/15
Consultation with other MPI groups	Francine Timmins	Legal	9/02/15
External			
Review and Team Manager sign out	Paul Hallett	B&E	12/02/15
Group Manager sign out	Paul Hallett	B&E	12/02/15
Director sign out			

ECMS link to Word version of this Decision Document:

Insert other relevant documents here, this may include:

Insert copy of Decision Document here once signed

CTO DECISION DOCUMENT

CTO Plants: 20150036[B]

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) **Vehicle-all** be applied to effectively manage the risks posed by **non-compliant break bulk vehicles and machinery sourced from the United States (US)**.

This is a generic CTO decision, the outcome of which may apply to imports by multiple importers to import **break bulk vehicles and machinery sourced from the US**.

BACKGROUND

Break bulk vehicles and machinery sourced from the US are eligible for import under the IHS **Vehicle-all**; specifically they must meet the requirements of **section 4.3**.

On arrival in New Zealand these consignments do not comply with the IHS **Vehicle-all** requirements **section 4.3** as shipments currently enroute to, or intended for, New Zealand from the US, have not be managed offshore as per the IHS. This is due to the fact that approved treatment systems are not yet in place in the US to enable shipments of **break bulk vehicles and machinery sourced from the US** to be treated prior to export to comply with the IHS **Vehicle-all** requirement **section 4.3**.

ASSESSMENT OF RISK

Significant interceptions of the exotic pest, Brown Marmorated Stink Bug (BMSB), *Halyomorpha halys*, posing a major biosecurity threat to New Zealand, have been found on **bulk vehicles and machinery sourced from the US**.

This CTO direction ensures that untreated shipments currently enroute to New Zealand from the US are managed appropriately using the heat and fumigation treatments in the time frames described below. This will allow time for approved treatment systems to be put in place in the US to ensure that future shipments are treated prior to export to comply with the IHS **Vehicle-all** requirement **section 4.3**.

Until approved treatment systems are available in the US to treat **break bulk vehicles and machinery sourced from the US**, New Zealand requires all shipments **of break bulk vehicles and machinery sourced from the US** to be treated on arrival to New Zealand to manage this risk.

To comply with the requirements of the IHS, it is agreed that following measures must be met:

- (a) Uncleared trucks must be directed for heat treatment to be undertaken within 12 hours of landing.
- (b) Uncleared cars must be directed for heat treatment to be undertaken within 48 hours of landing.
- (c) Uncleared agricultural machinery must be unloaded **immediately** covered by a tarpaulin once landed and fumigated within 12 hours of landing.

Vehicles less than 3,000kg are to be heat treated at 60C for 10 minutes.

Vehicles over 3,000kg are to be heat treated for 60C for 20 minutes.

Agricultural machinery is to be fumigated as per the MPI Approved Biosecurity Treatments standard, MPI-STD-ABTRT.

Heat treatment and Fumigation of non-compliant break bulk vehicles and machinery sourced from the US (as described above) will occur **on arrival in New Zealand, whilst held securely at the Port of First Arrival**, which is equivalent to the requirement to **be treated prior to shipment, under section 4.3** in the IHS **Vehicle-all** which effectively manages the risks identified in the IHS, as per the MPI Approved Biosecurity Treatments standard, MPI-STD-ABTRT.

Note:

- Gross contamination and seeds not affected by heat treatment or fumigation must be removed or devitalised before clearance can be given.
- Landing of non-compliant break bulk vehicles and machinery sourced from the US, must be undertaken as supervised by BSC under the current section 19 direction that is in place.

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

That the requirements described **above**, which will occur **on arrival in New Zealand, whilst in held securely at the Port of First Arrival** are equivalent to the requirement to **be treated prior to shipment, under section 4.3** in the IHS **Vehicle-all**, will effectively manage the risks identified in the 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 non-compliant consignments of **non compliant break bulk vehicles and machinery sourced from the US** may be given biosecurity clearance, as:

- (d) Uncleared trucks must be directed for heat treatment to be undertaken within 12 hours of landing.
- (e) Uncleared cars must be directed for heat treatment to be undertaken within 48 hours of landing.
- (f) Uncleared agricultural machinery must be unloaded **immediately** covered by a tarpaulin once landed and fumigated within 12 hours of landing.

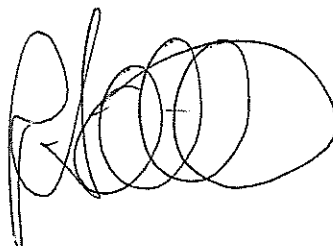
Vehicles less than 3,000kg are to be heat treated at 60C for 10 minutes.

Vehicles over 3,000kg are to be heat treated for 60C for 20 minutes.

Agricultural machinery is to be fumigated as per the MPI Approved Biosecurity Treatments standard, MPI-STD-ABTRT,

Which are different to those specified in **section 4.3** of the import health standard **Vehicle-all**, may be applied to effectively manage risks of the kind arising from the non-compliance.

Paul Hallett
Deputy Chief Technical Officer
Regulation and Assurance Directorate
Date: 12/02/15



AGREE / DISAGREE

**CTO Direction to MPI Inspector
Biosecurity clearance of non-compliant consignment/s**

CTO direction code for recording in Quantum: CTO Plants: 20150036[B]

Pursuant to section 27(1)(d)(iii) of the Biosecurity Act 1993 I, Paul Hallett Manager Biosecurity and Environment, Ministry for Primary Industries (under delegated authority), give the following directions for:

All break bulk vehicles and machinery sourced from the US (vehicles and machinery as defined in the **Import Health Standard for Vehicles, Machinery and Tyres (Vehicle.all)**, which are **non compliant** with clause 4.3 of the applicable import health standard, **Vehicle.all** to be given clearance in accordance with the following measures, different from those in the applicable import health standard.

Measures

- (g) Uncleared trucks must be directed for heat treatment to be undertaken within 12 hours of landing.
- (h) Uncleared cars must be directed for heat treatment to be undertaken within 48 hours of landing.
- (i) Uncleared agricultural machinery must be unloaded **immediately** covered by a tarpaulin once landed and fumigated within 12 hours of landing.

Vehicles less than 3,000kg are to be heat treated at 60C for 10 minutes.

Vehicles over 3,000kg are to be heat treated for 60C for 20 minutes.

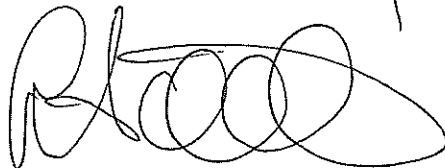
Agricultural machinery is to be fumigated as per the MPI Approved Biosecurity Treatments standard, MPI-STD-ABTRT.

(Gross contamination and seeds not affected by heat treatment or fumigation must be removed or devitalised before clearance can be given).

All other relevant sections of the IHS **Vehicle-all** for **non compliant break bulk vehicles and machinery sourced from the US** must be complied with.

This direction takes effect from the date of signing, and may apply to multiple consignments of **non compliant break bulk vehicles and machinery sourced from the US** that are not compliant with the measures required by **section 4.3** in the IHS **Vehicle-all**. This CTO direction is valid for no longer than 2 years from issuance date or until it is amended or revoked prior.

Signed at Wellington this 12 day of February 2015



Paul Hallett
Deputy Chief Technical Officer
Regulation and Assurance Directorate
Date: 12/02/15