Ministry for Primary Industries
Manatū Ahu Matua

Discussion Document

Revision of the Ministry for Primary Industries Facility Standard: Standard for Transitional Facilities for General Uncleared Risk Goods and Guidance Document to the Standard for Transitional Facilities for General Uncleared Risk Goods

DRAFT

FOR PUBLIC CONSULTATION

June 2015

New Zealand Government

Growing and Protecting New Zealand

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Requests for further copies should be directed to:

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Submissions

The Ministry for Primary Industries (MPI) invites comment from interested parties on the revised draft Facility Standard: Standard for Transitional Facilities for General Uncleared Risk Goods (the standard) and the associated revised draft Guidance Document to the Standard for Transitional Facilities for General Uncleared Risk Goods (the guidance document).document.

The standard provides mandatory requirements for any place approved by the Director-General of the Ministry for Primary Industries (Director-General) as a TF in accordance with section 39 of the Biosecurity Act 1993. A TF may be approved by the Director-General for the purpose of holding, inspection, quarantine, storage, or treatment of uncleared risk goods. The Director-General may also declare specified parts of ports approved as places of first arrival to be TFs.

MPI seeks general feedback on the proposed format and changes to the requirements in the standard and guidance document. The following points may also be of assistance in preparing comments:

- Wherever possible, comments should be specific to a particular part of the standard and/or guidance document (referencing section numbers or commodity names as applicable).
- Where possible, reasons, data and supporting published references to support comments (where available) are requested.
- The use of examples to illustrate particular points is encouraged.

MPI encourages respondents to forward comments electronically. 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).
- Your contact details.

Send submissions to: standards@mpi.govt.nz.

However, should you wish to forward submissions in hard copy format (writing), please send them to the following address to arrive by close of business on **24 July 2015.**

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Submissions received by the closure date will be considered during the development of the final versions of the standard and guidance document. Submissions received after the closure date may be held on file for consideration when the standard and guidance document are subsequently reviewed.

Official Information Act 1982

Please note that submitted documents are public information. These documents may 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 the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Contents

Introduction

Purpose

1. The purpose of this document is to generate feedback from interested persons on the:-
    - Revision of the existing standard and guidance document, and specifically on:-
    - Biosecurity Awareness Re-training for Transitional Facility Operators (TFO) and Accredited Persons (APs).

Background

2. MPI has reviewed the draft revised standard and guidance document with the objective to ensure these documents are clear, consistent, and that information is easy to find and understand. MPI is seeking feedback on the content and format of these documents.

International

3. The WTO and SPS Agreements set 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.

4. "The SPS Agreement will continue to guide how New Zealand sets standards and makes decisions related to biosecurity. In particular, it will be 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." *Balance in Trade [online reference ISBN 978-0-478-33881-2]*

Domestic

5. The New Zealand biosecurity system is regulated through the Biosecurity Act 1993. Section 39 of the Act describes the purpose of a transitional facility and all uncleared risk goods entering New Zealand must be directed to a TF for a particular purpose.

6. MPI is the government authority responsible for maintaining biosecurity standards for the effective management of risks associated with the importation of risk goods into New Zealand (Part 3, Biosecurity Act 1993).

7. MPI is committed to the principles of transparency and evidence-based technical justification for the management of uncleared risk goods and on importing pathways governed by other MPI standards.

Proposed Major Changes to the Standard

8. Major changes include:

    - The "Scope" of the document has been clarified. Approval conditions for TF Operators, Deputy TF Operators and Accredited Persons is provided under section 4 of the guidance document to the standard.

    - Part 1 of the standard - "Requirements for Approval of TFs" has been modified to include an "Application" section that specifies uncleared risk goods and organisms that may be directed

to TFs, and other categories of high risk TFs with mandatory minimum requirements. It also lists risk goods for which TF requirements are not included in this standard.

- Part 2 of the standard - "Physical/structural requirements for TFs" has been modified extensively from the existing standard.

- Part 3 of the standard – "Operational requirements for TFs" has significantly more specifying what must be included a TF Operating Manual. This is crucial information for stakeholders who operate or wish to operate TFs, and MPI audits are based on the TF Operating Manual for each TF. In addition, there are other changes of a more minor nature in this section.

- Part 4 of the standard now holds mandatory information for high risk TFs, and includes :-

    - Requirements for Biosecurity Refuse TFs.
    - Requirements for Biosecurity Treatment TFs.
    - Requirements for Decontamination TFs.
    - Requirements for Incineration or Sterilisation TFs.
    - Requirements for holding Non-Compliant Farm Animals at TFs at POFAs (Places of First Arrival).

  Previously these biosecurity requirements were held in the guidance document and they have been moved into the standard because such TFs deal with high risk biosecurity material. It was considered that there was a need for these to be specified as mandatory specifications inside the standard.

- Schedule 1 of the standard holds "Definitions" which apply to TFGEN-GD as well. Formerly this section was held in the guidance document.

Proposed Major changes to the Guidance Document

9. Major changes include:

- Removing "mandatory" language, from the document, using more plain English (where possible) and emphasising best practice examples and recommendations for TF Operators on how TFs should be run. This removes ambiguity and points of confusion from the current version of the guidance document.

- The guidance document has been reformatted extensively from the existing document. Sections 1 to 5 specify the following information:
    - Purpose.
    - Background.
    - Definitions
    - The Approval of TFs and TF Operators.
    - Operation of TFs.

- Section 6 holds further guidance for TF Operators running specific TFs. These include :
    - Air Container TFs.
    - Animal Product TFs (for holding only).
    - Biological Product TFs (for holding only).
    - Courier Mail and International Mail TFs.
    - Fresh Produce and Nursery Stock TFs.
    - Grains/Seeds for Consumption/Feed Processing TFs.
    - Inanimate Risk Material TFs**.**
    - Live Animal TFs located at POFAs.
    - Personal Effects TFs.
    - Sawn Wood TFs.
    - Sea Container TFs.
    - Seeds for Sowing/Stock Feeds/Stored Product TFs.
    - Self-Storage TFs.
    - Used Machinery, Tyre and Vehicle Inspection TFs.

  New or significantly revised guidance has been provided for Air Container TFs, Animal Product TFs, Grains/Seeds for Consumption/Feed Processing TFs, Inanimate Risk Material TFs**,** Live Animal TFs located at POFAs, Sawn Wood TFs and Used Machinery, Tyre and Vehicle Inspection TFs. Note: Guidance for anything other than holding Animal Products has been removed and will be included in a new standard for Animal Products. This standard is currently being developed and will be officially consulted on in due course (anticipated to be later in 2015).

The revised standard and guidance document for consultation may be found at the following address:-

http://www.mpi.govt.nz/news-and-resources/consultations/?opened=1

Specific Request for Feedback

10. In addition to general feedback that may be provided, MPI seeks specific feedback on the following:-

Biosecurity Awareness Re-training for TFO and APs

In addition to receiving general feedback on the documents (as above), MPI seeks feedback on the biosecurity awareness re-training intervals for TFOs and APs. MPI regards biosecurity awareness training for TFOs and APs as being crucial for understanding the biosecurity risks associated with the entire range of uncleared risk goods imported into New Zealand.

MPI seeks feedback on how often biosecurity awareness training should be required for TFOs and APs. Currently, TFOs must be trained before approval to operate a TF is granted by MPI and then retraining is required after 4 years and every 4 years after that where the TFO remains in the role. For example, for TFOs the training regime is as follows:-

Year 1 (1st training)	**Year 5 (2nd training)**	**Year 9 (3rd training)**	**Year 13 (4th training)**	**Year 17 (5th training)**
TFO training	TFO re-training	TFO re-training	TFO re-training	Etc.

Currently, APs are receive biosecurity awareness training differently to TFOs. APs must be trained before they are approved by MPI and then retraining is required 2 years later, and then every 4 years after that where the AP remains in the role. For example, for APs the training regime is as follows:-

Year 1 (1st training)	**Year 3 (2nd training)**	**Year 5 (3rd training)**	**Year 9 (4th training)**	**Year 13 (5th training)**
AP training	AP re-training	AP re-training	AP re-training	Etc.

MPI would particularly like to know if AP and TFO training should be aligned as the same training regime or remain as separate training regimes (as is currently operated). In particular, MPI would like to know if stakeholders consider the training regimes to be too frequent or infrequent, and why they hold that view. Some stakeholders have previously indicated to MPI that they consider training every four years to be too infrequent and propose alignment to the regime undertaken by APs as being better. Some also consider that both APs and TFOs should be re-trained every two years on an on-going basis.

MPI is also interested in whether there are alternative suggestions to assess the competence of APs and TFOs after the initial training is conducted, and if there are suggestions regarding the content, duration and testing requirements for AP and TFO training.

Please send comments to the contact address as above by 24 July 2015.