



# Import Health Standard

## Sea Containers from All Countries

SEACO

19 July 2019

## **TITLE**

Import Health Standard: Sea Containers from All Countries

## **COMMENCEMENT**

This Import Health Standard comes into force on 19 July 2019

## **REVOCATION**

This import health standard revokes and replaces:

- Import Health Standard for Sea Containers, issued 17 October 2018.

## **ISSUING AUTHORITY**

This Import Health Standard is issued under Section 24A of the Biosecurity Act 1993.

Dated at Wellington, 19 July 2019

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## Introduction

This introduction is not part of the Import Health Standard (IHS), but is intended to indicate its general effect.

## Purpose

The purpose of this IHS is to set out the requirements that must be met when sea containers are imported into New Zealand (NZ) to manage the biosecurity risks associated with them.

## Background

Imported risk goods have the potential to introduce pests and unwanted organisms into NZ. Sea containers are risk goods because pests and unwanted organisms may be associated with them when they arrive in NZ. The Biosecurity Act 1993 (the Act) prescribes requirements for the exclusion, eradication and effective management of pests and unwanted organisms in NZ. These organisms have the potential to cause harm to natural and physical resources and human health in NZ. MPI is responsible for enforcing the provisions of the Biosecurity Act 1993.

Under the Act, an IHS may be issued that sets out the requirements that must be met when importing risk goods in order to manage the risks associated with their importation including the risk from incidentally imported organisms. This IHS outlines the minimum requirements that must be met when importing sea containers into NZ to obtain biosecurity clearance.

## Who should read this?

All importers of sea containers entering NZ (from any country) should be familiar with this IHS

## Why is this important?

- (1) Importers must take all reasonable steps to ensure that imported sea containers comply with this IHS (Section 16B of the Act).
- (2) Sea containers that do not comply with this IHS may be reshipped to origin or treated (if possible).
- (3) The importer will be liable for all relevant associated expenses.

## Equivalence

While it is expected that all imported sea containers meet the requirements of this IHS, MPI will consider equivalence requests. A Chief Technical Officer (CTO) may issue guidelines or give directions on measures different to those in the standard to effectively manage biosecurity risks under Section 27(1)(d)(iii) of the Act. Goods that comply with those guidelines or directions may be provided with biosecurity clearance.

## Document History

Version Date	Section Changed	Change(s) Description
28/08/2018	Section 2.2 and addition of Section 2.3	Removal of CTOD from S 2.2 and the addition of the urgent amendment for Italian sea containers in S 2.3.
17/10/2018	Throughout	Revision of grammatical errors and clarification of ambiguities.
30/06/2019	Revised Section 2.1	2.1 k) – Expansion of requirements for treatment certification (removed from Schedule 1 - Definitions).

Version Date	Section Changed	Change(s) Description
	Revised Section 2.3	Revised to provide more clarity and guidance (in two guidance boxes). Requirements now specified as two Options (A for treatment of sea containers and B for sea containers holding sensitive risk goods).
	Revised Section 3.1	New S 2.3.1 - Sea Containers transshipped through Italy. S 3.1 (1) The second sentence has been removed in order to help clarify the intent of the standard and not specify how MPI Inspectors have to conduct verification of MPI requirements.

## Other information

### Guidance

Guidance for this IHS is provided in the *Guidance Document in support of the IHS for Sea Containers*, <https://www.mpi.govt.nz/importing/border-clearance/containers-and-cargo/requirements/>. It provides more information about importing sea containers. It is advisable to seek assistance from MPI if you are unclear on any part of the IHS prior to undertaking any activities relating to the importation of sea containers.

The information contained within “guidance boxes” throughout this document is for guidance only and is not part of the statutory requirements. These boxes are labelled as “Guidance”.

### Cargo

Cargo within sea containers must be managed as per the relevant IHSs. See MPI's website for the relevant IHS <https://www.mpi.govt.nz/importing/>

### Wood Packaging

All wood packaging must be managed as per the IHS - *Wood Packaging Material from All Countries*. <http://www.mpi.govt.nz/importing/forest-products/wood-packaging/>. Other contaminated packaging must be secured, segregated and managed as per this IHS. Contact MPI if you are unclear about the management of such material.

### Non-Compliance

A sea container that does not meet the requirements of this standard will not be given biosecurity clearance under the Act and will be directed by an MPI Inspector as per Section 122 of the Act for further action as considered appropriate to manage the biosecurity risks. MPI may also deny the unloading of sea containers from arriving vessels where the risk is considered too great to allow discharge. Deliberate non-compliance with the requirements of this standard or negligence leading to non-compliance will lead to increased intervention (e.g. inspection or audit) regimes or prosecution of liable parties under the Act.

### Costs

Inspections and other functions undertaken by MPI pertaining to importing sea containers will be charged for as per the current Biosecurity (Costs) Regulations.

## Part 1: General Requirements

### 1.1 Application

- (1) This IHS applies to all sea containers that are imported into NZ from all countries.

### 1.2 Incorporation by reference

- (1) The following documents are incorporated by reference under Section 142M of the Biosecurity Act 1993:
  - a) MPI standard *MPI Approved Biosecurity Treatments*; and
  - b) *International Standard for Phytosanitary Measures 23: Guidelines for Inspection (ISPM 23)*, *International Plant Protection Convention*.
- (2) Under Section 142O(3) of the Biosecurity Act, it is declared that Section 142O(1) does not apply, that is, a notice under Section 142O(2) of the Biosecurity Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of those documents.

### 1.3 Definitions

- (1) Definitions of terms used in this IHS are set out in Schedule 1 of this document.
- (2) Terms used in this IHS that are defined in the Act have the meanings set out in the Act, unless a different meaning is given in Schedule 1. The Act is available at:  
<http://www.legislation.govt.nz/act/public/1993/0095/latest/whole.html>

## Part 2: Biosecurity requirements for sea containers

### 2.1 Information that must be provided for sea container importation

- (1) The following documented information for all sea containers must be sent by importers and received by MPI at least 12 hours prior to the arrival of the sea container (and cargo) in NZ:
- a) Sea container Number;
  - b) Sea container type;
  - c) Country of origin;
  - d) Port of loading;
  - e) Port of discharge;
  - f) Importer details;
  - g) Exporter details;
  - h) NZ specified transitional facility (TF) destination;
  - i) Quarantine declaration;
  - j) Complete and accurate description of the cargo or tariff code, including all packaging; and
  - k) Treatment certificate (where treatment is required) including the following information:
    - i) Treatment Provider's letterhead including name and physical address;
    - ii) Certificate and registration number;
    - iii) Description of the consignment – including quantity of items;
    - iv) Name and address of exporter;
    - v) Name and address of importer;
    - vi) Date upon which treatment was completed;
    - vii) Signature of the Treatment Provider;
    - viii) Address where the treatment occurred;
    - ix) Treatment details specified in [MPI Approved Biosecurity Treatments](#) including the type of treatment used and products (where applicable), applied treatment rate, exposure time period, minimum enclosure temperature details, etc.; and
    - x) A declaration that the Treatment Provider has met all of the requirements specified by MPI.

#### Guidance

The above information will be evaluated by MPI to determine the regulatory interest of a sea container and its cargo and subsequent actions that may be required. Sea containers with absent or incomplete information are likely to be considered to be of high regulatory interest and are likely to receive more MPI intervention.

### 2.2 Requirement for freedom from biosecurity contaminants and regulated pests

- (1) All sea containers imported into NZ must be clean and free of pests and biosecurity contamination. Inspections or checks to verify this must be carried out by legally approved persons under the Act (for example, MPI Inspectors or Accredited Persons).

## 2.3 Sea containers from Italy

The requirements of this section apply until the 30<sup>th</sup> of April 2020.

### 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 before arrival in New Zealand for BMSB in accordance with [MPI Approved Biosecurity Treatments](#) by an [MPI-Approved Offshore Treatment Provider](#); 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):

- i) The container must be exported to New Zealand or moved to another country within 120 hours of treatment; and
- ii) 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 good cargo) may be subject to MPI verification activities on arrival.

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

- a) Sea containers (and risk good 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 Brown Marmorated Stink Bug (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 transshipped 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 transshipment period.
- (2) Non-fully enclosed sea containers originating from a country other than Italy and transshipped through an Italian port, must:
  - a) Be transshipped 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 before arrival in New Zealand as per Option A as above.

## **Part 3: Inspection and logistical requirements for sea containers**

### **3.1 Port management and transshipped containers**

- (1) A sea container must not be removed from the place of first arrival (entry port), including movement to transitional facilities, inland depots or for transshipment by road or rail, until all sea container information is received, has been assessed by MPI and directions actioned by MPI or relevant parties.

### **3.2 Transportation**

- (1) For all uncleared sea containers being transported from a port to a transitional facility or between transitional facilities for devanning, treatment or other action, the importer or importer's agent must provide all relevant information and MPI directions about the sea container to the transport operator and the Transitional Facility Operator.

### **3.3 Transitional Facilities**

- (1) No person is permitted to open (or unload) a sea container until notification of MPI requirements has been received at the transitional facility. Sea containers must be opened and unloaded at the transitional facility by an Accredited Person (as directed by MPI) or in the presence of an MPI Inspector.

### **3.4 Detection and management of biosecurity pests and contamination**

- (1) Biosecurity contamination, (for example, plant products, restricted packaging material, soil etc.) found on or in a sea container during routine checks must be secured in a quarantine bin or other approved receptacle and MPI notified (as per the Accredited Person's training). When life stages or live organisms, (for example, egg masses, insects, mobile animals, snails etc.) are found they must be secured and MPI notified immediately on 0800 809 966.

## Schedule 1 – Definitions

Terms used in this IHS that are also defined in the Act have the meanings set out there. The following specific definitions also apply and are defined for the purposes of this IHS as follows:

**BACC:** Biosecurity Authority Clearance Certificate issued by MPI that provides either biosecurity clearance or direction for further MPI actions.

**Biosecurity contaminant(s):** Any organic material, thing or substance that (because of its nature, origin or other relevant factor) may contain a regulated pest (or parts thereof). Therefore, that organic material/thing/substance is not intended for biosecurity clearance under the Act.

**Brown Marmorated Stink Bug (BMSB):** *Halyomorpha halys*.

**Check:** A visual examination by an Accredited Person to detect the presence of biosecurity pests and contamination. Such a check is to be carried out during the routine handling and movement of sea containers and as per the Accredited Persons training.

**Customs delivery order (CDO):** Direction issued by the New Zealand Customs Service that allows for a sea container to be transported to another location.

**High regulatory interest:** Sea containers that are considered by MPI profiling to have a higher than average chance of being contaminated with biosecurity pests or material; OR with absent or incomplete information; OR are sourced from countries with 'high risk status'. Sea containers of high regulatory interest require further MPI intervention before a biosecurity clearance is issued.

**Inspection:** An inspection by an MPI Inspector to detect the presence of biosecurity contaminants and regulated pests, in accordance with the Act and ISPM 23.

**Packaging material:** Material used to brace or hold cargo within a sea container such as boxes, cartons, cases, crates, drums, dunnage, pallets and wedges.

**Regulated pest(s):**

- a) any regulated pest, quarantine pest, regulated non-quarantine pest as those terms are defined in the International Plant Protection Convention; and
- b) exotic diseases, infections, and infestations as listed by the World Organisation for Animal Health, and
- c) any organism that may cause unwanted harm to natural and physical resources or human health in New Zealand; or may interfere with the diagnosis, management, or treatment, in New Zealand, of pests or unwanted organisms.

**Restricted packaging material:** Packaging that includes chaff, hay, moss, peat, soil, straw, used sacking material and any material contaminated with the above. Wood packaging is also included where materials such as cases, crates and pallets and wood are used to separate, brace, protect or secure cargo in transit.

**Sea Container Quarantine Declaration:** An official declaration made in writing by an exporter or packer (as referred to in Section 2.1 (1i) of this Standard), that provides information to MPI regarding container compliance regarding cleanliness, restricted packing materials and wood packaging.