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SUBMISSION ON THE DRAFT MPI IMPORT HEALTH STANDARD FOR AIR CONTAINERS FROM ALL COUNTRIES

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References:

- A. MPI Import Health Standard: Air Containers from All Countries, draft for consultation
- B. MPI Discussion Document: IHS for Air Containers from All Countries, for consultation dated Nov 2015
- C. MPI Import Health Standard: 152.07.011 Air Containers from Any Country
- D. Draft Standard for Transitional Facilities for General Uncleared Risk Goods
- E. Draft Guidance Document to the Standard for Transitional Facilities for General Uncleared Risk Goods

EXECUTIVE SUMMARY

1. Horticulture New Zealand (HortNZ) represents 5,500 commercial fruit, vegetable and berry fruit growers, providing strategic direction and focus; strong relationships with product groups and associations; and working at both a national and regional level across a range of interest areas, including biosecurity.
2. Goods imported into New Zealand present significant biosecurity risk to New Zealand horticulture, as amply demonstrated by numerous recent incursions of unwanted pests. As the Ministry for Primary Industries (MPI) moves to cost-sharing and cost-recovery for biosecurity readiness and response to unwanted organisms, it is timely to review where risks exist, and whether appropriate risk management procedures are in place. As Ref B notes;

“there are numerous examples where contaminated aircraft and air containers have been linked directly or indirectly to the introduction of a new pest in a country”.

3. HortNZ supports changes to risk management that will mitigate risk of introduction of pests and diseases. The review of biosecurity risk from air containers, and the proposed changes to the Import Health Standard (IHS) for air containers is supported in-principle by HortNZ; thereby ensuring all air containers and associated packaging are appropriately managed and inspected to prevent entry of quarantine pests and diseases into New Zealand.
4. The changes broadly are:
 - a. Container and packaging documentation
 - b. Containers to be clean and free from pests and contaminants
 - c. Methods to confirm freedom from pests and contaminants
 - d. List of Pests and Contaminants
5. The intended changes recognise that air containers can be, and are, widely distributed for use after importation, and therefore all containers must be checked for biosecurity risks on arrival.
6. HortNZ recognises, and appreciates, the effort made by various parties involved in highlighting the existing biosecurity risks on the baggage air container pathway, and the immediate efforts taken to address these risks.

COMMENTS ON PROPOSED CHANGES

Containers and packaging to be free from Pests and Contaminants

7. HortNZ supports the intent for air containers and packaging to be free from biosecurity risk by requiring freedom from pests and contaminants on importation and, when this is not achieved, for remedial action to occur. For air containers received at a Transitional Facility (TF) this appears to present no major change, noting however that the requirements for TFs are being updated and the draft TF Standard and Guidance (Ref D and E) are undergoing review. HortNZ notes some uncertainty of requirements due to Ref D and E being in draft form, and referencing the extant IHS for Air Containers (Ref C). Until such time as Ref D is finalised and issued, the opportunity for final comments on the suitability of this proposed IHS for air containers should be left open.
8. Responsibility for the cleanliness, or remedial action to achieve cleanliness, of air containers, must be sheeted home to the parties that introduce the risk (exacerbators). From the consultation workshops HortNZ gained the impression that the exacerbators (airlines) have shown little interest in the consultation process to date, and judging by the comments made by the Board of Airline Representatives New Zealand (BARNZ), were taking little or no responsibility for the introduction of biosecurity risks.
9. HortNZ is concerned that despite the best intentions of this proposed IHS, unless there is clear responsibility and accountability for the pest freedom of air containers, the key biosecurity improvement, a change in culture by exacerbators, particularly on the baggage pathway, will remain elusive.
10. HortNZ is uneasy with the requirement that *“air containers and associated packaging covered by an animal standard must comply with that standard”* as this may create a gap in

requirements where the animal standard does not adequately address plant health/plant biosecurity risks. For the avoidance of doubt it is suggested that this requirement includes compliance with both the relevant animal standard, and Schedule 3 to the IHS.

11. Ref A, para 2.2 (4) states that “*air containers that an inspector considers of high regulatory interest will be subject to further intervention.*” HortNZ supports this clause enabling inspectors to act. However how does MPI anticipate recording the compliance (and/or non-compliance) of air containers in a manner that will enable appropriate determination of “high regulatory interest”? Does MPI intend to collect data on air container cleanliness that would enable MPI to target risk management action?

Movement of Air Containers from POFA to TF

12. Ref A does not specifically set out the requirements for movement from a Port of First Arrival (POFA) to a TF, as Ref C currently does. Ref D, the draft TF Standard, does not specify who authorises/oversees the movement from airside to a TF. HortNZ suggests greater clarity in the proposed IHS to ensure there is accountability between the various standards.

Method for Clearance of Air Containers

13. The IHS sets out three options for satisfying the freedom from pests and contaminants:

- a. Confirmation by an Accredited Person,
- b. Confirmation the container has been through a MPI approved system, or
- c. Inspection of the air container by an inspector

14. Accredited Person (AP) The first option, confirmation by an AP, is not described in Ref D and E, draft Standards and Guidance for TFs. Currently the wording is only for sea containers; “*TFs for sea containers should have an AP present at container unpacking*”. Additionally the word “should” does not meet the guidance in Ref B, para 24, which requires air containers that not unpacked by an AP, must be cleared by an inspector. HortNZ proposes changing “should” to “must” to avoid doubt as to the expectation, and include air containers in the definition of Accredited Persons in Ref D, Schedule 1.

15. Supervision by AP. Ref B, para 21 provides for someone “supervised” by an AP to unpack an air container and provide confirmation of freedom from pests and contaminants. Whilst not wishing to create additional burden on operators, HortNZ is concerned no standard is expressed as to how this supervision might occur. Additionally where only exception reporting occurs, a specific AP may not be able to be held accountable for the failure of any supervised person, as there is no requirement to record the AP responsible for a particular air container’s clearance.

16. AP Guidance. The guidance (yet to be written) supporting this proposed IHS should include further information on the role and expectations of the AP. HortNZ understands that specific training and accreditation of for air container clearance will occur from mid-2016.

17. Ref B, para 24 - this appears to exclude air containers being re-used on international flights. HortNZ’s seeks confirmation that all air containers must be checked, including those re-used for international flights.

18. Declaration of Cleanliness. The proposed IHS does not set out how an AP (or other person under an MPI approved system) will declare container cleanliness. The consultation workshop discussion appeared to focus on exception reporting (only reporting unclean containers). In the airport baggage environment, with multi-party interface, maintaining

accountability for air container cleanliness, establishing useful biosecurity data may not be achieved without positive reporting. HortNZ's question is does/would MPI issue a Biosecurity Authority/Clearance Certificate (BACC) for onward movement of an air container from the passenger terminal on the basis of exception reporting?

19. MPI Approved System. The IHS provides for clearance by an AP outside a TF, but it is unclear who is ultimately accountable. Does MPI intend that this will be a system approved by MPI, with APs the recognised standard for personnel to be able to inspect and clear air containers? HortNZ supports the proposal for an MPI approved system, and recognises that some POFAs are facilities used by multiple parties and not operated as TF. To ensure confidence and accountability, the AP must be empowered to ensure the appropriate facilities are available, and actions are taken. In this regard Ref D and E appears specific to TFs, not an airside environment.

IHS Schedule 3

20. Some wording of the contaminant list is confusing. It currently reads; "Dead or dry plant material and soil that cannot be removed..." HortNZ suggests changing it to read "Dead or dry plant material and soil, which cannot be removed..." to ensure it refers to all matter that cannot be removed.

21. The threshold for treatment as a contaminant for '*Loose dead or dry plant material (e.g bark, fruit, leaves, sawdust, twigs)*' is currently five. HortNZ does not support this and suggests changing to simply 'Always treated as contaminant'. The current wording would allow for significant biosecurity risk goods to be acceptable – e.g. Four dried oranges would not be acceptable.

NON-COMPLIANCE

22. As has been expressed in relation to other pathways and IHS', HortNZ welcomes the opportunity to engage with MPI to realise the policies and procedures that encourage compliance and penalise non-compliance, in a consistent manner, across all risk pathways. Understanding and improving such policies will assist developing the confidence of the horticultural industry.

WORKSHOP FEEDBACK

23. HortNZ appreciated the opportunity to discuss with MPI and other stakeholders at workshops in Wellington and Auckland. As previously noted whilst airport company staff and ground handlers were involved there were no airline representatives present to discuss air containers for passenger baggage. Achieving better biosecurity outcomes for passenger baggage containers requires ownership of this issue by the airlines who bring in the risk. HortNZ is concerned that airlines are unprepared to meet their legal and moral obligations to all New Zealanders on biosecurity.

24. The costs of achieving the IHS, and the infrastructure necessary was raised at the Auckland workshop. Despite the growth in passenger numbers, and biosecurity risk, there appears little acceptance of the need for the supporting infrastructure to meet the outcomes sought under this IHS. Likewise the allocation of costs concerns stakeholders likely to be caught between exacerbators and MPI. HortNZ would support MPI taking further steps to socialise these proposed changes with airlines. HortNZ and its grower stakeholders cannot accept the direct and indirect costs of managing biosecurity incursions, because

exacerbators fail to take the necessary steps to meet the legal requirements when importing uncleared biosecurity risk goods.

CONCLUSION

25. HortNZ commends MPI for reviewing the IHS for air containers from all countries, and supports the intent. HortNZ welcomes the opportunity to engage further with MPI on the matters raised, together with other horticultural industry product groups.

26. HortNZ commends those airports, who have identified the biosecurity risks and taken actions to address these prior to these proposed IHS changes.

27. This submission is supported by New Zealand Avocado Growers Association Inc, Pipfruit New Zealand Inc, Vegetables New Zealand and Kiwifruit Vine Health.

28. HortNZ supports the comments made in the Kiwifruit Vine Health submission.