

SEA CONTAINER REVIEW SUBMISSION

**NEW ZEALAND FOREST
INDUSTRIES COUNCIL**

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1. Preamble

The Forest Industries Council and Forest Owners Association jointly represent the interests of the majority of forest owners and wood processors in New Zealand.

The harvest of wood from our planted production forests will increase from 20 to 36 million cubic metres over the next 15 years. This increase is occurring in many regions that have not previously had to cope with large volumes of log traffic. At the same time, domestic processing of logs is projected to increase. The growth in log and processed product will not be absorbed by the relatively small domestic market; it must be channelled to export markets.

The maintenance and improvement of the biosecurity processes at the borders of New Zealand is fundamental to the economic, environmental and social welfare of this country. An adequate biosecurity regime must encompass all sectors of economic and social activity with the responsibilities and obligations clearly stated and acknowledged.

Governments, local and national, are responsible for ensuring that all legislation and regulation is robust and suitable for the task, that it is comprehensive, and is user-friendly.

This submission is driven by four main issues:

1. That the reduction of error in implementing the standards requires consistency in:
 - a. the structure of all import health standards documents incorporating all the basic principles of document control;
 - b. the requirements and obligations of companies importing into New Zealand;
 - c. the training of operators; and the penalties for transgression.
2. That any system must be seamless encompassing all facets of economic and social activity and all aspects of biosecurity;
3. That the benefits and responsibilities inherent in a comprehensive biosecurity be understood and accepted by all; and
4. That the system must be cost effective

2. General Comments

1. **Usability:** To be useful to those who must implement health standards all documents must be concise and unambiguous. This document is concise but is also ambiguous in places requiring the reader to make reference to the Biosecurity Act 1993 to interpret a number of terms and requirements and to then make judgments on what is meant. In other instances, it is just difficult to know what is meant e.g. 6.4 paragraphs 1 and 2. These paragraphs are not identical but they have to be read several times to work out what is required.
2. **Cross Referencing** of all Import Health Standards Documents: It is desirable that the entire set of Standards is listed and numbered in a convenient fashion. In developing this response the authors queried the existence of import standards for other imported goods and subsequent searching did locate them but this could be made much easier if a consolidated approach were adopted and the principles of document control were utilized.
3. **Congruency:** It is recognized that the various 'Import Health Standards' documents are published and reviewed at different times. However the lack of congruency between the various 'Import Health Standards' documents is quite alarming and makes it very difficult for the reader and would be time consuming and confusing for Users. One might expect that where two documents are under review at the same time, there would be a congruency and consistency. This could easily be achieved through having a template on which all documents are based.
 - a. Examples of lack of congruency:
 - i. the sequence in which these documents are put together is not consistent (see the Contents pages of the Draft for Consultation Purposes Sea Containers paper and the Draft Treated Used Vehicles paper)
 - ii. Definitions. Many of the given definitions show variation which at times is quite minimal but in other cases either misleads or confuses.
For example the word *CONTAMINATION*. In the Treated Vehicles paper it says "...or other organic material of animal origin..." but then goes on to say that bird droppings would not prevent biosecurity clearance. In the Sea Containers paper, it states any organic material of animal or plant origin including secretions/excretions is regarded as contamination. Bird droppings is excretion.

'Soil' and 'silt' are not synonymous; however the usage in the different documents could be confusing.

4. **Confusing for Operators:** The usage of a common template for all Import Health Standard documents would be useful as this would reduce variation and reduce errors, make the education and training of operators smarter, enable sensible comparison of requirements for different situations, permit better judgment of the adequacy of the standards, and the criteria, and make the identification of omissions easier. Apart from all of the above it is sensible to have a common template.

3. Comment in Relation to Specific Clauses

Clause	Page No	
Clause 1	Page No 4	<p>1. Introduction: Should include reference to other Import Standards and in particular the Air Containers Import Standard</p> <p>2. Definition of Terms: Need to be consistent throughout all Standards</p> <p>Some referencing to the Act is not clear.</p> <p>Some terms are not defined or are unclear in their usage. E.g. the references to various kinds of certification.</p> <p style="padding-left: 40px;">Phytosanitary certification, Biosecurity clearance, Additional certification, Quarantine Declaration, cleaned, cleared and certified</p> <p>It is not clear throughout if these terms have specific meanings or if the authors are simply substituting words.</p> <p>In a document of this nature, where error can be so damaging and penalties can be exacted the meaning of words must be quite clear More precision in language with all the terms standardised.</p>
6.1	6	<p>It is not clear how many times the exterior surfaces must be visually inspected. Is it 2 or 3? Viz:</p> <ol style="list-style-type: none"> 1. During discharge; 2. On leaving the port area; and 3. Last paragraph "Containers that have been inspected or

Clause	Page No	
6.1 para 6 para 7	6	<p>have otherwise been deemed as free from external contamination will be directed to a transitional facility where the interior and exterior of the container will be inspected.”</p> <p>What form would a ‘decontamination or certification system In lieu of inspection’ take?</p> <p>Does this relate to the previous paragraph or does it mean that all containers once inspected and deemed free from external contamination will be inspected again?</p>
6.2	6	Put all of the information in the body of the document rather than some in the body and some in an appendix. The appendix is not consistent with the material in the body.
6.3		
6.4	7	Paras 1 and 2 are not identical but take time to decipher the intent.
7	7	Minimum requirements for the operator. Answer to Question 2 discusses the training and education of operators.
8	8	The statement relating to the option of additional certification to expedite clearance is confusing as it is not clear what additional certification or from what authority can be used.
9	8	Audit. What follow up takes place where audits uncover inadequate inspections and what are the penalties?
10	8	Costs. Would it not be simpler to say that MAF will charge for any inspection it undertakes according to the Biosecurity (Costs) Regulations 2003.

3. Responses to Questions

1. Mitigation of risks associated with sea container pathway:

Would emphasise that the responsibility for ensuring compliance should rest with the exporter. Government must ensure that the system within which companies operate is conducive to effective compliance, growth, development and innovation rather than constraining activity.

2. Non MAF personnel checking containers, subject to suitable training and audits.

There is no reason why qualified non-MAF personnel cannot be employed by companies that wish to provide this service. The specifications for providing this service would need to be adequate and clear with sufficient checks and balances to ensure security.

Qualifications of operators: a professional qualification from a tertiary vocational qualification (a polytechnic could provide this).

In addition all operators in order to retain their license would be required to undertake annual further education and training.

Operators would be licensed.

Audits: operators and their work would be audited annually with and without notice.

Should a contractor fail an audit the individual would lose his/her license and the company fined. These checks and balances should ensure that the system retains its integrity.

3. Controls over movement of containers within New Zealand:

All Containers should be cleaned and cleared off-shore. Non cleared containers should not be permitted to leave the discharge/transitional area

4. Pest surveillance controls on the locations where containers are stored.

This should be part of any routine inspection. Well trained operators would be vigilant in surveillance techniques and operation. Clearly attention to detail would be very important.

5. Responsibility for costs associated with proposed mitigation measures.

Government should be responsible for policy, setting up systems implementing, monitoring and governing activity including a licensing system for operators and inspectors.

Industry responsible for paying for the training of operators, the running of the system and ensuring the ongoing security of the borders. This must be seen as a cooperative mutually beneficial activity not just as an impost on importers.

6. Compliance with risk mitigation strategy.

Totally support the concept of a Risk Management System as this would permit profiling of companies and operators and high risk countries of origin and allow for accurate information flows. Part of this system would be transgression and compliance monitoring. Transgressors should be heavily penalized by fines and the privileges of employing inspectors and/or operators withdrawn.

7 Other Issues:

7.1 Biosecurity Awareness Material: this should be the responsibility of government and the education of visitors, importers and the public should be a high priority. Penalties for non compliance must be severe enough to be effective.

7.2 Off shore certification: support this concept but entry and audit processes must be robust enough to be effective. Refer Table Section 2 (Clause 1; page 4);

7.3 Electronic Risk Management System: fully support this concept. It should facilitate inspection and audit processes, make compliance very effective and act as an educational tool. The types of reports that the system can generate will determine how effective it could be.

7.4 Clean certification: all containers should be required to have a 'Clean Certificate' for entry. Refer Table Section 2 (Clause 1; page 4);

7.5 External Visual Inspection: the full 6 sides should be inspected.

7.6 Costs: in the development of any system consideration must be given to the level of costs which can be carried. Making a system so expensive and onerous that it prices companies out of the market is a failure of the designers.

7.7 Reciprocity: Is it anticipated that the requirements of the import health standard be applied to the export from New Zealand of Sea Containers?

4. Conclusion: The Forest Industries Council and Forest Owners Association;

support the use of accredited persons as long as they are well qualified, with regular retraining, and severe penalties for non performance for both individuals and companies;

support all containers being examined/cleaned at point of origin followed by audit checking in New Zealand; and

support severe penalties on exporters/importers for supplying false manifests.

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