Ministry for Primary Industries
Manatū Ahu Matua

Import Health Standard

Air Containers from All Countries

MPI-AIRCON-ALL

8 October 2018

Issued under the Biosecurity Act 1993

New Zealand Government

TITLE

Import Health Standard: Air Containers from All Countries

COMMENCEMENT

This Import Health Standard comes into force on 8 October 2018

REVOCATION

This Import Health Standard revokes and replaces the Import Health Standard MPI-AIRCON-ALL: Air Containers from All Countries, issued on the 11 August 2017.

ISSUING AUTHORITY

This Import Health Standard is issued by the Director General or authorised delegate under section 24A of the Biosecurity Act 1993 (the Act).

Dated at Wellington this 8th of October 2018.

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(acting under delegated authority of the Director-General)

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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 minimum requirements that must be met when air containers arrive in New Zealand, in order to manage the biosecurity risks associated with their import.

Background

Imported risk goods have the potential to introduce pests and unwanted organisms into New Zealand. Air containers are risk goods because pests and unwanted organisms may be on or in them when they arrive into New Zealand.

The Biosecurity Act 1993 (the Act) prescribes requirements for the exclusion, eradication and effective managing of pests and unwanted organisms in New Zealand. Unwanted pests/organisms have the potential to cause harm to natural and physical resources and human health in New Zealand. The Ministry for Primary Industries (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 to be met when importing risk goods, in order to manage the risks associated with the import. This IHS outlines the minimum requirements that must be met when importing air containers into New Zealand to obtain biosecurity clearance.

Who should read this Import Health Standard?

Everyone who imports any kind of air container into New Zealand from any country should read and be familiar with this IHS.

Why is this important?

Importers must take all reasonable steps to ensure that air containers and associated packaging comply with this IHS (section 16B of the Act).

If air containers and associated packaging do not comply with this IHS they may be required to be treated, or may be seized, destroyed or re-exported under section 116 of the Act at the importers cost (section 117 of the Act). The importer will be liable for all associated expenses.

Equivalence

While it is expected that all imported air containers and associated packaging meets the requirements of this IHS, a Chief Technical Officer (CTO) may give directions on alternative measures to manage biosecurity risks under section 27(1) (d) iii of the Act.

Goods that comply with these measures may be given a clearance.

Costs

The costs to the New Zealand Government in performing its biosecurity risk management functions relating to the arrival of air containers will be recovered at the applicable rate specified in the current Biosecurity Cost Regulations.

Document history

The IHS for air containers originally came into force in October 1998 (152.07.011 Air Containers from Any Country) in response to biosecurity risks found within and on air containers. Over time various elements of the IHS, such as facilities, have been transferred to other standards (e.g. General Transitional Facilities Standard for Uncleared Goods).

Other information

The MPI Standard for Places of First Arrival (MPI-PoFA-ALL) requires that a port (air or seaport) must have arrangements, facilities or systems in place to manage risk goods (including air containers). Air containers will not be allowed to leave an aircraft unless they are at a place of first arrival approved to receive such a cargo type.

Packaging and bracing material within an air container that is not covered under another IHS is included in this IHS.

The Guidance Document to the Standard for Transitional Facilities for General Uncleared Risk Goods outlines the recommended procedures for facilities that unpack air containers landside inside a transitional facility by an accredited person as referenced in the guidance box relating to 2.2 (2)(a) of this IHS.

Please seek MPI guidance if you are unclear on any part of the IHS prior to undertaking any activities relating to the importation of air containers.

This is not an exhaustive list of compliance requirements and it is the importer's responsibility to be familiar with and comply with all New Zealand laws.

Part 1: General

1.1 Application

(1) This IHS applies to any air container or associated packaging that arrives in New Zealand from any other country;

(2) This IHS **does not** apply to:

a) Air containers and associated packaging that are already covered by an IHS (i.e. crates/cages for animals as outlined in the IHS: *Used Equipment Associated with Animals or Water ANIEQPIC.ALL*), or
b) Cargo loaded into air containers.

Guidance for 1.1(2)

- This IHS sets out requirements for air containers and associated packaging.
- Packaging includes plastic pallets and other wrap that is used in protecting the load or bracing material inside the air container where such packaging is not covered by an IHS.
- Some commodity specific IHSs may set more specific requirements for packaging associated with the relevant commodity. For example, the IHS for wooden packaging (i.e. wooden pallets) sets out specific requirements for wood packaging and should be used to manage any wood packaging.
- If another IHS (i.e. IHS for Used Equipment Associated with Animals or Water (ANIEQPIC.ALL) used in importing live animals) specifies more specific requirements for packaging, then an importer must comply with that IHS.

1.2 Incorporation of material by reference

(1) The following MPI material is incorporated by reference in this IHS under section 142M of the Act:

a) the schedule for Approved Biosecurity Treatments https://mpi.govt.nz/document-vault/1555

(2) Under section 142O (3) of the Act it is declared that section 142O (1) does not apply, that is, a notice under section 142(2) of the Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of this IHS.

1.3 Definitions

(1) Definitions of terms used in this IHS are set out in Schedule 1.

(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.

Part 2: General Requirements for All Air Containers

2.1 Information that must be provided on arrival

(1) All air containers and associated packaging imported into New Zealand that contain freight must be accompanied by:

a) a manifest that sets out:

i) a consignment identifier (e.g. container number, airline, air waybill number etc.);
ii) date of packing;
iii) country of loading; and
iv) other such information on the manifest that may be required by an inspector.

Guidance for 2.1

- Importers of other air containers (i.e. air containers containing passenger baggage) may be required to provide information to an inspector. This may include, but not limited to, tracking highly contaminated air containers in the passenger baggage pathway.

2.2 Risk Management

(1) In order to obtain biosecurity clearance for air containers and associated packaging, air containers must be:

a) managed for regulated pests and biosecurity contaminants to a level equivalent to or greater than the thresholds specified in the table in Schedule 2; or
b) treated in accordance with the Approved Biosecurity Treatment Schedule.

(2) The importer must satisfy an inspector that an air container or any associated packaging is free from regulated pests and biosecurity contaminants as set out in the table in Schedule 2, through:

a) confirmation from an accredited person; or
b) confirmation that the air container has been through a MPI-approved system; or
c) making arrangements for an air container to be inspected by an inspector.

(3) The checking of an air container by an accredited person under section 2.2(2) (a) must be conducted airside or within a transitional facility. The accredited person must also record the contaminants found (identified in Schedule 2) against the air container and provide such records to MPI.

Guidance for 2.2 (2) a)

- MPI advises air services to use accredited persons to check air containers both in the airside part of an airport or at an approved transitional facility that is landside of an airport for the presence of regulated pests and biosecurity contaminants. Accredited persons are appointed by the Director-General of MPI under section 103(7) of the Act.
- MPI will not appoint a person as an accredited person to check air containers unless that person has completed training with an MPI approved training provider and achieved a level of competency for the role.
- An accredited person may supervise the actions of non-accredited persons to clean or check that an air container is clean, but it is the responsibility of the accredited person to confirm that the air container is clean of biosecurity contaminants.
- The Standard for Transitional Facilities for General Uncleared Risk Goods is the standard that provides the requirements the operator of a transitional facility needs to follow and requires approval of a detailed system for transportation of uncleared risk goods to and within the transitional facility and unpacking of uncleared risk goods at the facility. The Guidance document

to this standard recommends how to meet the requirements of the standard as it relates to air container transitional facility management.

- Both airside and landside operations should have sufficient accredited persons to supervise and/or unload the number of containers given the scheduled flights and expected loads per flight.

Guidance for 2.2(2)b)

- An MPI approved system is approved by the MPI Chief Technical Officer prior to being used. Approval will need to show that the system will reliably clean air containers to or below the threshold levels in Schedule 2 in order to meet the requirements of this IHS.

2.3 Post Clearance Conditions

(1) Any air container and associated packaging that has received biosecurity clearance must be segregated from any uncleared risk goods to prevent cross contamination.

General Guidance

- Notwithstanding the provisions of this IHS, inspectors may give directions to manage any particular risks associated with any air container and/or inspectors may refuse to clear air containers if there are circumstances that make it unwise for clearance to be given.

Schedule 1: Definitions

Terms used in this standard that are not defined in the Act have the meanings set out here.

Act
The Biosecurity Act 1993.

Air Containers
Containers or pallets (other than those covered in the IHS for Wood Packaging Material from All Countries) used to carry or contain cargo (whether freight or passenger baggage) on aircraft, including, for example:

(1) air cargo pallets or flat racks (boards, pallets, etc.) that are designed for use with conveyor systems in terminals and aircraft;

(2) unit load devices (ULD) that are contoured, semi-structural with covers to provide protection for cargo and keep cargo within safe dimensions for loading onto aircraft;

(3) lower deck containers for lower deck cargo spaces,

(4) box – type containers developed in standard sizes constructed of any material; and

(5) light weight intermodal containers in 20 to 40 foot dimensions that are similar dimensions to sea containers.

Aircraft
Has the same meaning as in the Civil Aviation Act 1990.

Airside
The part of an airport that is directly involved in the arrival and departure of aircraft.

Associated packaging
Any packaging used on or inside an air container, and any spacers or braces used between air containers while in an aircraft.

Biosecurity Contaminant(s):
Means any organic material, other thing or substance that (by reasons of its nature, origin or other relevant factor) it is reasonable to suspect harbours or contains a regulated pest (or parts thereof) and where such material, other thing or substance is not intended for biosecurity clearance under the Act.

MPI-Approved System
Means a system that a Chief Technical Officer approves as sufficient to ensure that the air containers and associated packaging are free from regulated pests and biosecurity contaminants. The system must include all of the following:

(1) a description of the steps taken to ensure that this outcome is met,

(2) the persons responsible for taking those steps,

(3) the keeping of records to demonstrate that the process has been followed,

(4) sufficient opportunity for MPI to conduct initial and ongoing verification of the process,

(5) evidence that any corrective action required by MPI as a result of that verification has been taken, and

(6) payment of MPI costs in assessing and verifying the process.

Regulated Pest(s) means

(1) any regulated pest, quarantine pest, regulated non-quarantine pest as those terms are defined in the International Plant Protection Convention (IPPC); and

(2) exotic diseases, infections and infestations as listed by the World Organisation for Animal Health (OIE), and

(3) 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.

Schedule 2: Pest and Contaminant Thresholds

Contaminant Thresholds for regulated **pests** and biosecurity **contaminants**

Note: this table may be subject to review from time to time

Type	Contaminant Type	Threshold Permitted
Animals	Live animals (including amphibians, arthropods, birds, mammals, molluscs, reptiles)	Always considered a pest*
	Animal products or by-products (including blood, bones, excretions, feathers, fibre, meat, secretions)	Always considered a pest/contaminant*
	Dead arthropods	Not considered a pest/contaminant
Aquatic	Water (pooled or standing, but not including traces remaining after an approved cleaning process)	Always considered a pest/contaminant
Micro-organisms	Fungi that is embedded in the air container and cannot be removed	Not considered a contaminant*
	Fungi that can be wiped off the air container and removed	Not considered a contaminant if fungi wiped off the air container
Plants	Seeds (including seeds in fruit (dried or otherwise)/cones etc.)	Always considered a contaminant*
	Green or fresh plant material	Always considered a contaminant*
	Pine needles	Always considered a contaminant*
	Loose dead or dry plant material that can be removed from the air container (e.g. bark, fruit pieces, leaves, sawdust, twigs). *Excludes whole fruit.*	More than 5 pieces is considered a contaminant*
	Dead or dry plant material and soil, that is embedded in the air container and cannot be removed	Not considered a contaminant
Soil	Loose Soil	More than 4 teaspoons (20 grams) is considered a contaminant
	Road film (i.e. finely-textured particles of dust or particles free of organic material deposited as a thin film on the air container)	Not considered a contaminant

* Unless officially identified as otherwise or as a species that is not a regulated pest