



# Craft Risk Management Standard

## Vessels

### CRMS VESSELS

20 July 2017

**Excludes biosecurity risks managed by:**

Craft Risk Management Standard: Biofouling

Import Health Standard: Ballast Water

Please refer to these standards for further details.

## TITLE

Craft Risk Management Standard: Vessels

## COMMENCEMENT

This Craft Risk Management Standard comes into force on 1 February 2018

## ISSUING AUTHORITY

This Craft Risk Management Standard is issued by the Director-General under section 24G of the Biosecurity Act 1993.

Dated at Wellington this 20<sup>th</sup> day of July 2017



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## Introduction

This introduction is not part of the standard, but is intended to indicate its general effect.

## Purpose

The purpose of this standard is to specify the requirements needed to manage the above water biosecurity risks associated with vessels entering into New Zealand territory. It does not apply to the below-water risks associated with a vessel (biofouling and ballast water), as these are managed in separate standards.

## Background

Vessels entering New Zealand territory after visiting the territory of another country have the potential to be vectors of exotic pests, disease agents and unwanted organisms.

The Biosecurity Act 1993 (the Act) prescribes requirements for the exclusion, eradication and effective management of pests and unwanted organisms in New Zealand. These 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.

This Craft Risk Management Standard (CRMS) is developed under the Act. It specifies the biosecurity risk management and information requirements that must be met when vessels enter New Zealand territory. Upon arrival verification that these requirements have been met will be carried out (verification may include inspections).

## Who should read this

Operators and persons in charge of vessels entering New Zealand territory.

## Why is this important?

In accordance with section 24J of the Act, the operator or person in charge of a vessel must take all reasonable steps to comply with this standard. If the operator or person in charge of the vessel does not comply with this standard, an inspector or authorised person may issue a compliance notice requiring compliance.

Section 154C of the Act provides that the person against whom a compliance order is made must -

- (a) comply with the order; and
- (b) do so within the period stated in the order, if a period is stated; and
- (c) pay all the costs and expenses of complying with the order, unless the order states otherwise.

Section 154N(11) of the Act states that a person commits an offence who fails to comply with a compliance order. Every person who commits an offence against this section is liable on conviction, in the case of an individual, to imprisonment for a term not exceeding 3 months, a fine not exceeding \$50,000, or both: and in the case of a corporation, to a fine not exceeding \$100,000.

The operator or person in charge of any vessel that has risk goods on board may receive a direction from an inspector under sections 19, 32 or 33 of the Act to take steps to manage those risk goods on board the vessel and, if these steps are not taken, the vessel may be directed to leave New Zealand.

## Equivalence

An operator may submit a craft risk management plan for approval by the Director-General under section 24K of the Act proposing alternative ways of managing the risks that this standard relates to. The Director-General will only approve a plan if satisfied that the requirements proposed in the plan

allow risks to be managed to the same extent or to a greater extent than they can be managed under this standard.

## Costs

The costs to the New Zealand Government in performing its biosecurity risk management functions relating to the arrival of vessels in accordance with the requirements of this standard will be recovered as specified by the Biosecurity (Costs) Regulations 2010.

## Document History

No.	Version Date	Section Changed	Change(s) Description
1.0	20 July 2017	N/A	N/A

## Other requirements of the Act

### Arrival

In accordance with section 17 of the Act, if possible and practicable to do so, a vessel must arrive in New Zealand at either:

- a) a place of first arrival that has been approved by the Director-General as suitable for the vessel type and the purpose for which it is arriving; or
- b) a place for which special approval has been granted by the Director-General for a specified vessel to arrive, or for vessels to arrive for a specified purpose, under section 37A of the Act.

### Risk goods

In accordance with sections 18, 19 and 33 of the Act, no risk goods are permitted to be removed from a vessel without the permission of an inspector.

Where risk goods are present on a vessel that arrived from overseas, the person in charge of the vessel must follow every reasonable direction given by an inspector including to relocate the vessel or to manage the risk goods.

Other relevant standards for vessels include:

- a) Ballast water managed under the Import Health Standard for Ships' Ballast Water from All Countries.
- b) Biofouling managed under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand.
- c) Various import health standards managing the risks of goods imported for clearance.

This standard is intended to work in conjunction with other IHS's and sections of the Act to manage goods not mentioned in the following requirements. The standard should not be seen to override these.

Examples of goods managed by other sections of the Act or under another IHS:

- Personal effects and baggage of crew and passengers
- Freight and sea containers

## Other information

Guidance for this Craft Risk Management Standard is provided in the Guidance Document to the CRMS for Vessels. Please seek MPI guidance if you are unclear on any part of the standard prior to entering or while the vessel is in New Zealand territory.

This document is not intended to be a complete summary of the obligations of operators or persons in charge of vessels under the Biosecurity Act 1993.

# Part 1: General Requirements

## 1.1 Application

- (1) This standard applies to-
  - a) All vessels that enter New Zealand territory except those vessels that are passing through New Zealand territory on innocent or transit passage as defined in the United Nations Convention on Law of the Sea.
  - b) All biosecurity risks associated a vessel, including any particular risks identified in this standard except for biofouling and ballast water.

### Guidance

Nothing in this standard affects the responsibility of an operator or person in charge of a vessel to meet the requirements of other enactments or regulations including those relating to the safety of the vessel, crew and passengers.

Ballast water is managed under the Import Health Standard for Ships' Ballast Water from All Countries and biofouling is managed under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand.

## 1.2 Definitions

- (1) Definitions of terms used in this standard are set out in Schedule 1.
- (2) Terms used in this standard that are defined in the Act have the meanings set out in the Act, unless a different meaning is given in Schedule 1.

## 1.3 Required Information

- (1) An operator, or person in charge, of a vessel must ensure that the information in subclause (2) and (3) below is sent to, and received by MPI, in the manner approved by the Director-General, at least 48 hours prior to the vessel's entry into New Zealand territory.
- (2) Vessel details:
  - a) Vessel name and IMO number
  - b) Voyage number, if the vessel has one
  - c) Vessel's registration number, if the vessel has one
  - d) Radio call sign
  - e) Vessel contact details
  - f) Vessel type
  - g) Country and port of registration, if registered
  - h) Name of the person in charge on board the vessel
  - i) Name of the owner or charterer of the vessel
  - j) Any previous names of the vessel
  - k) Agent's name and contact detail, if applicable
- (3) Voyage details:
  - a) Estimated time of arrival (ETA) in New Zealand territory; and

- b) ETA at first port of call in New Zealand
- c) Intended length of time in New Zealand territory
- d) List of all the ports of call in New Zealand, with ETAs and estimated time of departure after place of first arrival, if applicable
- e) Previous overseas ports and dates of calls for past 12 months
- f) Next overseas port after leaving New Zealand territory
- g) Any cargo destined for New Zealand
- h) Goods for landing by the crew and private equipment or belongings intended to be used ashore, if applicable
- i) Details of live animals kept on-board (as pets), if applicable
- j) Details of and signs of any pests on-board
- k) Asian gypsy moth risk information: any risk areas visited in the 12 months immediately preceding the vessel's intended date for entry into New Zealand territory if that visit occurred during a risk period, any freedom from AGM certificate held (showing time and date of inspection)
- l) Whether or not the vessel has carried livestock or bulk grain in the previous 3 months
- m) Whether or not the vessel has a pest management plan
- n) Whether or not the vessel has a garbage management plan
- o) Whether or not the vessel has any wood packaging or dunnage on-board
- p) Whether or not the vessel has any meat and fresh produce on-board that is not of New Zealand origin.

#### Guidance

The required forms on which to provide the above information are available on the [website](#) including the Advance Notice of Arrival, Master's Declaration, and Ballast Water / Biofouling Declarations.

## 1.4 Risk Management

- (1) The operator or person in charge of any vessel must take all reasonable and practicable steps to ensure that when the vessel enters New Zealand territory, it is free of regulated pests and substantially free of biosecurity contamination.

#### Guidance

Where required by Part 3, a freedom of Asian Gypsy Moth certificate must be obtained prior to entering NZT.

- (2) While a vessel is within New Zealand territory, the operator or person in charge of the vessel, must ensure that:
- a) no risk goods (including food and garbage) are discharged overboard or otherwise leave the vessel other than for biosecurity clearance at a place of first arrival; and
  - b) all biosecurity contamination and other risk goods are secured on the vessel.
- (3) Subclause (2) does not apply to a vessel that is the subject of a written confirmation from an inspector in accordance with clause 2.2.



## Guidance

For the purposes of this CRMS the following are examples of regulated pests and biosecurity contamination that are managed by this CRMS:

- Domestic waste and the vacuums from cabin, deck, hold and other internal areas;
- Animals and plants and parts thereof (for example, fruit, house plants, floral arrangements, animal and plant waste);
- Soil;
- Standing water;
- Spillage from previous cargo in the hold; and
- Pests and their material such as nests or egg masses

Examples of goods that are not considered to be risk goods for the purposes of 1.4(2)(a) above include:

- Food waste that meets the criteria set out in Regulation 4 (Discharge of garbage outside special areas) of MARPOL Annex V – The International Convention for the Prevention of Pollution from Ships, Rules; and
- Garbage that has been segregated from any risk goods (for example recycling) and has been approved by an inspector as being free of regulated pests and biosecurity contamination.

Keeping the vessel as clean as practicable (for example free of rubbish, standing waters, soil and plant material, spilt cargo, rodents and other pests) is an important and efficient way of ensuring the vessel can be substantially free of biosecurity contamination .

These requirements apply to all vessels while they are within New Zealand territory until such time as either the vessel leaves New Zealand territory or the operator or person in charge has obtained written confirmation from an MPI inspector that the vessel complies with clause 2.2

## Part 2: Specific Requirements

### 2.1 Short-stay vessels

- (1) This clause applies to all vessels that enter New Zealand territory unless the operator or person in charge of a vessel has given notice under clause 1.4 that the vessel:
  - a) will remain in New Zealand territory for 21 consecutive days or longer; or
  - b) will visit areas other than places of first arrival.
- (2) The operator, or person in charge of the vessel must ensure that the vessel:
  - a) only visits ports designated as places of first arrival with travel via the most direct route practical; and
  - b) only remains in New Zealand territory for a maximum of 20 consecutive days from time of entry into New Zealand territory.

### 2.2 Long-stay vessels and other vessels

- (1) This clause applies if an operator, or person in charge of a vessel gives notice under clause 1.4 that the vessel will:
  - a) remain in New Zealand territory for 21 consecutive days or longer; or
  - b) visit areas other than places of first arrival.
- (2) Before leaving the place of first arrival or otherwise within 20 consecutive days of entering New Zealand territory, the operator or person in charge of the vessel must obtain a written confirmation from an inspector that:
  - a) the vessel is free of regulated pests and biosecurity contamination; and
  - b) any other risks goods have either:
    - i) been removed from the vessel through an approved process; or
    - ii) received biosecurity clearance under the Act.

#### Guidance

Generally risk goods that are not intended for clearance should be removed from the vessel in accordance with the process that has been established at the relevant port of first arrival. An inspector may decide that garbage for recycling or disposal that has been segregated from any risk goods (for example waste cardboard or glass for recycling) is not a risk good because it does not present any biosecurity risk, and therefore does not need to be removed via an approved process at a POFA.

The intention is that short stay vessels will remain under biosecurity monitoring while in New Zealand territory as some risk goods may be kept on board. Verification that short stay vessels continue to comply with the requirements of this CRMS may involve inspections during their stay within New Zealand territory. However, long-stay and other vessels that have received written confirmation from an inspector under clause 2.2(2), are free to travel anywhere in New Zealand without further biosecurity monitoring. However, this does not detract from MPI's use powers under the Act to manage any risks goods that are subsequently discovered on-board a vessel.

## Part 3: Additional Requirements for Specific Regulated Pests

### 3.1 Asian Gypsy Moth (AGM)

- (1) The operator, or person in charge of a vessel, must ensure that the vessel is free of AGM when it enters New Zealand territory.
- (2) If the vessel has visited a risk area during the 12 months immediately preceding the vessel's entry into New Zealand territory and that visit took place during a risk period for the risk area, then the operator or person in charge of the vessel must ensure that the vessel does not enter New Zealand territory unless he or she has obtained a valid certificate of freedom from AGM.
- (3) If the vessel has visited more than one risk area during the 12 months immediately preceding the vessel's entry into New Zealand territory and these visits took place within the corresponding risk period for the areas visited, a valid certificate of freedom from AGM is required for the last risk area visited in the relevant risk period.
- (4) A valid certificate of freedom from AGM must be issued by a MPI recognised inspection body and must certify that:
  - a) The vessel was inspected by a MPI recognised inspection body during the daylight hours on the same day as vessel departure; and
  - b) The vessel is free of AGM.

#### Guidance

The MPI recognised inspection bodies are listed on MPI's website.

Any vessel without a valid certificate of freedom from AGM will be inspected to check that it is free from all life stages of AGM. The vessel may be required to be at a location at least 4 nautical miles from land for the inspection. The operator will be responsible for the cost of inspection and any treatment or egg mass removal directed by the inspector.

Schedule 2 provides details the AGM Risk Areas and Periods for AGM.

## Schedule 1 – Definitions

This schedule sets out the definitions of terms used within this CRMS. Unless a term has a specific definition listed below, then the meaning should be taken to be the same as that found in section 2 of the Biosecurity Act 1993.

**Asian Gypsy Moth (AGM)** means all life stages of the following species of Asian Gypsy Moth *Lymantria dispar asiatica*, *Lymantria dispar japonica*, *Lymantria umbrosa*, *Lymantria albescens* and *Lymantria postalba*.

**Approved process** means a process approved as part of the approval of a place of first arrival under section 37 of the Act.

**Biosecurity Contaminant(s)**: 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. For the purposes of this CRMS the following are examples of biosecurity contamination that are managed by this CRMS:

- a) Domestic waste and the vacuums from cabin, deck, hold and other internal areas;
- b) Animals and plants and parts thereof (for example, fruit, house plants, floral arrangements, animal and plant waste);
- c) Soil
- d) Standing water;
- e) spillage from previous cargo in the hold; and
- f) Pests material such as nests or egg masses.

**New Zealand territory (NZT)** means the land and the waters enclosed by the outer limits of the territorial sea. Where territorial sea has the meaning given to it in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

**Place of first arrival (POFA)** means a seaport that has been approved under section 37 of the Act as a place of first arrival for vessels and risk goods.

**Regulated Pest(s)**: (a). any regulated pest, quarantine pest, or 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 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.

**Risk area** means a country or an area of a country that a vessel may have visited where contamination with AGM is likely to occur and listed in columns 1 and 2 of Table 1 (Schedule 2).

**Risk period** means the period in respect to a risk area when a visiting vessel is likely to become contaminated with AGM due to it being the time for flight and egg laying by the female adults; and listed in column 3 of Table 1 (Schedule 2).

**Secured** means prevented from leaving or being removed from the vessel, including being removed by birds or vermin or prevented from releasing organisms that may establish in New Zealand. Appropriate methods of securing risk goods include the cook preventing access to prohibited food items; garbage being kept in a leak-proof, vermin, insect and bird proof container or room; contaminated dunnage being kept inside a locker.

**Vessel** means a ship as defined in the Maritime Transport Act 1994.

## Schedule 2 – Asian gypsy moth risk areas and risk periods

Column 1	Column 2	Column 3
Risk Area	Requirements apply where visited any ports	Specified Risk Period
Russian Far East	south of 60° North and west of 147° longitude (excluding those ports on the Kamchatka Peninsula)	July 1 to September 30
China	north of latitude of 31° 15' N	June 1 to September 30
Republic of Korea	in all areas	June 1 to September 30
Japan – Northern	in prefectures of Hokkaido, Aomori, Iwate, Miyagi, Fukushima	July 1 to September 30
Japan Western	in prefectures of Akita, Yamagata, Niigata, Toyama, Ishikawa	June 25 to September 15
Japan - Eastern	in prefectures of Fukui, Ibaraki, Chiba, Tokyo, Kanagawa, Shizuoka, Aichi, Mie	June 20 to August 20
Japan - Southern	in prefectures of Wakayama, Osaka, Kyoto, Hyogo, Tottori, Shimane, Okayama, Hiroshima, Yamaguchi, Kagawa, Tokushima, Ehime, Kochi, Fukuoka, Oita, Saga, Nagasaki, Miyazaki, Kumamoto, Kagoshima	June 1 to August 10
Japan - Far Southern	in prefecture of Okinawa	May 25 to June 30