



CHIEF TECHNICAL OFFICER DIRECTION DOCUMENT: CTOPlants2019009

- A CTO direction is required to fulfil MPIs reporting requirements - section 27(3) of the Biosecurity Act.
- The direction should not be attached to the PDF version of the permit; but must be retained in Piritahi for reporting purposes

To be signed by (highlight):

Director (PaP)	Group Manager	Team Manager	Senior/ Specialist Adviser (not currently delegated)
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Under what authority is the decision being made (highlight):

Appointed Chief Technical Officer - Peter Thomson	Appointed Deputy Chief Technical Officer - Paul Hallett	Delegated CTO authority <insert position title>
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Section of the Act the decision is made under: **27(1)(d)(iii)** - a chief technical officer has issued guidelines, or given directions, on measures, that may be applied to manage the risks from the organism effectively.

The Biosecurity Act can be viewed on the website: <http://www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html>
Delegations under the Biosecurity Act can be searched on the following website: <http://kotahi.maf.govt.nz/do/policies/view/article/1169/delegations-and-authorisations> - CTO delegations can be searched under the heading Biosecurity (Chief Technical Officer)

Author:	Dave Nendick	Team:	Facilities & Pathways
/Subject:	CTO DIRECTION DOCUMENT: CTOPlants2019009 – Equivalence for a specific, non-compliant consignment comprising a new drone (unmanned aircraft) and spare parts from the USA.	Due date:	15/01/2019

The unique CTO Direction number can be found under the tab 'CTODir' in the spreadsheet:

Link to [2015-16 Plants Non-compliance Log \(s27 functional\).xlsx](#)

Review steps	Name	Team	Date
Peer review			
Consultation with other MPI groups	Howard Hamilton	MPI Operations	
Review and Team Manager sign out	Paul Hallett	Manager, Facilities & Pathways	15/01/2019
Group Manager sign out			
Director sign out	Peter Thomson	Director, Plants and Pathways	18/2/19

Link to Word version of this Decision Document:

- <https://piritahi.cohesion.net.nz/Sites/SAI/PP/PIM/DecisionDocuments/CTOPlants%2020190009%20non-compliant%20drone%20from%20USA%20-%20Feb%202019.doc?d=wfd52b06c7b2d4ddf89ff325ca7b3027>

Insert other relevant documents here, this may include:

- <https://piritahi.cohesion.net.nz/Sites/SAI/PP/PIM/DecisionDocuments/CTOPlants%2020190007%20non-compliant%20disassembled%20used%20plane%20from%20USA%20-%20Feb%202019.doc?d=w915302f5cf084fccb4674aebaff4b9f8>

Insert copy of CTO Dir here once signed
(i.e. link in Piritahi or PDF attachment)

Signed CTO

CTO DIRECTION DOCUMENT: CTOPlants2019009 – Equivalence for a specific, non-compliant consignment comprising a new drone (unmanned aircraft) and spare parts from the USA.

ISSUE

One non-compliant consignment (C2019/46969) comprising a new drone (unmanned aircraft) and spare parts from Oakland, California, USA is arriving on the vessel, Cap Capricorn at the New Zealand border (port of Auckland) on the 17th of February 2019. Under Section 3.5 (3) of the Import Health Standard for Vehicles, Machinery and Equipment ("the Import Health Standard"), aircraft (including drones) must be clean, and must be treated in the country of origin with a residual insecticide before shipping for the management of Brown Marmorated Stink Bug (BMSB). Then the same treatment must be repeated on arrival in New Zealand and inspection must be conducted by MPI to ensure that the consignment is free from live BMSB. The drone and spare parts (which are held inside a trailer and placed on a flat rack container) was mistakenly fumigated in the USA instead of being treated with insecticide before being shipped to New Zealand. As residual insecticide treatment of this drone and spare parts was not carried out in the USA as required prior to shipping, the consignment is non-compliant with the Import Health Standard. The drone now awaits a Chief Technical Officer Direction (CTOD) for equivalent management measures to be agreed in order for biosecurity clearance to be provided.

BACKGROUND

To address the increasing risk of BMSB (and other live pests) on vehicles and machinery exported from BMSB risk countries, new requirements were introduced in the Import Health Standard in August 2018. On issuance, the Import Health Standard required that all new and used vehicles (including aircraft, buses, cars, motorbikes, trucks, and watercraft) were managed for BMSB from risk countries via an MPI-Approved System or by using MPI-Approved treatments during a specific risk period (from the 1st of September to the 30th of April of any year).

Specific BMSB requirements for aircraft and watercraft from all countries were introduced in August 2018 under Section 3.5 (3) of the Import Health Standard. Like other vehicles and machinery, aircraft and watercraft must be thoroughly cleaned to be free of all biosecurity contaminants. Aircraft and watercraft are also required to be treated by internal and external applications of a residual insecticide before shipping to New Zealand and once again on arrival if they are being exported from BMSB risk countries during the risk period. The treatment conducted in the country of origin is crucial to the effectiveness of the treatment requirement specified under the Import Health Standard. This provides the time during shipping to New Zealand for any live insects to be exposed to the residual insecticide which is highly likely to lead to increased BMSB disturbance and higher rates of mortality.

The difference between Import Health Standard treatment requirements for aircraft, and watercraft (being insecticide application and inspection) and for other vehicles and machinery (being fumigation or heat treatment); is that aircraft, and watercraft are usually easier to inspect, not often used or stored in ways that increase BMSB risk; and they are more likely to be damaged by fumigation or heat treatment. In addition, given the configuration and size of some aircraft and watercraft, it is at times difficult to treat them appropriately. These considerations are responsible for the variation in treatment specifications across the different sections of the Import Health Standard.

DISCUSSION

A CTO decision is required as to whether an equivalent management for the non-compliant consignment comprising a new drone and spare parts. This would normally involve a post-arrival application of one of the usual treatments specified in the Import Health Standard. However, seeing the drone is new and was fumigated in the USA with Methyl bromide for 24 hours at the approved concentration (as per MPI Standard - *MPI Approved Biosecurity Treatments*) before shipping, it is considered to be of low relative risk. Although it is considered that any general contamination and regulated pests (such as BMSB) should have been adequately treated, in order to meet then requirement of the Import Health Standard, the drone and spare parts must be treated with an appropriate insecticide as per MPI Standard - *MPI Approved Biosecurity Treatments*. This will be followed by inspection by an MPI Inspector at the port of Auckland or at a suitable transitional facility in order to determine compliance with the Import Health Standard. An MPI Inspector can then

provide biosecurity compliance where the requirements of the Import Health Standard are deemed to be compliant or require additional measures such as cleaning

LEGAL


A CTO decision is required, under Section 27(1)(d)(iii) of the Biosecurity Act, to give directions or guidelines to an MPI Inspector that certain measures which differ from those set out in an Import Health Standard may be applied to manage the risks set out in the relevant Import Health Standard in order to enable biosecurity clearance.

RECOMMENDATION

I, Dave Nendick, recommend that you accept the proposal described below for this consignment only.

1. The non-compliant consignment consisting of a new drone (unmanned aircraft) and spare parts from the USA (C2019/46969) must be managed by application of an appropriate insecticide as per MPI Standard - *MPI Approved Biosecurity Treatments*.
2. This must be followed by an MPI Inspector conducting inspection of the consignment at the port of first arrival or at a transitional facility to determine compliance with the Import Health Standard for Vehicles, Machinery and Equipment.
3. If additional cleaning or treatment is determined to be required after inspection by an MPI Inspector, this must be carried out at the place of first arrival or at a transitional facility approved for such a purpose. Where additional treatment by fumigation or heat is determined to be required, the importer must be advised that such treatment could possible damage the drone components, and that proceeding with treatment is at their own risk.
4. After inspection, and compliance with the Import Health Standard for Vehicles, Machinery and Equipment has been confirmed, this specific consignment may be provided with biosecurity clearance.

~~AGREE / DISAGREE~~



Peter Thomson
Chief Technical Officer
Director, Plants and Pathways Directorate
Regulation and Assurance Branch
Ministry for Primary Industries

Date:

18/2/19

CTO Direction to an MPI Inspector

CTO DIRECTION DOCUMENT: CTOPlants2019009 – Equivalence for a specific, non-compliant consignment comprising a new drone (unmanned aircraft) and spare parts from the USA.

Pursuant to section 27(1)(d)(iii) of the Biosecurity Act 1993 I, Peter Thomson give the following equivalency directions for clearance of a non-compliant consignment comprising a new drone (unmanned aircraft) and spare parts (C2019/46969) that has not been treated as per section 3.5 (3) requirements of the Import Health Standard for Vehicles, Machinery and Equipment.

1. The non-compliant consignment consisting of a new drone (unmanned aircraft) and spare parts from the USA (C2019/46969) must be managed by application of an appropriate insecticide as per MPI Standard - *MPI Approved Biosecurity Treatments*.
2. This must be followed by an MPI Inspector conducting inspection of the consignment at the port of first arrival or at a transitional facility to determine compliance with the Import Health Standard for Vehicles, Machinery and Equipment.
3. If additional cleaning or treatment is determined to be required after inspection by an MPI Inspector, this must be carried out at the place of first arrival or at a transitional facility approved for such a purpose. Where additional treatment by fumigation or heat is determined to be required, the importer must be advised that such treatment could possible damage the drone components, and that proceeding with treatment is at their own risk.
4. After inspection, and compliance with the Import Health Standard for Vehicles, Machinery and Equipment has been confirmed, this specific consignment may be provided with biosecurity clearance.

This direction takes effect from the date of signing and only applies to the particular consignment (C2019/44489).



Peter Thomson
Chief Technical Officer
Director, Plants and Pathways Directorate
Regulation and Assurance Branch
Ministry for Primary Industries

Date: 18/2/19