



CTO DECISION DOCUMENT – Equivalence for non-compliant consignment

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

Decision document and CTO direction to be signed by (highlight):			
Director (PFE)	Group Manager (PIE)	Team Manager	Senior Adviser (not currently delegated)

Under what authority is the decision being made (highlight):		
Appointed Chief Technical Officer – Peter Thomson	Appointed Deputy Chief Technical Officer – Stephen Butcher	Delegated CTO authority <insert position title>
Section of the Act the decision is being made under:	27(1)(d)(iii) – a chief technical officer has issued guidelines, or given directions, on measures, different from those in the standard, that may be applied to manage effectively risks of the kind arising from the non-compliance	
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:	Brendan McDonald	Team:	PPI
Subject:	CTOPlantsDir: 20190050 Non-compliant Hemp seed for consumption via Australia	Due date:	23/09/2019
The unique CTO decision number can be found under the tab 'CTO27(1)(d)(iii)decisions' in the spreadsheet: 2015-16 Plants Non-compliance Log (s27 functional).xlsx			

Review steps	Name	Team	Date
Peer review	Hoda Ghazalibiglar	PPI	20/09/2019
Consultation with other MPI groups			
External			
Review and Team Manager sign out	Barry Wards		
Group Manager sign out			
Director sign out			

Link to Word version of this Decision Document:

- This document will be stored in the Decisions Document library

Insert other relevant documents here, this may include:

- Piritahi links to previous relevant decisions
- correspondence with other groups relevant to this decision, e.g. emails and lab submission forms

Note: emails or other documents can be dragged and dropped into this Word document



CTOplants
20180029_Lab test r



Davis Trading
Hemp.msg



RE Re-export
Chinese Hemp kern



RE Re-export
Chinese Hemp kern

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



20190923 CTODD
Davis Trading Hemp

CTO DECISION DOCUMENT

CTO Plants: 20190050 Non-compliant Hemp seed from Australia

ISSUE

A CTO decision is required under section 27(1)(d)(iii) of the Biosecurity Act 1993, to direct that measures, different from those required by the import health standard (IHS) *Importation of Grain/Seeds for Consumption, Feed or Processing Plant Health Requirements* (BNZ.GCFP.PHR), to be applied to effectively manage the risks posed by non-compliant Hemp seed (*Cannabis sativa*) from China imported for human consumption via Australia.

This is a one-off CTO decision, the outcome of which will be relevant only to the equivalence assessment for 200 x 25kg bags of hemp seed imported under consignment C2019/314649 by Davis Trading Ltd.

BACKGROUND

Hemp seed is eligible for import from all countries under the IHS BNZ.GCFP.PHR, specifically it must meet the requirements of the schedule for *Cannabis sativa* (low THC Hemp seed variety). There are three options for importation of *Cannabis sativa* into New Zealand:

- Option 1: Importation of non-viable seeds
- Option 2: Importation of viable seeds for processing in New Zealand's transitional facilities
- Option 3: Importation of viable seeds for devitalisation on arrival

For importation under Option 1, the consignment must be accompanied with a phytosanitary certificate issued by the NPPO of the exporting country with the following declarations:

- for heat treated whole seeds:
 - "The *Cannabis sativa* seeds in this consignment were heat treated and the consignment contains no viable seeds."
- for hulled seeds:
 - "The *Cannabis sativa* seeds in this consignment are hulled and the consignment contains no viable whole seeds."
 - and
 - "The *Cannabis sativa* seeds for consumption or processing in this consignment have been sourced from a "Pest free area" or "Pest free place of production free from *Leptosphaeria woroninii*, *Septoria cannabis* and *Curvularia cymbopogonis*".

Davis Trading Co Ltd has imported hulled hemp seeds for human consumption under option 1 of the *Cannabis sativa* schedule. Due to a delay in their sea freight shipment from China, Davis Trading ordered an air consignment of China origin hulled hemp seed from Australia that was from the same lot as their sea freight. On arrival in New Zealand the consignment C2019/314649 did not comply with the requirement of the IHS because it did not have a phytosanitary certificate for New Zealand. Instead Davis Trading presented a phytosanitary certificate from China (Cert no 219000000499351002) that was used to import into Australia. The phytosanitary certificate for Australia does not have the required additional declarations to comply with the IHS and is dated 15 February 2019. Davis Trading could not get a "Re-export" phytosanitary certificate from the Australian Department of Agriculture to meet the IHS.

The consignment is in hermetically sealed 25kg bags so heat treating the consignment again will be expensive. As the hemp seed is for human consumption Davis Trading believes another heat treatment will alter the taste of the hemp seed. Davis Trading claim the consignment is valued at \$72,000 so are seeking

equivalence. There is an existing CTO Decision (CTO20180029) to allow testing for the diseases on arrival but as there is not a New Zealand phytosanitary certificate this CTO Decision does not technically comply.

ASSESSMENT OF RISK

The risks associated with this consignment are:

- viable hemp seeds (including Ministry of Health requirements for Cannabis)
- diseases listed in the hemp schedule of the IHS.

The risk from viable seed can be managed by sending a sample for germination testing to ensure it is non-viable.

The risk from diseases can be managed by sending a sample to PHEL for testing as per the conditions of CTOPlantsDir:20180029:

“MPI accepts the “laboratory testing result for specific regulated pests” as an equivalence to the “Pest Free Area/Pest Free Production Site” additional declarations on Phytosanitary Certificates for importation of grain/seeds in the BNZ.GCFP.PHR IHS, if the following steps are met:

1. The laboratory test must be carried out in an NPPO approved diagnostic laboratory (off-shore or in New Zealand) using scientific-based diagnostic methods; and
2. For laboratory test carrying out off-shore or in New Zealand, the sample size of five times (5 ×) ISTA or AOSA guidelines/ methodologies must be taken.”

A CTO decision is required, under section 27(1)(d)(iii) of the Biosecurity Act, to give directions that certain measures, different from those set out in the current IHS, be applied to manage the risks set out in the IHS to enable biosecurity clearance.

As the risks for this non-complying consignment can be managed by the on-arrival testing and the value of the hemp seed is \$72,000, it is reasonable to grant equivalence so that the non-compliant consignment can receive biosecurity clearance; and this consistent with avoiding or minimising losses to the importer.

DECISION

On this occasion, the requirements of testing for viability and specified pathogens (as per the IHS), which will occur while the consignment is held at a transitional facility, are equivalent to those specified for importation of hulled *Cannabis sativa* for human consumption under the *Cannabis sativa* schedule in the IHS *Importation of Grain/Seeds for Consumption, Feed or Processing Plant Health Requirements*, and will effectively manage the risks identified in the IHS.

RECOMMENDATION

It is recommended that you accept the proposal described below.

1. That a CTO direction is issued to an inspector to direct that non-compliant consignment C2019/314649 may given biosecurity clearance in accordance with the below measures which are different to those required by the *Cannabis sativa* schedule of the import health standard Importation of Grain/Seeds for Consumption, Feed or Processing Plant Health Requirements BNZ.GCFP.PHR, and effectively manage risks of the kind arising from the non-compliance:
 - Germination testing at a Seed Testing Laboratory for viability
 - Pathogen testing at PHEL using scientific-based diagnostic methods; the sample size of five times (5 x) ISTA or AOSA guidelines/ methodologies must be taken.
 - A negative result for all tests.

AGREE / DISAGREE

Barry Wards
Acting Manager
Plant Product Imports Team
Plants & Pathways Directorate

Acting pursuant to delegated Chief Technical Officer authority.

Date:



**CTO Direction to MPI Inspector
Biosecurity clearance of non-compliant consignment**

CTO direction code for recording in Quantum: CTOPlantsDir:20190050

Pursuant to section 27(1)(d)(iii) of the Biosecurity Act 1993 I, Barry Wards, give the following directions for consignment C2019/314649 containing 200 x 25 kg bags of hulled hemp seeds, imported by Davis Trading, to be given biosecurity clearance in accordance with the following measures, different from those required by the *Cannabis sativa* schedule of the import health standard *Importation of Grain/Seeds for Consumption, Feed or Processing Plant Health Requirements* BNZ.GCFP.PHR:

- Germination testing at a Seed Testing Laboratory for viability
- Pathogen testing at PHEL using scientific-based diagnostic methods; the sample size of five times (5 x) ISTA or AOSA guidelines/ methodologies must be taken.
- A negative result for all tests.

These requirements are equivalent to the missing phytosanitary certificate. All other relevant sections of the IHS BNZ.GCFP.PHR must be complied with.

This direction takes effect from the date of signing, and applies only to consignment C2019/314649.

Barry Wards
Acting Manager
Plant Product Imports Team
Plants & Pathways Directorate

Acting pursuant to delegated Chief Technical Officer authority.

Date: