



P. and I. Association
Correspondents:
Maritime Consultants
New Zealand and
Oceania

Level 5
Southern Cross Building
59 High Street
PO Box 437
Auckland 1140
New Zealand

T: 64 (09) 303-1900
E: alistair.iring@pandinz.co.nz

NEW ZEALAND – BIOFOULING – CRAFT RISK MANAGEMENT STANDARD

In our circular to the Group of April 2017 we drew attention to action being taken by the Ministry for Primary Industries (MPI) in accordance with the provisions of the Biosecurity Act 1993 to ensure that ships hulls were “clean” prior to their arrival in New Zealand. By way of general comment MPI has become more vigilant in recent times with respect to the potential introduction of what are referred to in the Act as “unwanted organisms”.

This approach to hull biofouling and more recently to the presence of Brown Marmorated Stink Bugs on PCC vessels ex. Japan, which has been widely reported in the trade press and on which we have also reported to Group Clubs, are examples of this firm approach.

In our April 2017 circular we explained the relevant provisions of the Biosecurity Act and noted that two ships had been ordered from New Zealand through carrying unwanted invasive aquatic species on hulls in the previous twelve months. We also noted that from May 2018 new rules would require all international vessels arriving in New Zealand to have a clean hull and that, in the interim period, MPI would take action on a case by case basis against ships which they regarded as potentially being affected by severe biofouling.

The Craft Risk Management Standard (CRMS) will come into force on 15 May 2018 and requires that all vessels arriving in New Zealand must meet the “clean hull” standard provided for.

CRMS can be found at the MPI website at

<https://www.mpi.govt.nz/importing/borderclearance/vessels/arrival-process-steps/biofouling/biofouling-management/>).

Owners should pay close attention to the provisions of the CRMS and deal with their vessels strictly in accordance with its requirements.

Essentially a ship’s hull will be considered clean where no biofouling by live organisms is present. Reference to the MPI website will show that a clean hull has no more than a slime layer coating of marine growth on the hull and submerged niche areas – sea chests, bow thrusters, seawater systems and propeller shafts. Regard will also be had to the vessel’s itinerary and just what marine species are present.

In order to comply with the new standard the ship must either

- have had its hull cleaned less than 30 days before arrival in New Zealand.
- ensure continual maintenance of biofouling on the vessel or
- apply an MPI-approved treatment to the hull. Detail of just what those treatments are is not yet available but should become clear before the implementation of the standard in mid-May 2018.

These steps towards compliance are not by themselves sufficient. Owners must also be able to show compliance through having accurate and up to date records of hull cleaning and continual maintenance referred to in the CRMS.

As to documentation MPI will be able to demand from owners

- Photographic/video evidenced of the cleaned hull and niche areas.
- The ship's biofouling management plan and
- The vessel's record book which will include dates of dry docking, anti-fouling system application or installation, the ship's operational history and evidence of independent inspections and ongoing maintenance.

As can be seen from the cases which we highlighted in our initial circular on this topic – and has become apparent through the stink bug cases which have presented themselves in February 2018 - MPI will take a strict and largely non-negotiable approach to the removal of biosecurity risks from New Zealand, and in the case of hull biofouling, from New Zealand waters. The Ministry's powers are wide ranging and, for all practical purposes, unable to be challenged given the way in which the Biosecurity Act is written and, of course, the simple costs of delay to a ship while a case is prepared and presented to the Courts. In essence, if the ship does not meet the threshold of having a clean hull, MPI may direct the vessel to

- be removed from the marine environment to undertake hull cleaning within 24 hours.
- spot clean the hull without the release of organisms into the water within 24 hours.
- reduce its New Zealand itinerary or

- leave New Zealand waters.

As can readily be appreciated this is a serious issue for owners. MPI have demonstrated their determination to deal with these matters of border security and unwanted organisations in a firm and essentially non-negotiable way. The costs of cleaning a vessel outside the New Zealand 200 mile limit are, of course, significant and our experience of other cases is that other neighbouring jurisdictions, becoming aware of New Zealand's position, are reluctant to allow cleaning in their waters. The policy of MPI has strong public support and it can be expected that MPI will have little sympathy for owners who do not familiarise themselves with the CRMS and take steps to abide by its provisions in readiness for the mid-May 2018 implementation of the policy.

As always we are happy to assist with further advice as need be but again would simply direct owners to the MPI website where its requirements are clear.

Alistair Irving

P & I Services, Auckland

6 March 2018