

KEEPING
WATCH

BIOSECURITY NEW ZEALAND

The MAF - ERMA Operational Relationship

Barry Wards

Operational Standards, Biosecurity New Zealand, MAF

Role of MAF

- Primary agency responsible for enforcement of new organism provisions of the HSNO Act (1996)

What Does This Mean?

- **Monitoring** – Border, Containment, Conditional Release of approved new organisms
- **Consultation** on new organism applications & controls
- **Development/Review** of containment standards
- **Responses to non-compliances** for approved new organisms
- **Incursions** of approved & significant unapproved new organisms
- **Reporting & liaison** between agencies involved in new organism management

Agreements - MoU

- Statement of mutually agreed intentions
 - Ensure cooperation facilitates efficient & effective discharge of statutory duties & functions
 - Ensure that risks associated with new organisms are adequately managed under BA & HSNO
 - Clarify responsibilities, powers, functions, duties etc
 - Confirm ERMA NZ's consultation responsibilities under HSNO
 - Specify a plan to resolve differences

Agreements – Operational Agreement

Operational basis for New Organism compliance & enforcement activities

Border Activities

- Monitoring to Approval controls
- Permit issue for new organisms
- No biosecurity clearance into containment facilities (biosecurity direction)
- Restrictions on opening packages
- Clarification of new organism status
- GMO testing

Containment Facilities/Releases with Controls

- Consultation on controls
 - Additional controls
 - Modifications to controls
 - Enforceability of controls
- Audit frequency & content
- Containment standards
 - Development
 - Review

MAF Containment Standards

Standard 154.02.08	Transitional and Containment Facilities for Invertebrates
Standard 154.03.02	Containment Facilities for Microorganisms
Standard 154.03.03	Containment Facilities for Vertebrate Laboratory Animals
Standard 154.03.04	Containment Facilities for Zoo Animals
Standard 154.03.06	Containment Standard for Field Testing of Farm Animals
Standard 155.04.09	Containment Facilities for New Organisms (including genetically modified organisms) of Plant Species

New Organism Standards

- Importation/Development /Field test of new organisms (incl. GMOs) requires ERMA approval
- All new organisms are maintained in containment facilities
- BNZ is consulted on controls ERMA may impose on an approval
 - Standards are part of the controls
- MAF Quarantine Service is required to enforce those controls

Incursion Response

Opportunity to comment:

- Incursion response policy & process
- Development/Review of surveillance programmes for new organisms

Consultation

- Cabinet/Ministerial briefings & papers on new organisms
- Management of approved new organisms
- Management of unapproved new organisms
 - Incursions involving GMO's
 - Illegal imports with possible prosecution
 - Incursion of organisms in Schedule 2 of HSNO
 - Any other incursions of ERMA NZ interest

Enforcement Actions

- Both MAF & ERMA NZ can appoint enforcement officers & prosecute under HSNO
- ERMA NZ will not prosecute prior to engaging MAF
- Factors in determining enforcement action
 - Culpability
 - Impact
 - Compliance history
 - Incident response
 - Contrition & attitude
 - Public credibility

Planning & Reporting Requirements

- Immediate reports
 - Significant surveillance/incursion activities
 - Critical situations & major non-compliances
 - Prosecutions
 - Non-compliance investigations
- Quarterly reports
- Enforcement Intentions report
- Enforcement Review report
- Reports channeled through the ERMA Liaison point (B Wards)
- 6-weekly operational meetings

Audits

- Compliance & enforcement regime is audited by CEG
 - National Compliance Team
 - Systems for management of inspectors of containment facilities
 - Compliance with MAF Standard & Approval requirements

Planned Work

- NOEP
 - Implementation
- Operational Agreement provisions
 - More effective risk-based auditing
 - Smarter reporting
 - Establishment of roles & responsibilities

Summary

- HSNO & BA delineate powers, roles & responsibilities
 - But not without some difficulty
- MoU & Ops Agreement forms the basis of the MAF-ERMA NZ relationship
- Proactive & integrated relationship
- Embedded in consultation & reporting
- Future – enhancement of the relationship.