



# Import Health Standard

## Ballast Water from All Countries

17 May 2016

## **TITLE**

Import Health Standard: Ballast Water from All Countries

## **COMMENCEMENT**

This Import Health Standard comes into force on the date of signing.

## **ISSUING AUTHORITY**

This Import Health Standard is issued under section 24A of the Biosecurity Act 1993.

Dated at Wellington this 17<sup>th</sup> day of May 2016

Peter Thomson  
Director, Plants, Food & Environment  
Ministry for Primary Industries  
(acting under delegated authority of the Director-General)

Contact for further information  
Ministry for Primary Industries (MPI)  
Regulation & Assurance Branch  
Plants, Food and Environment Directorate  
PO Box 2526,  
Wellington 6140  
Email: [standards@mpi.govt.nz](mailto:standards@mpi.govt.nz)

---

<b>Contents</b>	<b>Page</b>
<b>Introduction</b>	<b>3</b>
<b>Part 1: Requirements</b>	<b>5</b>
1.1 Application	5
1.2 Incorporation of material by reference	5
1.3 Definitions	5
1.4 Operator's Responsibility	5
1.5 Required Information	5
1.6 Requirements for ballast water and sediments	6
1.7 Requirements for ballast water managed in restrictive situations	7
<b>Schedule 1 - Definitions</b>	<b>8</b>

## Introduction

This introduction is not part of the import health standard (IHS), but is intended to indicate its general effect.

## Purpose

The purpose of this IHS is to set out the minimum requirements that must be met for vessel ballast water loaded within the territorial waters of a country other than New Zealand and intended for discharge in New Zealand waters. Compliance with the requirements is intended to minimise the introduction of harmful aquatic species to New Zealand.

## Background

Vessels' ballast water is one of the two major means by which marine species have spread beyond their native range. The other means is as biofouling on the vessel hull.

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 IHS sets out the minimum requirements that must be met before every tank of ballast water, loaded within the territorial waters of a country other than New Zealand, is discharged in New Zealand waters.

### Note

In future, this standard is likely to be revoked and replaced with requirements set by rules under the New Zealand Maritime Transport Act.

## Who should read this IHS?

Owners, operators and person in charge of vessels (sea-craft) capable of carrying ballast water, loaded within the territorial waters of a country other than New Zealand and entering New Zealand waters.

## Why is this important?

The operator of a vessel, or person in charge of the vessel, must take all reasonable steps to ensure that ballast water and any associated sediment, intended for discharge in New Zealand waters, comply with the conditions in the standard.

Non-compliance with this IHS may result in an inspector giving directions under section 19 of the Biosecurity Act 1993 (the Act) to mitigate the risk of discharging the ballast.

Failure to obey the directions of an inspector is an offence under section 154N (10). It carries a penalty for individuals of a fine not exceeding NZ\$50,000, or imprisonment for up to 3 months, or both and for corporations a fine not exceeding NZ\$100,000.

## Costs

The cost of MPI inspection, analysis, identification, delays and any other costs associated with this standard are the responsibility of the owner and/or charterer. MPI costs will be charged as per the current Biosecurity (Costs) Regulations.

## Document history

This IHS was first released by Ministry of Fisheries in 2000 and revised by Ministry of Agriculture and Forestry in 2005. This current revision removes listed high risk areas and the compliance measure of discharge to onshore treatment facilities. It adds detail, regarding the measure of shipboard treatment as, when the IMO Convention for The Control and Management of Ships' Ballast Water and Sediments 2004 comes into force, all vessels will be required to carry shipboard treatments.

## Part 1: Requirements

### 1.1 Application

- (1) This Import Health Standard (IHS) applies to ballast water loaded within the territorial waters of a country other than New Zealand and intended for discharge in New Zealand waters.
- (2) This IHS does not apply to:
  - a) ballast water that will not be discharged in New Zealand waters;
  - b) ballast water loaded in New Zealand waters; or
  - c) emergency discharge of ballast water for ensuring the safety of a ship or saving life at sea.

### 1.2 Incorporation of material by reference

- (1) The following MPI material is incorporated by reference in this IHS under section 142M of the Biosecurity Act 1993 (the Act):
  - a) List of approved shipboard ballast water treatment systems  
(<http://www.mpi.govt.nz/news-and-resources/resources/registers-and-lists/ballast-treatment/>)
- (2) Under section 142O(3) of the Act it is declared that section 142O(1) does not apply, that is, a notice under section 142O(2) of the Act is not required to be published before material that amends or replaces the above list has legal effect as part of this document.

### 1.3 Definitions

- (1) Definitions of terms used in this IHS are set out in Schedule 1.
- (2) Terms used in this IHS that are defined in the Act have the meanings set out in the Act unless a different meaning is given in Schedule 1. The Act is available at <http://www.legislation.govt.nz/act/public/1993/0095/latest/whole.html>.

### 1.4 Operator's Responsibility

- (1) The operator, or person in charge of the vessel, must ensure that the ballast water for discharge in New Zealand waters and any associated sediment intended for landing in New Zealand comply with this IHS.
- (2) Nothing in this IHS relieves the operator, or person in charge of the vessel, of his or her primary responsibility of ensuring the safety of the vessel.

### 1.5 Required Information

- (1) An operator, or person in charge of a vessel, that will enter New Zealand waters must ensure that Part 2 of the Ballast Water Declaration form is completed. This asks for the following information:
  - the vessel's identification, arrival date, and location;
  - the intention to discharge ballast water from a vessel in New Zealand waters;
  - whether the ballast water is fresh water;
  - whether exchange or a ship board treatment system will be used to meet this IHS.

- (2) An operator, or person in charge of a vessel, intending to discharge ballast in New Zealand waters must ensure that Part 3 of the Ballast Water Declaration form is completed. It will be used to determine if permission to discharge ballast water will be granted.
- (3) The relevant Ballast Water Declaration forms must be completed before arrival in New Zealand waters and must accompany the advance notice of arrival under section 17 of the Act to the email address given in the MPI website.

#### Guidance

Vessel operators or owners are encouraged to ensure vessels have a ballast water management plan tailored for their vessel's operations and to keep a record book of actions and procedures undertaken in the implementation of this plan. The plan and record book should preferably use the templates provided in the IMO Convention for "The Control and Management of Ships' Ballast Water and Sediments", 2004.

## 1.6 Requirements for ballast water and sediments

- (1) No ballast water may be discharged into New Zealand waters unless it meets one of the options below and the operator, or person in charge of a vessel, has received permission from an inspector:
  - a) **Option 1**  
The ballast water has been exchanged with mid-ocean seawater en route to New Zealand in areas free from coastal influences preferably at least 200 nautical miles (nm) from the nearest land; and in water of over 200 m in depth.  
  
Accepted techniques are either emptying and refilling ballast tanks or holds with an efficiency of 95% volumetric exchange, or pumping through the tanks a water volume equal to at least three times the tank capacity; or
  - b) **Option 2**  
The ballast water is fresh water (not more than 2.5 parts per thousand of sodium chloride); or
  - c) **Option 3**  
The ballast water has been treated using a shipboard treatment system listed in the MPI List of Approved Ballast Water Treatment Systems. See <http://www.mpi.govt.nz/news-and-resources/resources/registers-and-lists/ballast-treatment/>.

#### Guidance

All MPI approved treatment systems have also been type-approved in accordance with the IMO Guidelines G8 and G9 by a relevant administration in at least one country.

- IMO Guideline G8: *Guidelines for approval and oversight of prototype ballast water treatment technology programmes*  
[http://www.imo.org/blast/blastDataHelper.asp?data\\_id=15756&filename=140\(54\).pdf](http://www.imo.org/blast/blastDataHelper.asp?data_id=15756&filename=140(54).pdf)
- IMO Guideline G9: *Procedure for Approval of Ballast Water Management Systems that make use of Active Substances*  
[http://www.imo.org/blast/blastDataHelper.asp?data\\_id=22479&filename=169\(57\).pdf](http://www.imo.org/blast/blastDataHelper.asp?data_id=22479&filename=169(57).pdf)

Tanks are normally pumped no more than two at a time as symmetrical pairs of tanks to ensure the safety of the vessel. Permission to discharge ballast water is automatically sought when the completed Ballast Water Declaration is sent to MPI.

Permission to discharge ballast water is granted when an inspector approves the discharge and sends this permission to the vessel by the usual channels. Discharge of ballast is denied when an inspector does not approve the discharge and sends 'decline of permission' to the vessel.

The current Ballast Water Declaration forms to be used are available on the MPI website.

- (2) The original Ballast Water Declaration forms signed by the operator or person in charge must be kept on board while in New Zealand.
- (3) Sediment which has settled and been removed from ballast tanks, ballasted cargo holds, sea-chests, anchor lockers or other equipment must not be discharged into New Zealand waters. If sediment cleared from these areas is intended for landing in New Zealand, the sediment must not be landed until an inspector has given clearance. It must be taken, as directed by an inspector, to a landfill that has no drainage to the sea either directly or indirectly via other water bodies.

## 1.7 Requirements for ballast water managed in restrictive situations

- (1) Where circumstances prevent the requirements of the standard being met, the operator or person in charge must:
  - a) give notice to an inspector that the vessel is not able to comply with requirements;
  - b) describe the circumstances for non-compliance;
  - c) discharge ballast water only as directed by an inspector.

### Guidance

In some circumstances mid-ocean exchange of ballast water may not be possible. An exemption by MPI will generally be granted when it can be demonstrated that the weather conditions on the voyage in combination with the construction of the vessel preclude safe ballast water exchange.

When permission to discharge is given in these situations the operator, or person in charge of a vessel, may be asked to ensure that the least amount feasible of non-compliant ballast water is discharged in New Zealand waters or that it be discharged in a certain location.



## Schedule 1 - Definitions

### **Ballast water**

Water (including its suspended matter, biological or otherwise), taken on board a ship to control the draft, trim, list, draught or regulate stability or stresses.

### **IMO**

The UN International Maritime Organisation.

### **Inspector**

An inspector appointed under section 103 of the Biosecurity Act 1993.

### **New Zealand waters**

The internal waters and the New Zealand Territorial Sea.

### **Internal waters**

Harbours, estuaries, and other areas of the sea that are on the landward side of the baseline of the territorial sea and rivers and other inland waters that are navigable by ships.

### **New Zealand Territorial Sea**

The sea within 12 nautical miles of the seaward side of the baseline as described in section 3 of the Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act 1977.

### **MPI**

Ministry for Primary Industries