

77-2018 – Draft measures for 2018-19 Brown marmorated stink bug (BMSB) risk season

23 July 2018

Who does this notice affect?

Clients in the import and shipping industries—including freight forwarders, importers and customs brokers—associated with importing goods that require increased intervention during the BMSB risk season (shipped between 1 September 2018 and 30 April 2019 inclusive).

What has changed?

To manage the risk posed by BMSB to Australia, the department mandates heightened measures during the BMSB risk season for goods shipped to Australia between 1 September and 30 April inclusive.

For the 2018-19 BMSB risk season, the department has expanded the list of countries that will be subject to heightened measures. The additional countries are France, Georgia, Germany, Greece, Hungary, Romania and Russia. Italy and the United States of America will also continue to be subject to the seasonal measures.

Under the measures, certain risk goods manufactured in, or shipped as sea cargo from, these countries will be subject to increased onshore intervention. Mandatory offshore treatment will also apply to certain high risk goods manufactured in, or shipped from, France, Georgia, Germany, Greece, Hungary, Italy, Romania, Russia, and the United States of America. Goods that require mandatory offshore treatment and arrive untreated or treated by an unapproved treatment provider will be exported or destroyed, unless exceptional circumstances are granted.

The department is currently reviewing the range of goods including tariffs that will be subject to heightened measures. A draft list of the target goods is available on the [BMSB web page](#). The range of goods will be finalised in late July 2018.

In addition to the measures above, heightened vessel surveillance will be conducted on all roll-on/roll-off (ro-ro) and general cargo vessels with pre-arrival reporting through a questionnaire and daily checks for presence of BMSB. Vessels identified as high risk from the surveillance will be directed for inspection, treatment or other directions. This measure will apply to vessels from France, Georgia, Germany, Greece, Hungary, Italy, Japan, Romania, Russia, and the United States of America.

Offshore treatment providers – application form now available

All treatment providers in France, Georgia, Germany, Greece, Hungary, Italy, Romania, Russia and the United States of America that intend to conduct BMSB treatments must register under the Offshore BMSB Treatment Providers Scheme (the scheme). The application form for the scheme is now available on the [BMSB web page](#).

Treatment providers in other countries who intend to conduct BMSB treatments for goods that are manufactured in France, Georgia, Germany, Greece, Hungary, Romania, Russia, Italy or the United States of America are also encouraged to complete the application form.

Treatment certificates from providers in non-target risk countries who do not register will be accepted and goods may be subject to onshore verification.

Treatment providers in non-target risk countries who perform more than three BMSB treatments during the season must join the Offshore BMSB Treatment Providers Scheme. After an unapproved provider's third certificate is received, future treated goods may be exported or destroyed, unless exceptional circumstances are granted.

The department will add treatment providers who meet our requirements to our approved list of offshore treatment providers.

Clients who used an offshore treatment provider in the 2017–18 season are requested to inform them of the application process.

Seasonal measures for Brown marmorated stink bug (BMSB)

We introduce seasonal import measures to manage the risk of Brown marmorated stink bug (BMSB) during the high risk season.

New seasonal measures will apply for goods shipped on or between **1 September 2018 and 30 April 2019**.

Risks

The Brown marmorated stink bug (BMSB) is not found in Australia and needs to be kept out. It could severely impact our agricultural industries. Juveniles and adults feed on, and can severely damage, fruit and vegetable crops rendering them unsellable or reducing production yields. Adult BMSB can also be a nuisance, entering vehicles, homes and factories for shelter over winter.

They can arrive in Australia on cargo and containers shipped between September and April. This coincides with late autumn and winter in the Northern Hemisphere.

Find out how to [identify and report brown marmorated stink bug](#).

2018-19 season measures

You must comply with seasonal measures for certain goods arriving from certain countries that are shipped between **1 September 2018** and **30 April 2019** inclusive.

These measures will include mandatory treatment and increased intervention before arrival into Australian territory.

All goods must still meet [standard import conditions in BICON](#).

Draft measures

We will publish details of final seasonal measures soon. This will include applicable goods and countries, and specific treatment rates.

The proposed seasonal measures apply to certain goods manufactured in, or shipped from target risk countries as sea cargo.

Draft measures include:

- heightened surveillance on all roll-on/roll-off (ro-ro) and general cargo vessels through additional pre-arrival reporting with a BMSB questionnaire and daily checks conducted by vessel masters
- inspection, treatment or other directions for identified high risk vessels
- mandatory offshore treatment for target high risk goods
- increased onshore intervention for target risk goods
- export or destruction of target high risk goods requiring mandatory offshore treatment and arriving untreated, or treated by an unapproved treatment provider, unless exceptional circumstances are granted.

Target risk countries

- United States of America
- Italy
- Germany
- France
- Russia

- Greece
- Hungary
- Romania
- Georgia
- Japan (heightened vessel surveillance will be the only measure applied).

Target high risk goods

Goods in this category will require mandatory offshore treatment for BMSB risk if they are shipped as break bulk, open top or on flat racks.

Containerised goods in this category shipped as LCL (less than container Load) and FAK (freight of all kinds) will require mandatory offshore treatment for BMSB. The option for onshore treatment is being considered for FCL (full container load) and FCX (full container consolidated).

All tariffs under the following chapters are being considered as high- risk goods.

36 Explosives, pyrotechnics	74 Copper	84 Machinery
44 Wood	75 Nickel	85 Electrical machinery
45 Cork	76 Aluminium	86 Railway locos
57 Carpets	78 Lead	87 Vehicles
68 Stone, cement	79 Zinc	88 Aircraft
69 Ceramics	80 Tin	89 Ships
70 Glass	81 Base metals	93 Arms, ammunition
72 Steel, iron	82 Tools, cutlery	
73 Steel articles	83 Base metal	

Target risk goods

Goods in this category will be subject to increased onshore intervention.

All tariffs under the following chapters are being considered as target risk goods.

25 Salt, minerals	31 Fertilisers	47 Wood pulp
26 Ores, slag, ash	38 Chemical products	48 Paper, cardboard
27 Fuel oils	39 Plastics	49 Printed matter
28 Inorganic chemicals	40 Tyres, rubber	56 Wadding, felt
29 Organic chemicals	46 Straw, basket ware	

Exempted goods

BMSB seasonal measures do not apply to goods not identified as 'target high risk' and 'target risk'.

Treatment options

- heat treatment
- methyl bromide fumigation
- sulfuryl fluoride fumigation.

Offshore treatments and providers

We are finalising new offshore treatment assurance measures for the 2018-2019 BMSB season.

These will ensure that BMSB treatments conducted offshore are effective and consistent. New requirements include:

- minimum standards for offshore BMSB treatments and treatment providers
- a list of approved offshore treatment providers
- processes to prevent the use of fraudulent certificates.

These requirements will apply to **France, Georgia, Germany, Greece, Hungary, Italy, Romania, Russia** and the **United States of America**.

Offshore minimum standards

There are minimum standards for the application of BMSB treatments.

We will publish methodologies for these treatments in early August 2018.

Offshore BMSB Treatment Providers Scheme

We have set our registration and compliance requirements for BMSB treatment providers in the **Offshore BMSB Treatment Providers Scheme**.

Approved treatment providers

We will add treatment providers who meet our requirements of the Offshore BMSB Treatment Providers Scheme to our **approved list of offshore treatment providers** which will be updated as required. We will publish this list in early August 2018.

We will only accept BMSB treatment certificates from providers included on this list. This will be in effect for the 2018-19 BMSB season.

If you used an offshore treatment provider in the 2017–18 season, let them know about this requirement and encourage them to complete an application.

Treatment providers in target risk countries

All BMSB treatment providers in France, Georgia, Germany, Greece, Hungary, Italy, Romania, Russia and the United States of America must register with us. If you would like to register, download and complete the application form.

Treatment providers in non-target risk countries

Treatment providers in other countries who intend to conduct BMSB treatments for goods that are manufactured in France, Georgia, Germany, Greece, Hungary, Italy, Romania, Russia or the United States of America are also encouraged to complete an application form.

Treatment certificates from providers in non-target risk countries who do not register will be accepted and goods may be subject to onshore verification.

Treatment providers in non-target risk countries who perform more than three BMSB treatments during the season must join the Offshore BMSB Treatment Providers Scheme.

After an unapproved provider's third certificate is received, future treated goods may be exported or destroyed, unless exceptional circumstances are granted.

Fraudulent certificates

For treatments conducted in target risk countries, we will only accept BMSB treatment certificates from approved treatment providers.

We have developed a system to prevent the use of fraudulent certificates.

We will identify consignments that arrive in Australia with a fraudulent certificate. We will also target consignments with a certificate from a treatment provider that is not approved.

These consignments will either be:

- disposed of in an approved manner, or
- exported.



2018-19 seasonal measures for the Brown marmorated stink bug (BMSB)

Industry information sessions: questions and answers

On 6 and 7 July 2018 the Department of Agriculture and Waters Resources held industry information sessions on its seasonal measures for the Brown marmorated stink bug (BMSB). Over 160 industry members attended sessions in Sydney and Melbourne. This is a summary of questions we addressed during the sessions.

Draft Measures

1 When will the measures be finalised?

We're reviewing the tariffs and expected volumes, treatment rates, and mapping the supply chain. We'll publish final measures on our [BMSB seasonal measures for BMSB](#) web page soon.

2 You have increased the number of target risk countries for BMSB. Have you looked at the volumes and number of treatment providers required to manage the measures?

We've been looking at historical data to assist us with understanding the expected volumes for the targeted goods and countries. Managing the throughput of goods will be challenging onshore, so we're encouraging offshore treatment providers to register for the offshore treatment scheme.

3 Will you make mid-season changes like you did last season?

This depends on whether the risk profile for BMSB changes. If it does change during the season, we'll review the list of target countries and goods.

4 You have provided these draft measures, but industry needs more time to prepare.

We understand this is difficult and we're working as quickly as possible to finalise and publish the measures.

5 BMSB seasonal measures are a problem for the department. The increased workload resulted in delays last season. What is the department doing in preparation for next season?

Managing the risk of BMSB to Australia is important as it is a significant hitchhiker pest. We'll do the best we can and we understand conducting inspections onshore to detect BMSB is difficult. There is also limited capacity for onshore treatment by Australian treatment providers, so our preference is to manage the risk offshore, before it enters Australian territory.

6 Sixteen countries in Europe are affected by BMSB. Is the list of target risk countries fixed for this season?

The target risk countries have been added to the BMSB measures because they're countries where we know BMSB has established or where we believe we are likely to see hitchhiking BMSB. We have reviewed this risk and taken a pragmatic approach. If the risk profile changes during the season, we'll review the list of target countries.

7 Will the department consider safeguarding arrangements to manage BMSB? Can shippers be accredited as free from BMSB?

We are currently finalising the measures for 2018-19 BMSB risk season and our efforts are focused on this work. We are not considering safeguarding arrangements for this season and instead will be developing a framework to assess safeguarding arrangements for future seasons. This applies to considerations to secure pathways and supply chains.

8 Will the BMSB measures be expanded to include air cargo? For example, there are some goods that are shipped from target risk countries first as sea freight and then as air freight.

At present, the measures will only apply to sea cargo. We'll consider the risk in air cargo as the risk profile changes.

9 Is the department aligning measures with the New Zealand Ministry for Primary Industries? They have more measures for Japan than Australia is proposing.

We're trying to align our treatment options with the New Zealand Ministry for Primary Industries. We understand they have increased intervention on vehicles from Japan, our assessment to manage the risk of BMSB from Japan is through heightened surveillance of roll-on/roll-off (ro-ro) vessels and general cargo vessels.

10 Will the department compensate for costs incurred by clients as a result of the BMSB seasonal measures?

Provision of compensation by the department is covered under the *Biosecurity Act 2015* (the Act). The compensation provisions do not provide for the payment of compensation to reimburse a cost-recovery charge for assessment and inspection activities that is due and payable under the Act. The Act also doesn't cover compensation for fees charged for storage or handling by industry or operators.

11 Will the department have officers trained to assess for the BMSB measures?

We'll ensure that our activities for BMSB assessment and inspections are undertaken by trained and competent offices.

12 Is there a hotline for industry to contact for information on the BMSB measures?

We'll update information on our [BMSB seasonal measures for BMSB](#) web page. You can also email airandseacargo@agriculture.gov.au if you have any questions about the BMSB measures.

Goods

13 Will the new BMSB measures apply to yachts and are they considered a target high risk good?

The measures will apply to new and used yachts. We consider yachts a high risk target good as they are most likely shipped as break bulk or in an open top container.

14 What about goods that are manufactured in target risk countries but are shipped from non-target risk countries? Will the department consider assurance within the supply chain?

Certain goods that are manufactured or stored in, or shipped from target risk countries will be subject to BMSB measures. This is regardless of where they're shipped from or whether they transit a non-target risk country. We're trying to understand these supply chains better so we can decide where we can apply any exemptions. For example, we may consider exempting a small box of bolts

(target high risk goods) in a full container of non-target risk goods if the risk is considered low and acceptable.

15 Do the BMSB measures apply to cardboard?

The measures apply if the goods are identified as cardboard. This does not include cardboard packaging that is part of the intended goods being imported.

16 The list of target goods is very broad. Will you provide details of the tariffs that are being included for the BMSB measures?

We're identifying which tariffs will be included and categorising them as high risk and risk. We'll list them on our [Seasonal measures for BMSB](#) web page.

17 Will any goods be exempted from the BMSB measures? For example, some target tariffs were exempt from BMSB measures last season.

All items not identified as target high risk and risk goods are exempt from the BMSB measures. This season, goods from the United States will be managed in the same way as goods from the target risk countries.

18 How will goods arriving in LCL consignments be managed? Will it be the same process that was implemented last season?

Any target high risk goods arriving in LCL consignments will require mandatory treatment. We're reviewing the process for LCL and, where possible, streamlining it. We understand this is an issue because freight forwarders do not know what the goods are at line level until they arrive in Australia.

19 Do the same conditions apply for new and used goods that are targeted for BMSB measures?

Yes, unless we have determined to consider them separately. For example, we have separate conditions for used tyres and new tyres.

20 What about containers with mixed goods, including exempt goods? Will they be exempt from the BMSB measures? What about goods that are made in the target risk country but shipped from a non-target risk country?

We'll assess consignments containing mixed goods (classed as exempt, high risk and risk) at the highest risk. BMSB measures will apply to goods manufactured in a target risk country regardless of where they're shipped from. We'll refine our profiles for exempt goods that don't require intervention where possible. We're also considering the use of packing declarations to assess the risk.

21 What about consignments of goods that are manufactured in the target risk country, shipped for domestic use in a non-target risk country and then shipped to Australia? These goods could have been stored in non-target risk countries for months before the BMSB measures begin. Can importers provide declarations stating goods have been stored in a non-target risk country?

We'll consider these case by case.

22 What is the discretionary decision (exceptional circumstances) for export/destruction of high risk goods from a target risk country that require mandatory offshore treatment and arrive untreated?

We'll publish these decisions once the measures are finalised.

23 If goods are transhipped to New Zealand and the New Zealand Ministry for Primary Industries conducts an inspection for BMSB, will the department conduct another inspection on arrival in Australian territory?

Yes, the measures are applicable for our requirements regardless of whether the New Zealand Ministry for Primary Industries (NZ MPI) has conducted an inspection. We may consider treatments conducted by NZ MPI for BMSB as acceptable, but our decision will depend on the treatment applied and documentation provided with the goods.

24 Are you able to share specific information about the goods that have been found with BMSB, so that industry can assist with the supply chain and management of goods?

We'll be able to share this information once we finalise our measures. We've targeted a range of goods where there is a high likelihood for BMSB to access and overwinter.

25 Will the methodologies for offshore treatment be the same for local treatment providers?

Yes.

26 Will you align treatment rates with those of the New Zealand Ministry for Primary Industries?

We're working with the ministry to align our treatment rates.

27 Will break bulk, including vehicles produced on or after 1 December 2018 be exempt from the BMSB measures?

They'll be exempt from BMSB measures if they are new and have not been field-tested (NUFT) and are accompanied by a NUFT certificate and a declaration proving that they're manufactured on or after 1 December 2018.

28 Will vehicles that are produced in the United Kingdom and transhipped to France be subject to the BMSB measures?

It will depend on how long the vehicles remained in France during transhipment.

Treatment Options

29 Some goods can't be fumigated due to the chemical used in the treatment options available. Are there alternatives such as HI-FOG treatments?

It's a challenge because there are multiple places in cargo for BMSB to hide and overwinter, and survive treatment. We'll continue to look at alternatives, but we currently have three recognised treatment options.

30 Will there be a method to treat cargo while at sea?

If there's an effective solution proposed by industry, we'll consider this.

31 Will there be onshore sulfuryl fluoride treatment providers in all Australian states and territories?

The department does not mandate the types of treatment that providers must make available for use onshore. While sulfuryl fluoride is an approved treatment option, the availability of the treatment is a commercial decision by the providers.

32 Will new tyres that undergo a heat treatment process be exempt?

If the treatment applied meets with minimum requirements for BMSB treatment, the treatment will be considered acceptable. The goods must also be shipped within the acceptable post-treatment window in order for us to consider this as an acceptable treatment.

33 Why are you mandating offshore treatment for high risk goods?

Goods are designated as high risk because they are more likely to be associated with BMSB, and therefore pose a greater biosecurity risk and our ability to deal with the risk onshore. The biosecurity risk is best managed by effective offshore treatment. Offshore treatment also assists in addressing problems associated with onshore treatment capacity and reducing delays at the border.

Offshore Treatment

34 When will the offshore treatment provider list be made available?

We expect to publish the list in late July 2018 and will continue to update as required.

35 You don't have much time to implement the new measures, including establishing offshore treatment providers. Have you engaged with the authorities of the target risk countries?

We're working with authorities and treatment providers in the United States and Italy. We have been assessing the spread of BMSB across Europe to determine the risk of BMSB from other countries. Now that the target risk countries are determined, we'll be engaging with relevant authorities and industry groups.

36 You removed sulfuryl fluoride treatment as an option for Italy last season. Has this changed for the 2018-19 season?

We're implementing new offshore treatment assurance measures for 2018-19. These measures will allow approved treatment providers to perform and certify sulfuryl fluoride treatments in Italy.

37 You accept only three treatment options, but methyl bromide is not available in Europe and heat treatment is not an option for all goods. This leaves sulfuryl fluoride as the only option for some goods. Will sulfuryl fluoride be available for the upcoming season?

Sulfuryl fluoride treatment was removed as a treatment option due to detections of BMSB in goods that had been certified as treated with sulfuryl fluoride. We're implementing new offshore treatment assurance measures for 2018-19. These measures will allow approved treatment providers to perform and certify sulfuryl fluoride treatments from the target risk countries.

38 Due to cold weather in the northern hemisphere, some fumigations failed or were not able to be conducted. Will there be a change in treatment requirements to accommodate the winter conditions?

The treatment types, rates and minimum temperatures are set to achieve effective treatments. The minimum treatment requirements must always be met. In many cases, this will require fumigation enclosures to be heated during treatment.

39 Europe has extremely limited resources to conduct treatments. Will transshipment fumigation be an option?

The focus is on developing offshore BMSB treatment assurance measures starting with the United States and Italy. Treatment from other countries will be accepted and we're refining these details.

40 Will you require importers to present original copies of treatment certificates?

No, but you will have to present a copy of the treatment certificate with the arriving goods. If certificates are not provided or are from an unapproved treatment provider, we'll assess the goods as untreated goods.

41 Will there be a treatment certificate template for treatment providers registered for the offshore treatment scheme?

We will provide a template for treatment certificates. This will be made available soon.

42 What happens if the treatment provider is blacklisted while high risk goods are en route to Australia and this results in the goods being directed for export or destruction?

We'll work with the importer for a resolution to manage the risk.

43 Have we had any issues with United States treatment providers that resemble the problems with Italian providers?

We have noticed some similar issues with treatment providers in Italy and the United States. The offshore BMSB treatment provider scheme is being designed to overcome these issues and ensure consistency between approved treatment providers.

44 Will you still require the 96-hour treatment window for goods being shipped to Australia?

This post treatment window requirement will remain and applies to the port of loading and port of treatment for goods shipped to Australia. We will define the treatment window times when we publish the final measures.

Vessels

45 In relation to vessels, can the vessel master take some measures to contain the risk of BMSB?

We'll manage the risk of BMSB on vessels through a heightened surveillance questionnaire, which vessel masters will complete. Vessel masters will be responsible for the submitting the questionnaire as part of the pre-arrival reporting process and we'll provide the vessel master with an assessment that may also include anchorage, inspection or treatment. The action we take will depend on the number of detections of BMSB reported.