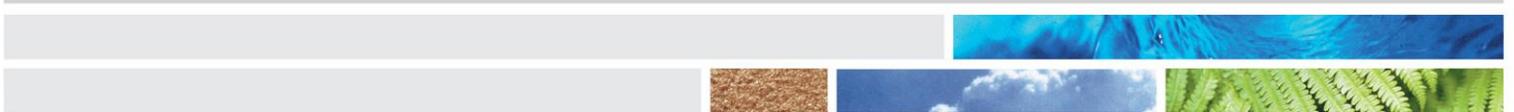




Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

# Standard for Zoo Containment Facilities

April 2018



## Zoo Containment Facility Standard

## Preface

Standard for Zoo Containment Facilities

Issued by the Environmental Protection Authority (EPA), approved under section 11(1)(fc) of the Hazardous Substances and New Organisms Act 1996 (HSNO Act).

## Approval

The EPA approved this containment standard in accordance with section 11(1)(fc) of the HSNO Act



Date: 30/04/2018

Dr Fiona Thomson-Carter

General Manager Hazardous Substances and New Organisms

**Environmental Protection Authority**

## Review and amendments

This standard is subject to review and amendment at any time, to ensure that it continues to be fit for purpose. All amendments are recorded in the table below.

	Amendment	Date
1		
2		

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## Layout of this standard

This document is set out in two parts:

- 1. Introduction and information for users:** Part 1 contains general information for users of this standard. It does not comprise part of the requirements of the standard, but is intended to give context to the requirements set out by the standard.
- 2. Requirements:** Part 2 sets out the requirements that must be met in order for a place to be approved as, and continue to operate as, a zoo containment facility. Each requirement is numbered for ease of reference.

Definition of words and terms are provided in Terms and Definitions on pages 16 – 18.

# 1. Introduction and information for users

## Purpose and scope of this standard

This standard describes the requirements for building, maintaining, and operating zoo containment facilities, that hold new organisms.

This standard is approved by the EPA under the HSNO Act and is enforced by MPI under the Biosecurity Act.

In addition to the requirements of this standard, the EPA may impose requirements for containment of new organisms through controls in the HSNO Act approval for those new organisms, which would also need to be complied with.

## Excluded from the scope of this standard

This standard does not prevent a zoo from keeping other animals that are not new organisms in the zoo containment facility (for example, domestic livestock, native species, or companion animals). Keeping those animals is not subject to the HSNO Act and is not covered by this standard, except to the extent that keeping those animals may affect the containment of new organisms within the zoo containment facility.

## Other regulatory requirements

In addition to the HSNO Act, a zoo containment facility is required to comply with a range of legislative requirements, including, but not limited to, the Biosecurity Act, the Animal Welfare Act 1999, and the Health and Safety at Work Act 2015. This document only sets out requirements to be met to give effect to the purpose of the HSNO Act, and meeting the requirements of this standard does not signify compliance with any other legislative requirements.

The Biosecurity Act is closely linked to this standard as there are a range of requirements and obligations set out under the Biosecurity Act that are relevant to the operation of a zoo containment facility. For example:

- A zoo containment facility must have an approved operator<sup>1</sup>
- New organisms held within a zoo containment facility may only be moved to another zoo containment facility, a zoo transitional facility, a biosecurity control area or be exported from New Zealand<sup>2</sup>

## Obligation to comply with the standard

The requirements of this standard must be met<sup>3</sup> in order for MPI to approve a place under the Biosecurity Act as a zoo containment facility.

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<sup>1</sup> Biosecurity Act, section 40

<sup>2</sup> Biosecurity Act, section 29.

<sup>3</sup> Section 39(2A)(b) of the Biosecurity Act.

Under the Biosecurity Act, zoo containment facilities and their operators are required to comply with this standard. Failure to do so may result in enforcement action under the Biosecurity Act. MPI may also cancel an approval for a zoo containment facility where the facility no longer complies with this standard<sup>4</sup>.

It is an offence under the Biosecurity Act to operate a place as a containment facility if the place does not have a current facility approval under the Biosecurity Act as a containment facility or the person operating the place is not an approved operator of that facility, or if those approvals are suspended or cancelled.

## Information about non-compliance

Examples of non-compliance with this standard include, without limitation: staff being inadequately trained; failure to complete internal audits and/or provide reports to MPI as scheduled; the escape or release of a new organism from its designated containment area; or failure to follow policies and standard operating procedures set out in the zoo containment facility's QMS that relate to the containment of new organisms.

In general, the compliance action taken by MPI will reflect the nature and severity of the non-compliance, and the action taken by the operator in response.

The range of compliance tools available to MPI includes (but is not limited to):

- a) increased frequency of inspections to monitor compliance
- b) corrective action request (CAR) specifying action(s) that must be taken and a timeframe within which the action(s) must be completed
- c) compliance order, issued under the Biosecurity Act, specifying action(s) required and the timeframe within which the action(s) must be completed
- d) suspension of the zoo containment facility approval and/or operator approval for up to three months (with the possibility of further extension of up to three months) or until corrective steps are taken
- e) cancellation of the zoo containment facility approval and/or operator approval
- f) prosecution for breach of the Biosecurity Act.

## Responsibility for compliance with the standard

A zoo containment facility must have an approved operator. At all times, the operator is responsible for ensuring that the facility is operated in accordance with this standard.

Any person who breaches the requirements of this standard commits an offence against the Biosecurity Act and may be prosecuted. The failure to comply with this standard also constitutes an offence under the HSNO Act, where such requirement is imposed as a control on the HSNO Act approval for a new organism. In some circumstances, persons in positions of responsibility may be liable for breaches or offences committed by others:

- if an agent or employee breaches the Biosecurity Act (including breaches of this standard), a responsible person (such as an operator, manager, employer, supervisor or director) who is in charge

<sup>4</sup> Section 39(7)(a) of the Biosecurity Act.

of the agent or employee may be liable for the agent's or employee's breach of the Biosecurity Act if the breach takes place with the responsible person's authority, permission or consent, or if the responsible person knows that an offence is to be committed and fails to take all reasonable steps to prevent or stop it.<sup>5</sup>

- if a body corporate is convicted of an offence under the Biosecurity Act (including breaches of this standard), a member of the body corporate (such as a director or board member) may be found guilty of the same offence if the act that constituted the offence took place with that person's authority, permission or consent, or if the person knew the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.<sup>6</sup>

## Verification of compliance with this standard

An inspector or other person authorised to do so under the Biosecurity Act may enter the zoo containment facility at any reasonable time to (among other things) inspect it for the purpose of determining whether or not biosecurity law, including this standard, is being complied with.<sup>7</sup>

The frequency of inspection may vary, at the discretion of MPI. Several factors can influence the frequency of inspection, such as the compliance record of the zoo containment facility and/or operator, the number and severity of non-compliances, and any other factors that may affect containment.

An inspector may, in certain circumstances, give directions, requiring an operator to remedy a non-compliance or unsatisfactory situation or, in an emergency or special circumstances, intervene summarily in the management of a zoo containment facility.<sup>8</sup>

The Director-General of MPI may also appoint auditors for various purposes, including conducting audits of compliance with biosecurity law.<sup>9</sup>

## Approval of a place as a zoo containment facility

MPI has a discretion to approve a place as a zoo containment facility if the relevant application for approval meets the requirements of this standard and the requirements of the Biosecurity Act.<sup>10</sup>

An approval may specify the new organisms that are permitted to be held in the zoo containment facility<sup>11</sup>. This may include the species, the maximum number, the sex, or the age, of the individual new organisms which may be held, or any other provision relevant to meeting the requirements of this standard and any applicable HSNO Act approval(s). For example, the ability to maintain containment could be compromised by a higher number of individual new organisms of a specific species, or through behavioural pressures of

<sup>5</sup> Biosecurity Act, section 156(1).

<sup>6</sup> Biosecurity Act, section 156(2).

<sup>7</sup> Biosecurity Act, sections 109 and 126.

<sup>8</sup> Biosecurity Act, section 126.

<sup>9</sup> Biosecurity Act, sections 105B and 105C.

<sup>10</sup> Biosecurity Act, section 39(2A).

<sup>11</sup> Biosecurity Act, section 39(6).

social hierarchies and gender balance, or where the containment regime only addresses the requirements for a subset of species of the relevant new organism.

## Making an application for a zoo containment facility approval

To have a place considered for approval as a zoo containment facility an application must be submitted to MPI. Information concerning applications can be obtained from MPI.

MPI may inspect the proposed zoo containment facility in order to assess whether the proposed facility and the application comply with the requirements of this standard and the Biosecurity Act.

### Amendments and variations to approvals

If a zoo containment facility approval requires an amendment or variation, the operator of the zoo containment facility must apply to MPI.

Amendments or variations may be required for a number of reasons, for example if the zoo proposes to contain new species of new organism or vary the containment areas within which new organisms are to be held. Other reasons may include any variation to what is described in the zoo containment facility approval.

## Access to facility and records

Enforcement officers must, at any reasonable time, be provided access to the zoo containment facility for the purposes of inspection to monitor compliance with the conditions or controls on any new organism approved under the HSNO Act<sup>12</sup>.

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<sup>12</sup> HSNO Act, section 103.

## 2. Requirements for Zoo Containment

### 2.1. Commencement

- 2.1.1. This standard comes into force on 1 July 2018, and replaces the MAF Biosecurity New Zealand Standard 154.03.04 *Containment Facilities for Zoo Animals* on that date.

### 2.2. Primary requirements

- 2.2.1. The zoo containment facility must be constructed, maintained and operated in compliance with this standard at all times.
- 2.2.2. The zoo containment facility must be operated in compliance with the requirements of the zoo containment facility's QMS as described in this standard at all times.
- 2.2.3. New organisms held in the zoo containment facility must be held in containment at all times in the zoo containment facility, including during movement between containment areas, and to or from another zoo containment facility, zoo transitional facility, or biosecurity control area.

### 2.3. Design and construction

- 2.3.1. The zoo containment facility, including all containment areas, must be designed, constructed, and maintained to ensure that new organisms are held in containment at all times, taking into account all reasonably foreseeable circumstances.
- 2.3.2. The design and construction of the zoo containment facility (and any containment areas) must take into account the physical nature, health, and behavioural needs of the new organisms that are, or are intended to be, held in containment in the zoo containment facility.

### 2.4. Operation of the facility

- 2.4.1. The operation of the zoo containment facility must comply with this standard and the zoo containment facility's QMS.

#### **Access to the facility and containment areas**

- 2.4.2. The zoo containment facility's QMS must specify which persons may enter the zoo containment facility and any containment areas, and under what conditions, including what training, supervision or instruction is required to meet the standard.
- 2.4.3. The zoo containment facility must be designed and operated to prevent access into the zoo containment facility and/or any containment areas except in accordance with the QMS.
- 2.4.4. All entrances and exits to and from the zoo containment facility and any containment areas must be clearly identified, including specifying who may use those entrances and exits.

## Training and staffing

- 2.4.5. The zoo containment facility must have sufficient staff with the appropriate qualifications, expertise, knowledge, and training to ensure that the containment of all new organisms held within the zoo containment facility is effectively maintained at all times, including during and after business hours, public holidays and periods when some staff may be unavailable.
- 2.4.6. The zoo containment facility's QMS must describe the staffing requirements to operate the zoo containment facility, including qualifications, expertise, knowledge, training, supervision and operational staffing levels.

## Waste and equipment

- 2.4.7. Any waste (including biological material) that may harbour new organisms or heritable material from new organisms, must be treated to ensure that new organisms and any heritable material are killed prior to discarding outside the new organism's specified containment area.
- 2.4.8. Any equipment used in a containment area that may harbour new organisms or heritable material from new organisms, must be treated to ensure that new organisms and any heritable material are removed prior to the equipment being used for another purpose or being removed from the zoo containment facility.

## Contingency plans

- 2.4.9. The zoo containment facility's QMS must contain a contingency plan.
- 2.4.10. Contingency plans must be able to be implemented immediately if a contingency occurs.
- 2.4.11. The contingency plan must, at a minimum, include plans for the following contingencies:
- a) Fire;
  - b) Unauthorised access to the containment area(s) or zoo containment facility(s);
  - c) Breach of containment;
  - d) Natural weather events including earthquake, flood, and extreme wind; and
  - e) Zoo containment facility closure following the occurrence of another contingency.
- 2.4.12. The contingency plan must include a timeline(s) for disposal and/or relocation of new organisms to other zoo transitional facilities or zoo containment facilities where necessary and maintenance of staffing levels and competencies during a zoo containment facility closure period.

## 2.5. Significant modifications to the construction and/or operation of the facility subsequent to the facility approval

- 2.5.1. The operator must obtain an approval from MPI for any significant modification to the construction and/or the operation of the zoo containment facility prior to the significant modification occurring. However, in exceptional circumstances where this is not possible, the approval must subsequently be obtained from MPI as soon as reasonably practicable.

- 2.5.2. When notifying MPI of any significant modification, the operator must supply sufficient evidence to enable MPI to assess whether the significant modification complies, or will comply, with the standard.

## 2.6. Register and identification of new organisms held in the zoo containment facility

- 2.6.1. Records must be kept of the current location of all new organisms held in the zoo containment facility (for example, the containment area in which they are held), together with the species, number, gender, and identification (where practicable), in a form that is easily accessible and that allows MPI to determine what new organisms are held in any containment area.
- 2.6.2. The zoo containment facility's QMS must record the approvals under the HSNO Act under which each new organism held in the facility has been imported into containment.
- 2.6.3. All new organisms must be readily identifiable through a system of visual or electronic identification and, in the case of vertebrates, this must allow individual specimens to be distinguished.

## 2.7. Organisational structure and management

### Management and decision-making structures

- 2.7.1. The zoo containment facility's QMS must contain a clearly defined management structure that describes the roles and responsibilities of all persons having responsibility for complying with the requirements of this standard, including who has responsibility for day-to-day management of the zoo containment facility.
- 2.7.2. The QMS must contain recorded decision-making processes that describe how any decisions that may relate to, or have an effect on, containment, will be made in a timely manner by persons with the appropriate level of financial and managerial delegation.

### Manager to be on call at all times

- 2.7.3. At all times, there must be a manager on call who is responsible for the day-to-day management of the zoo containment facility.
- 2.7.4. The manager on call must have access to resources and any authority necessary to ensure the zoo containment facility operates in accordance with this standard and the zoo containment facility's QMS.

### Financial Resourcing

- 2.7.5. The operator must ensure that there is adequate financial resourcing, management capability, and expertise to ensure that this standard can be complied with during contingencies.
- 2.7.6. Evidence of financial resourcing, including business plans, budgets and financial records, must be made available to MPI, upon request.

## 2.8. Requirements for monitoring and inspection

### Qualifications of persons carrying out internal inspection, monitoring and audit

2.8.1. All internal inspection, monitoring, and audits required in this standard, including those specified in clauses 2.8.2 to 2.8.6, must be carried out by trained staff, or by an external party with appropriate knowledge and expertise.

### Internal inspection and monitoring

2.8.2. The zoo containment facility, including all containment areas and structures relevant to containment (such as fences, walls, windows, and waste treatments), must be inspected and monitored at regular intervals, appropriate to those containment areas and structures, to ensure the requirements of this standard, the zoo containment facility's QMS, and any relevant HSNO Act approval for new organisms are being complied with.

2.8.3. The activities undertaken in operating the zoo containment facility, including all containment systems, policies, and procedures must be monitored, evaluated, and reviewed at regular intervals to ensure containment is being achieved, and this standard and the zoo containment facility's QMS are being complied with.

2.8.4. The zoo containment facility must be inspected as soon as possible after a contingency that has or may have compromised containment has occurred, to ensure containment is being maintained.

### Internal audits

2.8.5. Internal audits of the zoo containment facility must be carried out at least once every six months to:

- assess whether the requirements of this standard and any relevant HSNO Act approval are being met;
- assess whether the zoo containment facility's procedures and policies are effective in maintaining containment and achieving the requirements of this standard; and
- ensure the zoo containment facility's QMS reflects any relevant changes in the zoo containment facility and its operation.

2.8.6. A written internal audit report must be provided to MPI within 10 working days of the completion of each internal audit and must include the following, at a minimum:

- the scope of the audit;
- any non-compliances and the status of any corrective action(s) put in place to remedy and prevent their recurrence;
- any recommendations and whether these have been agreed to by the operator;
- the name of the person who undertook the audit; and
- the areas of the zoo containment facility that were physically inspected.

## 2.9. Quality Management System

### Quality Management System (QMS)

- 2.9.1. The operator must prepare and maintain a QMS for each zoo containment facility in respect of which the person is approved as the operator.
- 2.9.2. A QMS for each zoo containment facility must be supplied to MPI to enable MPI to assess whether the QMS complies with this standard before the relevant zoo containment facility is approved under the Biosecurity Act.
- 2.9.3. The QMS must describe how the zoo containment facility will be operated to meet the requirements of this standard. The QMS must identify the policies, processes, and procedures that are required to achieve compliance with this standard, the Biosecurity Act and any relevant HSNO Act approvals.
- 2.9.4. The QMS must describe the zoo containment facility, including details about its location, construction, exit, and entry points.
- 2.9.5. Policies and procedures referred to in the QMS must describe how the requirements of this standard, and any controls imposed by relevant HSNO Act approvals will be implemented, including, but not limited to:
  - a) monitoring, maintenance, inspection and internal audits, including the persons responsible, frequency and scope;
  - b) movement of new organisms;
  - c) management of undesirable organisms;
  - d) descriptions of the persons who may be authorised to access the zoo containment facility (e.g. keeping staff, visitors, contractors, or management) along with their roles and responsibilities, as applicable, and what training is relevant to them and how it is to be delivered and verified;
  - e) treatment and/or disposal of waste, equipment and any other object that may include new organisms or heritable material from new organisms;
  - f) the records that will be held (see 2.10); and
  - g) review and modification of the QMS.
- 2.9.6. The QMS and any policies or procedures referred to in the QMS must be readily accessible to any member of staff at the zoo containment facility and MPI.

### Review of the QMS

- 2.9.7. The operator must review and update the zoo containment facility's QMS and any policies or procedures referred to in the QMS, where necessary, at least once every 12 months.

- 2.9.8. Relevant parts of the QMS and any relevant policies, processes, or procedures must be reviewed and updated prior to the acquisition of a species of new organism new to the zoo containment facility, and following any breach of containment or other failure to comply with this standard or the QMS. The purpose of the review is to ensure that compliance with this standard can still be achieved.
- 2.9.9. Records must be kept of all QMS reviews and updates .
- 2.9.10. A copy of the QMS, or the modified part of the QMS, must be provided to MPI as soon as practicable following any changes (including the addition of new containment areas) to the QMS.

## 2.10. Requirement to keep records

- 2.10.1. Records act as evidence of compliance with the standard and the zoo containment facility's QMS. All records relevant to the requirements of this standard and any HSNO Act approvals being used by the zoo containment facility must be kept. Records may include (but are not limited to):
- a) zoo containment facility approval;
  - b) operator approval and any conditions attached to this;
  - c) zoo containment facility plans and specifications;
  - d) containment areas (including any previous or proposed significant modifications, list of species or individuals);
  - e) HSNO Act approvals for new organisms held in the zoo containment facility;
  - f) permits to import, movement authorisations (between facilities and following importation), and biosecurity clearance authorisations;
  - g) the QMS and any changes to the QMS;
  - h) register of new organisms held within the zoo containment facility, including species, number, gender, and identification (where practicable);
  - i) facility inspection records, internal audit reports, and external inspection reports including non-compliances, corrective actions and closure reports;
  - j) register of staff qualifications, expertise, and knowledge (including staff training records); and
  - k) zoo containment facility and containment area maintenance records, including records of significant modifications to these.
- 2.10.2. Records relating to compliance with this standard must be retained for a minimum of seven years.

## 2.11. Transitional period

- 2.11.1. A zoo containment facility may, during the transitional period, comply with the MAF Biosecurity New Zealand Standard 154.03.04 *Containment Facilities for Zoo Animals* as in force immediately before the date of commencement of this standard.

- 2.11.2. For the purposes of this clause, the transitional period is a period starting on the date of commencement of this standard and ending on 30 June 2019.

## Terms and Definitions

In this document, unless otherwise required, the terms below have the stated meaning. For the avoidance of doubt, words in the singular include the plural.

Act	An Act of Parliament, which is a law made by the New Zealand Parliament
audit	A planned and documented activity performed by appropriately qualified personnel to determine by investigation, examination, observation, or evaluation of objective evidence, the adequacy and compliance with established procedures, structures, or applicable records, and the effectiveness of implementation. Audits may include a physical inspection, or review of relevant records off-site
Biosecurity Act	Biosecurity Act 1993
biosecurity control area	A place that is part of a port approved as a place of first arrival in accordance with section 37(1) of the Biosecurity Act and by written agreement with the port's operator, under the control of MPI for the purposes of the Biosecurity Act
biosecurity law	Includes: (a) the Biosecurity Act; (b) regulations made under the Biosecurity Act; (c) instruments made under Part 5 of the Biosecurity Act; (d) any thing done under the Biosecurity Act that applies generally; and (e) anything done under the Biosecurity Act that applies specifically to a person
breach of containment	Escape of new organism(s) from a containment area or a zoo containment facility, entry to a zoo containment facility or containment area that is not in accordance with the zoo containment facility's QMS and/or the structural integrity of the zoo containment facility or containment area being compromised
containment	Restricting a new organism to a secure location or facility to prevent escape of that new organism
containment area	The specified place and/or conditions and operations within the zoo containment facility designated for a specified new organism to prevent escape of that new organism
containment facility	A place approved by MPI in accordance with section 39(2A) of the Biosecurity Act, for holding new organisms that should not, whether for the time being or ever, become established in New Zealand
contingency	A future event or circumstance which is possible but cannot be predicted with certainty that has compromised or may compromise containment
contingency plan	A plan devised to respond to contingencies which contains information, tasks, and procedures that are necessary for timely decision-making and response to a contingency

control	Any obligations or restrictions imposed on any new organism, or on any person in relation to any new organism, by the HSNO Act, or any other Act or any regulations, rules, codes, or other instruments or documents made in accordance with the provisions of the HSNO Act or any other Act for the purposes of controlling the adverse effects of the new organism on people or the environment
enforcement officer	An enforcement officer appointed under the HSNO Act
EPA	Environmental Protection Authority
heritable material	In relation to a new organism, means viable biological material, including gametes and spores, arising from the new organism that can, without human intervention, regenerate the new organism or reproduce a new generation of the same species of the new organism
HSNO Act	Hazardous Substances and New Organisms Act 1996
inspector	A person appointed as an inspector under the Biosecurity Act
MPI	Ministry for Primary Industries or its successor who is responsible for the relevant parts of the Biosecurity Act
new organism	An organism for which an approval has been given under the HSNO Act for importation into containment
on call	Able to be contacted in order to provide a professional service or attend to a contingency if necessary, but not necessarily physically present within the zoo containment facility
operator	A person approved under section 40 of the Biosecurity Act and responsible for operating the zoo containment facility, who may or may not be the same person as the manager on call for the zoo containment facility
organism	<ul style="list-style-type: none"> <li>(a) does not include a human being</li> <li>(ab) includes a human cell</li> <li>(b) includes a micro-organism</li> <li>(c) includes a genetic structure, other than a human cell, that is capable of replicating itself, whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity</li> <li>(d) includes an entity (other than a human being) declared to be an organism for the purposes of the Biosecurity Act 1993</li> <li>(e) includes a reproductive cell or developmental stage of an organism</li> </ul>
person	A natural person, a corporation sole, or body of persons (whether incorporated or unincorporated)
QMS	Quality Management System (see clause 2.9). Describes the policies and procedures that will be carried out in order to meet the requirements of this standard
records	Written or electronic documentation
significant modification	A modification that may impact on the ability to securely contain the new organisms held in containment

undesirable organism	Organisms such as rodents, insects, and birds that could compromise containment (dependent on what new organism is being contained)
waste	Unusable or unwanted substances or materials (including water, liquids, solids or air)
zoo	A place where animals, including exotic and domestic animals, birds, invertebrates and indigenous animals, are held for public exhibition and other purposes including education, conservation, or research. Includes zoological gardens, butterfly houses, aquariums and oceanariums. The animals may include those that are new organisms
zoo containment facility	A zoo, which is also a containment facility, that contains at least one new organism
zoo transitional facility	A place approved by MPI in accordance with section 39(3) of the Biosecurity Act for the purpose of inspection, storage, treatment, quarantine, holding, or destruction of new organism that should not, whether for the time being or ever, become established in New Zealand