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MS  Amlin

Asian Gypsy Moth - be ready for inspection

- update -

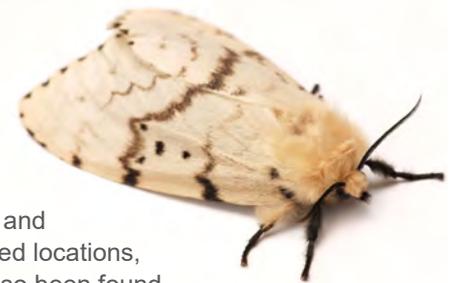


The Asian Gypsy Moth (AGM, including *Lymantria dispar asiatica*, *Lymantria dispar japonica*, *Lymantria albescens*, *Lymantria umbrosa*, *Lymantria postalba*) is a forest pest which is known to spread via ocean-going vessels involved in international trade. Attracted to bright lights, the female AGM often lays her eggs on a vessel's superstructure and these egg masses will be carried from one port to another. When the eggs hatch, the hungry caterpillars completely defoliate trees, leaving them susceptible to disease and other pests.

As female AGMs typically lay their eggs during May and September, vessels calling at certain ports in Asia Pacific between these months should be inspected and obtain a certificate to minimise the risks of not being allowed to enter a destination port. With this circular MS Amlin provides an update on the previous circular, issued in June 2019, of the various restrictions in force aiming to prevent the spread of AGM.

The risks

The male AGMs have a greyish brown colour and a wingspan of 30 to 40 mm. Females are slightly bigger, with a wingspan of 40 to 70 mm and can be recognised by their white or pale yellow colour and the prominent black marks on their wings.



AGM egg masses are covered with a yellowish scale, about 40 x 20 millimetres in size and can contain more than 1,000 eggs. The egg masses are extremely resilient and can easily be carried long distances on board a vessel. They can be found in sheltered locations, such as the hatch coamings and around light fixtures. However, egg masses have also been found on mooring lines or on the outside of containers. After the eggs hatch, the female can fly over more than 21 nautical miles, which allows the pest to spread quickly to the mainland.

The risks associated with the AGM are extremely high when this destructive forest pest is introduced in countries where it does not exist naturally. It has the potential to seriously affect the country's agricultural and forest resources, as the caterpillars can cause extensive defoliation of trees, leaving them susceptible to other diseases. Repeated defoliation can even lead to the death of large sections of forests.

Ocean-going vessels are known to facilitate the spread of the forest pest. Vessels calling at Risk Area ports, mainly in Asia Pacific countries such as Japan, Russia, China and South Korea (see table below) should therefore be inspected and certified prior to departure.

If AGM is found on board the vessel, this can cause significant delays. Some ports allow the vessel to berth before being cleaned and sprayed with insecticide. In other cases, the risks may be considered too high and the vessel can be ordered to the high seas. In extreme cases, vessels may be refused entry for up to two years during the AGM risk periods in that country (for example in Canada).

“The implications of the delays caused by AGM can be very serious”

Risk Areas

Animal and Plant Health Inspection Service (APHIS) of the United States of America (USA) has appointed certain regions or “Risk Areas” or “Regulated Areas”, which are generally followed by other countries.

Risk Areas	Specified Risk Period
Russian Far East <i>Kozmino, Nakhodka, Ol'ga, Plastun, Pos'yet, Russkiy Island, Slavyanka, Vanino, Vladivostok, Vostochny, Zarubino</i>	1 Jul - 30 Sep
People's Republic of China <i>All ports in northern China including all ports north of 31°15'</i>	1 Jun - 30 Sep
Republic of Korea <i>All ports</i>	1 Jun - 30 Sep
Northern Japan <i>Aomori, Fukushima, Hokkaido, Iwate, Miyagi</i>	1 Jul - 30 Sep
Western Japan <i>Akita, Ishikawa, Niigata, Toyama, Yamagata</i>	25 Jun - 15 Sep
Eastern Japan <i>Aichi, Chiba, Fukui, Ibaraki, Kanagawa, Mie, Shizuoka, Tokyo</i>	20 Jun - 20 Aug
Southern Japan <i>Ehime, Fukuoka, Hiroshima, Hyogo, Kagawa, Kagoshima, Kochi, Kumamoto, Kyoto, Miyazaki, Nagasaki, Oita, Okayama, Osaka, Saga, Shimane, Tokushima, Tottori, Wakayama, Yamaguchi</i>	1 Jun - 10 Aug
Far Southern Japan <i>Okinawa</i>	25 May - 30 Jun

Table 1 – Risk areas as defined by APHIS

The countries that regulate and inspect arriving vessels for AGM are: the USA, Canada, Australia, New Zealand, Chile and Argentina. Detail on the entry requirements of these six countries are outlined below.

Australia

Australia has announced the Commencement of 2021 AGM vessel assessment and seasonal pest inspection measures, whereby the heightened vessel surveillance window for AGM in Australia is between January and May. The text of the notice can be found [here](#).



Entry requirements:

The Australian Department of Agriculture, Water and the Environment ceases its annual surveillance for managing the risks posed by the AGM on vessels arrivals after 31 May 2021.

1. After 31 May 2021 the Maritime Arrivals Reporting System (MARS) will no longer send an AGM questionnaire to targeted vessels after submission of mandatory pre-arrival reporting;
2. The Maritime National Coordination Centre (MNCC) will continue to risk assess vessels to determine where AGM inspections are to be performed on vessels provided with a questionnaire up until 31 May. i.e. assessment activities will be finalised after all targeted inspections within the surveillance season have been completed; and,
3. Vessel masters should continue to remain vigilant for exotic insects and report detections to the department.

Management of the AGM program:

In Australia these program regulations are under the responsibility of the [Australian Department of Agriculture, Water and the Environment](#).

New Zealand

New Zealand has formalized its AGM requirements through the Craft Risk Management Standard for vessels, which can be found [here](#).



Entry requirements:

Vessels that, in the past 12 months, have visited one of the Risk Areas during the Specified Risk Period must:

1. Obtain and present a valid certificate of freedom from AGM issued at the last port of call in Risk Areas; and
2. Forward a copy of the certificate of freedom from AGM together with previous port of call data to Ministry of Primary Industries (MPI) in New Zealand at least 48 hours prior to arrival.

If a vessel is considered high risk and does not have a valid Certificate of Freedom from AGM, it will be inspected, which can lead to delays. The vessel may be required to be at a location at least 4 nautical miles from land for the inspection. The operator will be responsible for the cost of inspection and for any treatment or egg mass removal directed by the inspector.

Management of the AGM program:

New Zealand AGM regulations are issued by the Ministry of Primary Industries ([MPI](#)).

USA and Canada

The USA and Canada have harmonised procedures to guard against the introduction of the AGM. Although the plant health and agricultural agencies of the USA and Canada are independent and have differences in their legislation, AGM risk mitigation and exclusion efforts are a joint effort.



During the 2019 and 2020 AGM flight periods, very high numbers of moths were observed in many regulated ports in North America. To prevent a similarly high number of vessels with egg masses arriving in 2021, extra vigilance in conducting self-inspection is requested in addition to obtaining AGM certification.



Entry requirements:

For vessels that have called on areas regulated for AGM during the specified periods, as outlined in the table, the following measures are required for the USA and Canada:

1. Vessels must be inspected and must obtain pre-departure certification from a recognized certification body. A copy of the certificate, stating that the vessel is free of AGM life stages, must be forwarded to their USA or Canadian agents. The certificate must be issued from at least the last port of call in a regulated area that was visited during the specific risk period; and
2. Vessels must arrive in North American ports free from AGM. To avoid facing re-routing, being ordered out of port for cleaning and other potential impacts associated with mitigating the risk of entry of AGM to North America, crew members should perform intensive vessel self-inspections to look for, remove (scrape off) and properly dispose of or destroy all egg masses and other life stages of AGM on the vessel prior to entering USA and Canadian ports; and
3. Vessels must provide two-year port of call data, at least 96 hours prior to arrival in a North American port, to the vessel's USA or Canadian agent. The agent is to ensure that this information is provided to U.S. and Canadian officials.

Management of the AGM program:

Although the USA and Canada are in full agreement on the requirement for AGM pre-departure certification and on vessels arriving free from all AGM life forms (egg masses, pupae, adults), there are differences in port-of-entry processes between the two countries due to sovereign regulations and policies.

In the USA this program is managed by the Animal and Plant Health Inspection Service (APHIS), and its full text can be found [here](#).

In Canada this program is managed by the Canadian Food Inspection Agency (CFIA) and its full text can be found [here](#).

Chile

Chile has issued the AGM entry requirements in an exempt resolution. The text in Spanish can be found [here](#).



Entry requirements:

The requirements will be applied to vessels that arrive from ports located in the North East and Far East Asia, between 60° and 20° North latitude and those that have docked or remained during the following female flight periods in the last 2 years counted from the moment of the arrival of the vessel at a Chilean port. These vessels must:

1. Obtain a valid pre-departure certificate from a recognised certification body issued at the last port of call in a regulated area; and
2. Ensure that a copy of the pre-departure certificate together with two years of port of call data is forwarded to the Chilean officials at least 24 hours prior to arrival.
3. Any vessel of risk that does not come under a certificate, will be subject to inspection with light day mandatory and specific for detection of AGM.

Management of the AGM program:

The AGM regulations are issued by the Chilean Agriculture and Livestock Service (Servicio Agrícola Y Ganadero ([SAG](#))).

Argentina

Argentina has introduced control measures and related inspections for the prevention of the AGM with effect from 12 April 2021.



Entry requirements:

The regulation applies to all ocean-going vessels which, in the last 24 months prior to arrival at an Argentinian port, have called port(s) in the Risk Areas where the AGM and the Japanese species of *Lymantria Dispar* (JGM) are present prior to arrival at an Argentinian port. Vessels in this category must:

1. Arrive with a Certificate of Vessel Free of AGM or JGM issued by the phytosanitary authority of the last port of departure or presence; and
2. Notify SENASA (the management of the AGM program in Argentina) 72 hours prior to arrival to any Argentinian port, whether exempted or not from the Certificate of Vessel Free of AGM or JGM.
3. Any vessel that cannot produce this certificate will be inspected. In addition, around 35% of vessels holding certificates will also be inspected. Inspections will be performed alongside, in daylight hours, and should not delay a vessel's operation.

Management of the AGM program:

The AGM programme is managed by the Argentine National Food Safety and Quality Service (Servicio Nacional De Sanidad y Calidad Agroalimentaria, [SENASA](#))).

Charter party obligations

Due to the strict regulatory and inspection landscape, parties often insert specific clauses in their charter party in order to clarify the responsibilities of owners and charterers when nominating a port located in a Risk Area. For example, BIMCO has issued an “Asian Gypsy Moth Clause for Time Charter Parties” focusing on the basic obligations and responsibilities between the parties, as well as providing that the vessel will remain on hire should an infestation of AGM be found or suspected.

BIMCO Asian Gypsy Moth Clause for Time Charter Parties

- (a) The Owners shall deliver the Vessel free of Asian Gypsy Moth (AGM). If the Vessel has within the last twenty-four (24) months prior to delivery traded to an area where there is a risk of infestation by AGM, the Owners shall, on delivery, provide an inspection certificate stating that the Vessel is free from infestation by AGM issued by an appropriate and recognised certification body (an AGM Free Certificate) dated no earlier than the date of departure from the last port of call in such area.
- (b) Should the Charterers order the Vessel to an area where there is a risk of infestation by AGM, the Charterers shall take all reasonable steps at their expense to mitigate the risk of infestation. If infestation should nevertheless occur, the Charterers shall ensure that such infestation is removed from the Vessel. Without prejudice to this obligation, the Charterers shall provide an AGM Free Certificate from the last port of call in the aforementioned area. Notwithstanding the issuing of such a certificate, should an infestation of AGM be found or suspected, the Charterers shall be responsible for any consequences whatsoever, including but not limited to costs and third party liabilities. The Vessel shall remain on hire throughout.
- (c) The Charterers shall redeliver the Vessel free of AGM. If the Vessel has traded to an area where there is a risk of infestation by AGM the Charterers shall, on redelivery, provide an AGM Free Certificate dated no earlier than the date of departure from the last port of call in such area.

Claims example

Over the years MS Amlin has seen many AGM related claims. However, most of these claims are of a Defence (FD&D) nature and concern charter party disputes, such as time lost, and costs incurred following the discovery of AGM and/or the lack of an AGM Free Certificate. These costs and delays can be substantial.

One example is a case in which MS Amlin represented a time-charterer who had sub-chartered the vessel to a voyage-charterer for a voyage to a port in the USA. In the port of arrival, the cargo was supposed to be discharged into barges which were awaiting the arrival of the vessel. At arrival, AGM was discovered on board of the vessel which led to the detainment of the vessel.

As a consequence the time-charter hire to the Owners continued to run, whereas laytime/time on demurrage did not run under the voyage-charter. In addition, the time-charterer had to face claims for idle time of the barges and stevedores, who were waiting to handle the cargo. This example illustrates that one tiny moth can cause a lot of problems.

Conclusion

Owners and charterers have to be very careful when their vessel calls at a port in a Risk Area, as proof will be required to confirm that the vessel is AGM free. If this is not obtained, as the claims example illustrates, this can lead to delays, laytime and loss of time disputes, fines etc. Time-charterers therefore have to be very vigilant in dealing with AGM after having called at an AGM Risk Area.

As the implications of the delays caused by AGM and AGM-related issues can be very serious, certificates must be obtained on time and regular self-inspections must be performed. In summary, we recommend the following actions to be taken by the crew:

- Carry out a thorough visual inspection of all accessible areas of the vessel's superstructure, decks, holds, cargo and cargo gear.
- Egg masses can be scraped off and should be destroyed (in alcohol, boiling water or by incineration). Painting over egg masses or dropping them into the water is not sufficient as this will not kill the eggs or larvae.
- Record all details of the inspections and the removal and disposal of AGM egg masses (if any) in the vessel's logbook.

We furthermore recommend using clear clauses outlining the allocation of responsibilities in respect to the risk of infestation by AGM by, for example, the incorporation of the "BIMCO AGM Clause for Time Charter Parties".

For more information, also visit:

- [Inspect Before Entry](#) - Government of Canada
- [What you can do to prevent the spread of Asian gypsy moth](#) - Government of Canada
- [Gypsy Moth Program Manual](#) - SDA
- [BIMCO AGM information page](#) (members only) - BIMCO

This information is meant for guidance only. Should you require more information or assistance, please feel free to contact our Client Services Desk: ClientServicesDesk@msamlin.com



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