Ministry for Primary Industries
Manatū Ahu Matua

Review of Submissions:
Draft Facility Standard: Post Entry Quarantine for Plants

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REVIEW OF SUBMISSIONS ON:

Draft Facility Standard: Post Entry Quarantine for Plants

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Approved for general release

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Introduction

The Ministry for Primary Industries (MPI) has consulted with interested parties on the proposed revision of the Transitional Facility Standard: Post Entry Quarantine for Plants (intended to replace the existing MAF Biosecurity Authority Standard PBC-New Zealand-TRA-PQCON: Specification for the Registration of a Plant Quarantine or Containment Facility, and Operator). The consultation ran from 28 October 2015 to 27 November 2015. MPI received ten submissions from the following parties:

- Bloomz New Zealand Ltd
- Department of Conservation
- Horticulture New Zealand
- Kiwifruit Vine Health
- Matthews Nurseries Ltd
- New Zealand Forest Owners Association
- NZ Citrus Growers Inc.
- Nursery and Garden Industry New Zealand
- Pattullo's Nurseries
- Plant & Food Research

This document reviews the submissions and provides a response to any questions or queries.

All submissions have been reproduced in full and are appended to this document. Most submissions expressed support for the measures proposed in the revised standard, although some matters were raised for further consideration by MPI.

All changes made to the draft standard have been discussed with, and approved by, the PEQ project board which is made up of industry, Crown Research Institute and MPI representatives.

Changes resulting from informal submissions

Changes made to the draft standard as a result of formal submissions are identified in parts 1-10 of this document. Some additional changes were also made in response to comments from interested parties who did not make a formal submission. Changes made as a result of these comments are as follows:

- Part 3.3 (Security and access) has been amended to remove the specific requirement that facilities must be kept locked at all times and now reads as follows:

  (1) The facility must have an effective security and access system to ensure that all the following requirements in section 3.3 are met.

  (2) The operator must ensure that access to the facility is restricted to authorised people only, and that unauthorised access does not occur.

- The following notes have been added to subclauses (2) and (3) of section 3.5 (Managing waste) in order to clarify requirements:

  {Note: If a regulated organism is detected within a consignment the MPI Inspector may issue a direction under the Act regarding the appropriate disposal of material.}

  {Note: If waste is too large to fit in a bin it should be held securely (e.g. wrapped) and kept within the facility until direction under the Act is given from the MPI Inspector.

- Some minor changes have been made to the wording of various parts of the standard to clarify legal requirements, however these do not in any way change the requirements of the standard.

Submissions beyond the scope of the review of the facility standard

Some submissions referred to matters beyond the scope of the facility standard review. A response to these matters, which generally related to charging and resourcing of PEQ services provided by MPI is outlined below:

Various costs are associated with operating a PEQ facility. These include costs for facility audits to verify compliance with the PEQ standard, as well costs that are specific to each consignment imported into a facility. MPI inspectors are required to charge for their services, including time and travel, as per the Biosecurity (Costs) Regulations.

The number and frequency of plant inspections are related to the type of material being imported into a facility. Visits for the purpose of plant inspections are mandated visits and are often related to the plants stage of growth, so there is limited scope for the inspector to vary the timing of the visit. However, where possible inspectors will synchronise inspections of different consignments being held in a single facility in order to minimise travel costs. If practical, an inspector may also arrange to visit more than one facility on a single day in order to minimise travel costs (e.g. when two facilities are located in close proximity and there is sufficient time to do all inspections of both facilities in a single day). The annual audit inspection is also generally done with a consignment inspection to keep costs as low as possible. MPI are intending to review the frequency of plant inspections made by MPI Inspectors to ensure that they remain appropriate and will consult with interested parties including the Germplasm Advisory Committee (Germac).

Additional costs are incurred on a consignment specific basis when an import health standard requires plants to undergo pre-determined testing, or when diagnostic testing is needed for material that shows disease symptoms in PEQ. Costs for testing done at MPI's Plant Health & Environment Laboratory (PHEL) are on a cost recovered basis. Inspectors are very conscious of the cost of testing and regularly send photos to PHEL for visual clarification of plant symptoms during inspections, thus ensuring the minimum number of samples are sent for testing.

MPI is committed to providing competent inspectors and efficient service. MPI recognise that the PEQ inspectors require a high level of specialised skills. We are aware of the lack of back up inspectors in the northern regions in particular, and are currently attempting to remedy this situation by employing an additional staff member with

relevant skills who will be able to provide back up in the event that the primary inspector is unavailable. MPI welcome the opportunity to work with industry representatives to try and identify where inspection activity could be more efficiently managed. If you would like to discuss any proposals further, please contact Chris Mawson or Mike Aitkenhead at MPI.

Review of submissions

1 Bloomz New Zealand Ltd

This submission focussed mainly on issues surrounding resourcing and cost of PEQ services by MPI, and queried whether Independent Verification Agencies (IVAs) could play a role in the provision of these services.

MPI response: The content of this submission (reproduced in Appendix 1) was beyond the scope of the review of the PEQ facility standard. Please see MPI's response in the Introduction of this document.

2 Department of Conservation

The Department of Conservation stated that they generally supported the aim and purpose of the draft facility standard, including the requirements for facility building standards, training, operating manuals and inspections of facilities and plants. Some suggestions were made for further consideration by MPI as described below.

2.1 By reference to section 2.1.3 in the current standard, it is clear as to level of risk being managed by each type of facility. The level of risk can be directly related to the level of control required by each facility type to achieve the aim of the standard, and linked to the operation manual. While the wording of should change it may be useful to consider a section similar to section 2.1.3 in the draft PEQ standard rather than the supporting documents.

MPI response: The level of risk being managed by a facility must be considered when developing an operating manual. However, as set out in the draft documents, MPI consider that this information is best included in the guidance document rather than the main body of the standard. This is because the information does not form a legal requirement of the facility standard, and the standard is considered to be easier to follow and more transparent if the content is restricted to the legal requirements which must be met.

2.2 The description of Level 1 facilities in the draft guidance document is as follows,

"Level 1 (open field) facilities are intended for plant material that may harbour quarantine pests which are unlikely to disperse naturally (for example organisms that are solely graft transmitted) and/or which are likely to have a very low impact if they escape from quarantine. Material eligible for Level 1 quarantine is generally restricted to certain species of seed and dormant bulb imported from approved countries".

This differs from the current standard in considering the potential impact from escaped harboured pests, i.e. should pests escape they are likely to have very low impact. I prefer the current standard where the potential risk is not considered because of the potential error in estimating impact due to harboured pests. Examples where the risk was underestimated are myrtle rust in New South Wales, and Passiflora apetala in New Zealand. MPI will be aware of other cases where the risk posed by an organism has been underestimated. Otherwise more detail and transparency in respect of determining impact risk should be included in the standard. In addition in considering the potential impact risk of harboured pests especially

from a level 1 facility, the potential impact of potential pests on native flora and ecosystems should also be considered.

MPI response: Under MPI policy phytosanitary measures are implemented to reduce to an acceptable level the likelihood of introduction (entry, exposure and establishment) of regulated pests and organisms. MPI recognise that that zero risk is not a reasonable option. The strength of the measure selected is based on the impact the pest would have if it were to enter and establish in New Zealand. As a general rule, the greater the risk, the greater the strength of the measure applied. As such, the potential impact of a pest may be considered when assigning a level of quarantine to a particular type of plant material.

The submitter notes that 'more detail and transparency in respect of determining impact risk should be included in the standard' and comments that 'the potential impact of potential pests on native flora and ecosystems should also be considered'. These factors are beyond the scope of the PEQ facility standard, so this information has not been included. Information about what is considered when assessing risk (including impact on native flora and ecosystems) is given on the Import risk analysis section of MPI's website and is provided during the development and review of Import Health Standards.

2.3 In relation to the description of level facilities, the words species of seed are confusing, as species is usually used in relation to a taxon rather than a type of seed. Not all plants which may be suitable for a level 1 facility have seeds, bulbs, corms or rhizomes.

MPI response: This has been rephrased to read 'seeds and dormant bulbs of certain plant species …'

2.4 For a level 1 facility there are requirements in the draft PEQ standard on the distances between plants in containment and other plants depending upon the genus relationship and growth habit. While it is accepted that pests are more likely to attack members of the same genus, some pests such as myrtle rust will utilise a range of genera as either primary or secondary hosts, some genera such as Solanum and Lavatera contain trees, herbs and shrubs, and some pests utilise a variety of growth forms for example some wheat rusts infect grasses and shrubs. It may better to set distance requirements based upon whether known host plants are within the dispersal range of potential pests for a particular plant species. Alternatively plants within the range of pests which could be harboured by the plants in containment should also be subject of a stringent surveillance plan.

MPI response: These requirements are unchanged from the current (1999) standard. MPI consider that the proposed isolation distances remain sufficient to manage the risk associated with any pests and diseases that could be associated with material imported into a Level 1 facility. In some cases, (for example where secondary hosts are required for a particular pathogen to complete its life cycle) an import health standard (IHS) may set out additional isolation requirements for the PEQ site.

The submitter comments that 'plants within the range of pests which could be harboured by the plants in containment should also be subject of a stringent surveillance plan'. This could require surveillance of plants that are growing on land other than that which is owned/managed by the PEQ facility operator, and this measure is considered to exceed the level of risk associated with Level 1 material. If MPI were concerned that a particular pests or disease would not be contained within a Level 1 facility, a higher level of quarantine would be required.

2.5 In section 4.1.2.3 reference is made to weed management, given that the term weed is very subjective and is generally understood to mean unwanted plants. It may be better to directly state that all vegetation within 100(?) metres of the facility must be managed to minimise the risks of the spread of pests and diseases. This would ensure that gardens and other patches of vegetation are also managed to reduce the risk of pests and diseases.

MPI response: Pests and diseases are unlikely to spread beyond a Level 1 facility (based on the type of material eligible for Level 1 PEQ) so it is not considered necessary to manage vegetation beyond the facility. The intent of weed control within a Level 1 facility is to ensure that imported plants are not overgrown by other material, to ensure that any pests and diseases present on an imported plant are not concealed by weeds, and to allow easy access by the MPI Inspector and facility operator. Weed management requirements set out in the draft standard are considered sufficient to manage these objectives. If there was concern about spread beyond a facility, a higher level of quarantine would be required.

2.6 Question 6: Under section 3.6 1 in the draft standard, all plants within a post entry quarantine facility must be inspected for pest and diseases. This is sound given overseas experience where pests were detected on surrounding vegetation as well as on nursery plants. I suggest that is clear that inspections include vegetation within the facility which could harbour plant pests that may spread from the quarantined plants as well as checks on quarantined material. Some level 1 requirements could apply to other facilities such as vegetation management to reduce the risk of pest dispersal and establishment within the facility.

MPI response: Only imported material undergoing PEQ is usually held in an active quarantine facility. As such, all material will undergo regular inspection for pests and diseases and no additional requirements are considered necessary in the standard. However, it will be noted in the guidance document that if any other plants (e.g. weeds) are found growing in a facility and displaying obvious disease symptoms, diagnostic testing may be required to identify the causal agent and confirm that it is not a regulated organism.

2.7 Facilities should also be checked for spread of plant material from the facility, especially in the case of a level 1 facility. While the potential pest status of plant material is likely to have been already accessed, there is an element of risk that new organisms or new cultivars may be invasive, and level 1 quarantine facilities may be useful for early warnings. Several plant species such as Tradescantia which have only vegetative reproductive systems in New Zealand have widely dispersed so it is feasible for a typical Level 1 species to escape.

MPI response: Factors such as invasiveness of a particular plant species are considered when deciding whether that species is eligible for entry into New Zealand, before a species is included on the Plants Biosecurity Index. The purpose of PEQ is to screen material for pests and diseases. After screening, plants can be given a biosecurity clearance and transferred throughout the country with no restrictions on movement.

2.8 Detection methods which enable early detection of plant pests before symptoms appear and which could be used to screen plants before entry to a PEQ facility should be used where feasible. For example DNA screening methods are being used to detect Phytophthora.

MPI response: MPI do use specific detection methods, including molecular diagnostic techniques. Specific detection methods are used when a risk analysis shows that this is an appropriate phytosanitary measure. If a specific detection method is required, it will be listed in the relevant IHS and used to test plants either before they enter New Zealand or

whilst they are in PEQ (depending on the commodity type and whether or not the material is from an MPI offshore accredited facility).

3 Horticulture New Zealand (HortNZ)

HortNZ generally supported the changes and noted that they were essential to improving quarantine risk mitigation. As shown below, HortNZ also highlighted some areas where they considered additional clarification was needed, or where further changes could be made to the standard to better manage the risk.

3.1 Whilst there is a requirement in the Standard to describe contingency plans, there is no requirement to undertake a risk assessment upon which to determine the need for such contingency plans. The example in Ref D included some likely contingency scenarios (theft, minor and major damage etc) however this may insinuate that no analysis of contingencies is required by PEQ operators. HortNZ suggests that an appropriate contingency assessment is required for the specific operation, taking account of its location and associated environmental factors, to facilitate the development of contingency plans.

MPI response: MPI have amended the wording of the standard based on the above comment to make it clear that contingency plans should be relevant to the specific facility. Part 3.12 (3) of the revised standard now reads as follows:

"Contingency plans must be prepared for potential breakdowns in containment and must address the actions to be taken in the case of an emergency or other unexpected event. Plans must be based on a contingency assessment for each facility, and must consider the facility location and associated environmental factors."

3.2 The staff training section of Ref A appears relatively insubstantial, and not of an equivalent standard to that required for MAOs as an example. The training section does not set out the need to identify the key competencies for staff to meet the operational requirements. For example for pest and disease inspections (Ref A, s3.6.1) there is no requirement to identify the key competencies required for detecting pest and disease or symptoms.

MPI response: Training requirements set out in the revised standard are in line with those required for other types of MPI-approved transitional facility. The proposed requirements are considered sufficient to ensure that all people working in a PEQ facility are appropriately qualified based on their role, and are capable of meeting all requirements of the standard. This will ensure that all biosecurity risk is appropriately managed.

3.3 HortNZ suggests the operator be required to identify the key competencies required of PEQ staff to meet the roles set out in the operations manual. As an example for plant inspections the following training and assessment would be required:

i. Identifying the plants list associated with the PEQ (a list of species in the PEQ manual)
ii. List of the known associated pests and diseases, and symptoms (a list or referenced in the PEQ manual)
iii. An introduction to the Unwanted Organisms register and MPI BORIC database
iv. The procedure for detecting pest/disease on the plant

v. The procedure for determining pest status
vi. Assessment of staff competency for items (iii) to (v)

MPI response: As noted above (3.2), MPI consider that the proposed training requirements will ensure compliance with the standard. In terms of the specific example given above around plant inspections, the suggested competencies exceed what is expected of someone working in a PEQ facility. This is because MPI is responsible for identifying and determining the regulatory status of any organism intercepted in PEQ (i.e. competencies (ii) – (v) suggested in the example above). The role of facility staff, in terms of plant inspections, is to identify when symptoms are present, and to immediately inform the MPI Inspector so that appropriate action can be taken. The training programme that will be a requirement of the new standard will provide sufficient training to achieve this purpose.

3.4 There is no clear consequence for systemic failure or continued non-compliance. This area should be clarified to ensure appropriate risk management is achieved. Systemic or repeated failure must be addressed, especially where non-compliances may be minor, and therefore doesn't trigger any significant operating consequence. As noted in Ref C, para 49, MPI inspectors "commonly observe holes in single skin facilities" which suggests historic systemic failure by operators to address this problem, despite the standard setting out the requirement. HortNZ's expectation is of operators meeting the standard as a matter of course, not having others point out common or consistent breaches.

MPI response: MPI agree with HortNZ that operators should meet requirements of the standard as a matter of course. As stated in the introduction to the standard (page 4), it is a clear consequence of non-compliance that a facility or operator approval may be suspended or cancelled. This means that a facility could no longer be operated as a transitional facility (so could no longer legally import plant material). The MPI Inspector also has the power to increase the frequency of external MPI inspections (at the expense of the facility) and to inspect the facility as often as necessary to give confidence that all requirements of the standard are being met in cases where non-compliances are observed. An escalation pathway is set out in part 3.11 of the guidance document to show the consequences of repeated non-compliance.

3.5 Section 3.4.2 (1) states "All reasonable steps must be taken to ensure plant material is securely packaged..." HortNZ proposes that this should read "All plant material must be securely packaged…" to avoid doubt about the expectation.

MPI response: Section 3.4.2 (1) refers to packaging of material before it arrives at a facility. In many cases, this is beyond the control of the facility operator (for example when the material has been packaged offshore). As such, MPI consider it unreasonable to make this a strictly enforceable requirement of the standard. The intent of the clause is to ensure that the operator takes all reasonable steps to ensure secure packaging of material. However, because this clause does not directly apply to material being held in a PEQ facility (but instead applies to material that has not yet entered PEQ), this requirement has been moved to part 3.4.2 of the guidance document. In any case, pre-export measures for consignment cleanliness and freedom from visually detectable regulated organisms are specified as requirements in the relevant import health standard.

3.6 One area of the standard that gives a subjective delegation to PEQ operators is s.4.1.2.5. pest and diseases which states: "insect pests (or damage or symptoms that are directly attributable to insect pests) do not need to be reported to an MPI Inspector unless the operator believes that these are regulated, new, or unwanted organisms (in which case they must be reported…)". This delegation to the 'operator's

belief' should be modified and a clearer decision process required. It is unclear if this section delegates diagnosis (and organism status decision-making) to the PEQ operator, when s.3.7 requires diagnosis decision-making by an MPI Inspector.

HortNZ proposes this section is clarified and re-drafted to ensure that the appropriately qualified person is diagnosing pests and disease, and making subsequent decisions about the organism's status.

MPI response: Section 4.1.2.5 refers only to insect damage on material being grown in Level 1 PEQ. The likelihood of commodities allowed into Level 1 PEQ being infested with insects is very low. As an extra precaution against insects, pesticide treatments must also be applied before the material enters a facility. Based on the above, additional operational measures (such as reporting symptoms caused by insect pests to the MPI Inspector) is not considered necessary. Reference to new and unwanted organisms was included in this section to ensure that an operator remains aware that requirements of sections 44 and 46 of the Biosecurity Act must still be met in the event of any new or unwanted organisms being detected. The standard {4.1.2.5 (1) a)} has been re-worded as follows to make this clear:

a) insect pests (or damage or symptoms that are directly attributable to insect pests) do not need to be reported to the MPI Inspector
{Note: as per sections 44 and 46 of the Act, the presence of what appears to be an organism not normally seen or otherwise detected in New Zealand, or of any notifiable organism, either in a PEQ facility or in the wider environment, must be reported}

3.7 Section 4.4.1.1 of Ref A states that water decontamination before release ***may be required*** but gives no indication of the reason or decision-making process and delegation for this. HortNZ understands the determination is that water must be captured before release in order that decontamination may take place if required.

MPI response: The HortNZ summary is correct. This requirement has been further clarified in part 4.4.1.1 (2) of the guidance document to illustrate when this treatment could be required.

3.8 There are several sections which delegate the approval of variations in physical or operating requirements to an MPI Inspector. Whilst sensible, given the wide variation of plants and associated requirements, there should be clarity provided as to the extent of delegated decision making. This improves consistency of approach, and risk management. (see s.4.3.1.2(2) and

Section 3.1.3(1) and Ref B, s.3.10.3 (external inspection frequency reduction) allows a dispensation to reduced frequency audit by the MPI Inspector. HortNZ proposes that the decision for any reduction in audit be made outside the normal day-to-day relationship between MPI and the PEQ operator, to eliminate any perceived conflict of interest.

MPI response: Agree. Please see response to part 4.1 of the Kiwifruit Vine Health (KVH) submission.

3.9 HortNZ proposes requiring the contact details of visitors to enable rapid communication after a visit should this be required.

MPI response: Agree; part 3.3.2(3) of the standard has been amended to require that contact details (phone number or email address) of visitors are also recorded.

3.10 Section 4.3.2.3 (3) and s. 4.4.2.3 (3) specifies "Traps must be replaced when full, or before the arrival of a new consignment". It is unclear which has primacy (i.e. if not full must traps be replaced before a new consignment?) or whether 'or' should be 'and'.

MPI response: The standard has been amended to make it clear that traps must be replaced before the arrival of a new consignment, even if they are not full.

3.11 Some of the expectation set out in this proposal is not aligned to similar requirements in other plant regulatory areas. Of particular note is the inconsistency with the expectation placed on MAOs for training, audit frequency, and detail in operations manuals. HortNZ welcomes the opportunity to engage further with MPI to understand why variances occur and to find solutions, to ensure New Zealand is compliant with its international obligations.

MPI response: Requirements such as those set out for training, audit frequency and detail in operating manuals are commensurate with the risk profile of material that requires PEQ. These requirements are also in line with what is allowed under the Biosecurity Act and with requirements set out for other types of transitional facility approved by MPI, and are considered sufficient to ensure that all biosecurity risk is appropriately managed. However, the guidance information has been amended to more clearly highlight expectations around training and audit frequency.

4 Kiwifruit Vine Health

KVH generally supported proposed changes to the standard and noted that they support the HortNZ suggestions for further improvement (part 3 of this document). One area was noted for further consideration as discussed below:

4.1 KVH supports the proposed amendment to allow MPI inspectors to grant an "inspection frequency reduction" from the base requirement for external audit once every six months, out to a maximum period of two years (in six monthly increments). KVH also supports the ability for Inspectors to increase inspection frequencies where there are critical or major non-compliances. KVH supports this approach as it creates the right incentives to reward excellent compliance and penalise poor compliance. However, the guidance in section 3.10.3 of the guidance document[1] provides only general criteria for considering whether a dispensation should be granted for extending external inspection frequency out to one-year, 18-month or two-year intervals. We submit that:

- a two-year dispensation frequency should only be reserved for exceptional levels of compliance (e.g., where there have been no critical, major or minor non-compliances in the previous five years and Operators have operated a facility for at least five years); and either
- more specific guidance should be issued that sets out when an inspector should consider granting a dispensation to reduce the inspection frequency to every one-year, as opposed to every 18-months, as opposed to every 2-years; or
- dispensation only be granted by a chief technical officer, on the recommendation of an Inspector.

MPI response: MPI agree that a two-year dispensation frequency should only be reserved for exceptional levels of compliance. However, it should not be a requirement

[1] Guidance Document: Post Entry Quarantine for Plants. Draft for Consultation. MPI Consultation Document 2015

that a two year dispensation frequency only applies where there have been no non-compliances in the previous five years. This is because the occurrence of a non-compliance may be beyond the control of the operator or facility staff. For example this could be the case if a facility is broken into, or if there is storm damage to a facility. If the operator takes appropriate follow up actions to manage the situation, there should be no automatic penalty (i.e. loss of audit frequency dispensation) given that the operator may have complied with all requirements set out in the standard and done everything they could reasonably be expected to do to manage the risk.

When granting a dispensation, MPI will consider the competence of the operator and the facility as a whole. However requiring an operator to have operated a facility for a set minimum period (e.g. five years) has not been set out as a requirement of the standard for two reasons. First, in some cases, the named operator will not be responsible for the day-to-day running of a facility (which may be delegated to a deputy operator), so a change in the nominated operator would not affect the running of the operation or influence the frequency of external MPI inspections. Second, MPI intend that where a dispensation is granted this will be in the form of incremental six-monthly extensions of audit frequency up to a maximum of two years. This would mean that by the time a two year dispensation has been granted, there would have been at least five successful external inspections done by MPI over a minimum period of 5½ years (see table below). If there was a change of operator at any time, the MPI Inspector would consider whether this had any implications in terms of audit frequency.

Based on the above, the proposed audit timetable prior to a two year frequency dispensation being allowed is as follows:

Inspection number	Inspection period (nominal date)	Audit frequency
Inspection 1	6 months (September 2016)	Six monthly
Inspection 2	12 months (March 2017)	Six monthly
Inspection 3	24 months (March 2018)	12 monthly
Inspection 4	42 months (September 2020)	18 monthly
Inspection 5	66 months (September 2022)	24 monthly

It is important to note that inspection frequency dispensations will only apply to active facilities that are regularly visited by the MPI inspector for plant inspections. This means that numerous informal inspections of a facility will also be done by the MPI Inspector. This will provide a further level of assurance that a facility continues to comply with all requirements of the standard. If at any time a non-compliance was noted, the MPI Inspector would consider whether an inspection frequency dispensation needed to be amended or revoked.

KVH suggested that decisions relating to audit frequency could be made by a Chief Technical Officer. Similarly, HortNZ (part 3.8 of this document) proposed that any decision for a frequency dispensation should be made outside the normal day-to-day relationship between MPI and the PEQ operator, to eliminate any perceived conflict of interest. According to these suggestions, part 3.10.3(1) of the standard has been amended as follows:

(1) The operator must request that an external MPI inspection is undertaken by the MPI inspector at least once every six months unless an inspection frequency reduction has been granted as described in section 3.10.3 of the guidance document.

{Note: any decision to grant an audit frequency reduction will be made on the basis of a recommendation made by the MPI Inspector to a technical supervisor in MPI Verification Services}

5 Matthews Nurseries Ltd

As noted in the following sections, some of the comments made in this submission were beyond the scope of the review of the PEQ facility standard; please see MPI's response to these in the Introduction of this document. Other points are addressed below:

5.1 Not sure what to submitt anything for, the detail is quite mind boggling.Most of the documentation is about common sense, and any experienced operator would be aware of all the issues, and follow the procedures as laid out with or without the paperwork.

This would be the basis of my submission, beware of bogging down the simplicity of common sense(mostly what all the documentation is about) with the danger of operators like myself being alienated from the very thing all this documentation is trying to create.The KISS principle applies here, lets be very aware of this.

MPI response: The revised facility standard provides sufficient detail to ensure that all parties have a clear understanding of MPI's expectations for running a PEQ facility. It is important that the standard sets out the requirements so that they can be clearly understood by all operators and other affected parties regardless of their level of experience. The detail included in the documents associated with the standard is intended to show why certain requirements are necessary, and to illustrate how an operator can comply with these requirements.

The submitter states that *any experienced operator would be aware of all the issues*. This is not the case, and MPI are aware of numerous instances where 'experienced operators' have failed to comply with the current standard. The submitter notes that *an experienced operator (will) follow the procedures as laid out with or without the paperwork*. This is not the case. Furthermore, as noted in the risk management proposal, MPI places considerable reliance on the robustness of internal procedures used within a facility. As such thorough documentation of procedures and record keeping processes is essential for MPI to verify that procedures are being followed and to give ongoing confidence that a facility is being run according to the requirements set out in the standard.

Note: In contrast to this submission, several other submissions noted that the content of the documents was clear, easy to understand and appropriate based on the level of risk associated with PEQ material. Positive verbal feedback on the content of the documents was also received at the public consultation meetings held in Auckland and Christchurch

5.2 The remainder of this submission focussed mainly on issues surrounding resourcing and cost of PEQ services by MPI. Some points raised in the submission related directly to potential costs incurred as a result of the revisions to the PEQ standard. The submitter was also under the impression that Level 1 facilities were no longer permitted. These comments are addressed below. Other comments focussed

mainly on issues surrounding resourcing and cost of PEQ services by MPI and are addressed in the Introduction section of this document.

MPI response:

MPI recognise that the proposed requirements may add to the cost structure of running a facility. However, all requirements are considered essential for the ongoing appropriate management of biosecurity risk and are an unavoidable consequence of operating a PEQ facility.

There are still some Level 1 PEQ facilities in New Zealand, and these will continue to be operated in the future, although some crops which were previously eligible for Level 1 PEQ must now be held in a higher level of facility commensurate with the risk associated with these crops.

6 New Zealand Forest Owners Association (NZFOA)

NZFOA expressed support for most aspects of the draft standard, but raised several matters for further consideration as follows:

6.1 FOA is very concerned that the focus of the standard is on "pests and diseases". While it is understood that this is common language in MPI, there are two issues with the focus on "disease":

a) It implies that it is satisfactory to simply look for disease symptoms, rather than for disease organisms

b) It ignores the fact that many organisms may be pathogenic to some species of plants and not to others, and specifically in this case, that imported nursery plants may be carrying pathogens of radiata pine and other plantation forestry species.

MPI response: MPI consider that 'diseases' are a symptom of a pest being present in a plant. The PEQ standard specifically refers to 'disease' or 'disease symptoms' because inspecting for visible symptoms is the most likely way for a PEQ facility operator to detect the presence of a regulated organism in material undergoing PEQ.

MPI do recognise that inspection for symptoms is only useful for detecting visible symptoms that are expressed during the PEQ period, and also as a tool for general surveillance. Therefore, MPI use a range of additional measures to ensure that imported plant material is free from all regulated pests, not just those which may induce symptoms in quarantine. Note that MPI use the definition of pest as set out in ISPM 5[2].

It is important to note that the primary purpose of the PEQ standard is to ensure that any regulated organisms imported in association with plant material for propagation do not escape to the wider environment. In contrast, an import health standard (IHS) sets out the measures required to ensure that imported plants are free from regulated organisms. To put this into context, a brief summary of the processes used by MPI to identify and manage hazards that may be associated with a particular commodity is provided as follows:

[2] ISPM 5 (Glossary of Phytosanitary Terms) defines a pest as 'Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products'.

1. MPI will initiate an import risk analysis to identify appropriate risk-mitigating options for a particular commodity (e.g. a certain species of plant). This will include a hazard identification to identify all organisms that are capable of (or potentially capable of) causing unwanted harm, that could be introduced into New Zealand in association with that plant species.
2. Once the hazards have been identified, a risk assessment will be done to evaluate the likelihood and environmental, economic, and human health consequences of the entry, exposure and establishment of all potential hazards within New Zealand.
3. Based on the risk analysis MPI will identify risk management options to effectively manage the risks posed by the hazards. The public will be consulted about these management options before they are applied. After consultation, such measures will be included in the relevant IHS.
4. Where a risk analysis identifies that specific testing is necessary (e.g. PCR testing for a particular disease organism), this will be specified in the IHS and must be done before biosecurity clearance is given.

MPI do consider the situation where an organism may be pathogenic to some species of plants but is latent, or of minor significance, towards other species. Examples of pathogens where MPI apply measures to a broad range of host plants, including minor hosts, are *Ceratocystis fimbriata, Helicobasidum mompa, Phytophthora ramorum, Puccinia psidii, Potato spindle tuber viroid, Xylella fastidiosa* and Phytoplasma species.

6.2 The draft standard does not take into account that technology has changed considerably since the previous standard was written and that diagnostic tests are now available to enable rapid screening of imported plants for unwanted organisms. While molecular tests are now rapid and relatively inexpensive, plant tissue can also be plated out on media, including *Phytophthora*-selective media, to determine if potential pathogens are present. While this is a slower process than molecular testing, *Phytophthora* test kits are also available in which pine needles, for example, can be put into a pouch and a colour change indicates the presence of *Phytophthora*. The test kits can then be analysed (PCR) to determine the species of *Phytophthora* present.

MPI response: The purpose of the PEQ standard is to set out the requirements for building, maintaining and operating a PEQ facility. This does not include specifying what diagnostic testing should be done. As noted above, measures which must be taken to manage the biosecurity risks for a particular species of plant are set out in the relevant IHS, namely 155.02.05: Importation of Seed for Sowing, or 155.02.6: Importation of Nursery Stock. As such, the above comment is beyond the scope of the PEQ facility standard review. Specific diagnostic testing and other measures are used to screen imported plants for regulated organisms, as set out in the relevant IHS.

6.3 FOA has concerns with regard to section **3.6 Inspecting Plants**. Inspecting plants for disease symptoms is not enough to ensure pathogens such as new species, or even strains, of *Phytophthora*, are not introduced into New Zealand. FOA is also concerned about cryptic insect pests such as aphids or psyllids. The plants found to be infected with *Fusarium circinatum* (cause of pitch canker) that were imported in 2003 did not have any disease symptoms. As outlined in paragraph 6 – new developments in technology enables inexpensive testing. FOA recommends all plant shipments are initially batch tested, reducing this over time to testing imports from those areas with known risk pathogens, such as *Phytophthora.*

MPI response: As noted in part 6.1, inspecting plants is an important way for a facility operator to identify whether pests or diseases are present in a consignment. Inspecting

plants helps to ensure that if any pests or diseases do induce symptoms the causal agent will be identified as soon as possible which will help to minimise further spread of disease (within or beyond a facility).

As noted in parts 6.1 and 6.2 of this document, inspection is not the only method used to assess whether pests and diseases are present in imported material. Additional phytosanitary requirements that must be met before plant material can be given a biosecurity clearance are set out in the relevant IHS. Such measures are applied as allowed under international regulations and are commensurate with the risk posed by a particular pest or disease.

6.4 Referring to the reporting of organisms, Section 3.7.1, FOA considers that MPI must recognise and take regard for the lack of incentive, and in fact considerable disincentive, for facility operators to report suspected unwanted organisms to MPI. FOA recommends the introduction of a facility standard that ensures independent third party audits are completed by an MPI-verified organisation, or by an MPI inspector. It is suggested this inspection could include molecular testing of plant material for potential disease-causing organisms.

MPI response: The standard does require that all plants are regularly inspected by a third party (MPI Inspector), as described in part 3.6.2 of the guidance document. These inspections do include molecular (or other) testing of plant material if this is specified in an import health standard. Additional testing is also required to identify the causal agent if visible symptoms of disease are detected as a result of inspections.

Regular inspections by facility operators are an additional measure that has been added to the revised standard to provide extra assurance that visible symptoms of disease will be identified as soon as possible. If operators do not report obvious signs or symptoms of pests or diseases then this will be regarded as a major or critical non-compliance and follow up actions, which may include suspension or cancellation of a facility or operator approval, will be taken.

6.5 Section 3.7.2 highlights the problems with the language used in the standard discussed in point 9 above, i.e., "If a pest or disease is found, or if pest or disease symptoms are detected". FOA considers that it is the "disease-causing organisms" that need to be found. In many cases pathogenic organisms may be present but not causing identifiable disease symptoms. The standard needs to reflect this risk and put steps in place to detect unwanted organisms in asymptomatic plants.

MPI response: As identified above, inspections for pests and diseases are only one of a suite of measures used to ensure freedom from pathogenic organisms. Other measures, which consider the possibility of asymptomatic infection, are set out in the relevant IHS. This language is used in the facility standard because the focus is on what steps the operator can take to ensure freedom from regulated organisms whilst plants are in the PEQ facility.

6.6 Section 4.1.2.6, and other sections, discuss treatments for fungi and insects. Facility operators should be made aware that there are many other types of organisms including *Phytophthora*, bacteria, viruses, etc. that can cause diseases. Perhaps somewhere in the standard these could be explained and that the term "fungus" is used in a generic sense. "Pathogen" would be a better term.

MPI response: Fungi and insects are the only type of organism identified in section 4.1.2.6 (Treatments) because these are the only types of organism for which treatment

would be considered in PEQ. Treatment would not be considered for any of the other types of organism listed above because there are no suitable treatment methods. Supplementary information included in part 3.7.2 of the guidance document does identify other types of disease causing organism that may be present in imported plant material, including those listed above. Please note that MPI use the term 'fungus' in a generic sense, and include oomycetes within this definition.

6.7 Section 3.6 covers plant inspection. As discussed above, FOA does not consider that only inspecting for disease symptoms is adequate in order to identify biosecurity risks.

MPI response: As identified above, plant inspections are not the only method used to identify biosecurity risks.

6.8 It is recommended that Section 3.7.2, as well as others, are rewritten with the understanding that it is disease-causing organisms that should be looked for, not only the diseases, for example references to "diseases of NZ origin" should be "pathogens" or "disease-causing organisms of NZ origin".

MPI response: This part of the standard only considers disease causing organisms which can be detected by visual inspections of plants. As such, MPI will continue to refer to 'pests and diseases' in this context.

6.9 Section 4.4 Level 3B – FOA considers that this does call for HEPA filtration, however notes that it appears to be only for plant imports where the risks are known. It should be noted that there is considerable concern regarding the possible importation of plant material into Level 2 or Level 3A facilities where the plants may be harbouring a foliar Phytophthora, such as P. ramorum, but HEPA filtration is not required. While it is realised that it is difficult for MPI to manage for unknown risk, FOA considers that it is important for MPI to understand the potential risks of foliar Phytophthora species, sporulating and spores escaping through unfiltered PEQ facilities.

MPI response: Under MPI policy phytosanitary measures are implemented to reduce to an acceptable level the likelihood of introduction (entry, exposure and establishment) of regulated pests and organisms. MPI recognise that zero risk is not a reasonable option. However it is considered overly restrictive to require measures such as HEPA filtration to be used when the level of risk is unknown (for example if there is no record of a particular pathogen being associated with a plant species).

MPI note that in the case of *P. ramorum*, used by FOA as an example, strict measures are already in place to prevent this pathogen from entering New Zealand (see section 2.2.1.11 of the IHS 155.02.06: Importation of Nursery Stock). MPI is currently reassessing risks posed by all *Phytophthora* species on nursery stock, and will re-evaluate import requirements where required.

6.10 FOA also acknowledges that, to a large extent, MPI will be relying on the specific IHS for the plant species being imported and not just on the PEQ facility standard to reduce risk. However, in the case of asymptomatic pathogens (e.g., Phytophthora, fungi, as well as viruses and bacteria etc.), there is a considerable risk that the IHS updates will not keep up with pathogen evolution and ability to move (or at least be detected) on new hosts.

MPI response: MPI sets out specific phytosanitary requirements based on known risk. A system for evaluating emerging risks is in place so that MPI become aware of any changes in scientific knowledge (such as changes in host range or distribution of a pathogen) as soon as possible and can amend import health standards as necessary. However, MPI recognise that zero risk is not a reasonable option.

7 New Zealand Citrus Growers Inc (NZCGI)

NZCGI submitted in favour of the revised standard and did not make any specific suggestions for change. They noted that they supported the submissions made by HortNZ.

8 Nursery and Garden Industry New Zealand

NGINZ commented that they supported the proposal in its entirety and raised the following points for further consideration:

8.1 Substantial feedback related to issues outside the scope of the facility standard. Matters such as the small number of PEQ inspector (and associated risks should one fall ill etc), options for the use of IVA in the PEQ space, costs (travel, inspection and diagnostics), border staff familiarity with procedures … are nevertheless of concern. MPI staff will no doubt have a record of these comments and NGINZ urges that these are passed on to, and acted upon, by the appropriate MPI branch.

MPI response: Please see MPI's response in the Introduction of this document.

8.2 There is concern about where various commodities will fit into the revised PEQ levels. While understanding this is the subject of IHS reviews, early indications of likely changes will go some way to alleviate concerns and provide guidance to those wishing to upgrade facilities to meet the new requirements.

MPI response: As noted (paragraph 62 of the risk management proposal) Level 3A facilities are not necessarily intended to be introduced with immediate effect. However, MPI will endeavour to identify any crops which may be required to enter Level 3A PEQ as soon as possible and will hold discussions with anyone likely to be affected by any changes to ensure that any changes have minimal impact on future imports. Preliminary conversations have already been held with some facility operators in respect to Level 3A PEQ facilities.

8.3 In particular and concerning the proposed audit frequency dispensation and that consideration of this for a facility will need to wait until after two audits, NGINZ submits that consideration should be given to exemplary performance by operators under the existing standard. Perhaps, one full audit under the new standard could be regarded as suitable in such circumstances.

MPI response: There will significant changes to operational requirements under the revised standard, and operators will not be used to operating according to the revised requirements. Therefore, MPI consider it necessary for two successful external MPI inspections to be done under the revised standard before a frequency dispensation is considered. This is consistent with requirements set out in other MPI facility standards (e.g. TF-GEN) and is intended to ensure that an operator fully understands and can comply with all aspects of the revised standard before a dispensation is granted. Please also see comments on frequency dispensations in part 4.1 of this document.

9 Pattullo's Nurseries

Pattullo's nurseries supported the proposed changes to the standard and noted that they totally supported the submission made by Andy Warren (BLOOMZ New Zealand Ltd;

part 1 of this document). Please see MPI's response in the Introduction of this document. One additional comment was made as follows:

9.1 I do have concerns as to the potential influence of industry sectors as regards the review of the relative import health standards, and there will need to be considerable vigilance to ensure that the outcomes of the review processes are totally based upon current risk profiles, whilst at the same time consideration is also taken of the past record of risk that a cultivar/genus represented verse the actual issues that were faced.

MPI response: Consideration of the content of import health standards is beyond the scope of the current review. MPI must consult with interested parties (including industry sectors) in accordance with section 23 of the Biosecurity Act and with MPI's consultation policy, before issuing or amending import health standards. MPI are committed to the principles of transparency and evidence-based technical justification for all phytosanitary measures, new and amended, imposed on importing pathways.

10 Plant & Food Research

Plant & Food Research (PFR) supported the proposed changes to the PEQ standard but raised some issues for further consideration as follows:

10.1 It is noted that the inclusion of the buffer zone is 'because plants adjacent to facility may be an alternative host for some pathogens, act as reservoirs for certain viruses and/or viroids, or may conceal the presence of pests or diseases. As such, plants in close proximity to a facility may increase the chances of pests and disease escaping from a facility (for example through breaks in seals or tears in mesh)'.

While this is understandable. PFR does question whether a shared wall between a PEQ facility and a non-PEQ facility falls under the definition of the "Area surrounding the facility" as described in sections 4.2.1.3 and 4.3.1.3. If so this would mean that any PEQ L2 or L3A facilities sharing a wall with another building would no longer be able to comply with the new standard. For PFR this would include the PEQ L2 facility at Lincoln. This would impact considerably on our ability to provide quarantine services of our industry partners with high value crops.

I If the intention was not to have standalone PEQ L2 and L3A facilities or exclude quarantine facilities that share a common wall with other buildings, we propose that the wording is altered as suggested below.

4.2.1.3 Area surrounding the facility
(1) A buffer strip free of primary or alternative hosts of a minimum of 1 metre wide must be present on all sides of the facility. The buffer strip must either be covered to prevent the growth of plants, or must be closely mowed lawn, or must be regularly treated with herbicide to prevent plant growth.

4.3.1.3 Area surrounding the facility
(1) A buffer strip free of primary or alternative hosts of a minimum of 1 metre wide must be present on all sides of the facility.

MPI response: In addition to the reasons summarised by the submitter, the buffer zone is also required to enable easy access to the exterior walls of the facility (for the purpose of facility inspection) and to ensure that adjacent vegetation is kept well clear of the facility and does not damage the facility structure. The submitter suggested that the relevant sections of the standard be amended to specify that the buffer strip must be free of primary or alternative hosts, rather than being kept free of all plants (or being closely mowed lawn). However, whilst primary or alternate hosts may be well known for certain species (for example high value crops) in many cases (for example for ornamental plant

species) alternative hosts of a particular pest or disease may not be known, so it would be difficult to enforce such a requirement.

Based on the above, MPI consider that a shared wall between a PEQ facility and a non-PEQ facility does fall under the definition of the "Area surrounding the facility". Therefore, regardless of whether a facility is standalone or shares a common wall with other greenhouse units, any vegetation immediately adjacent to a facility should be kept a minimum of 1 metre from the wall. However, if plants in an adjoining facility are kept at least 1 metre from shared walls, a PEQ facility that shares walls with another building will comply with the standard.

10.2 It is noted that the inclusion of the buffer zone is 'because plants adjacent to facility may be an alternative host for some pathogens, act as reservoirs for certain viruses and/or viroids, or may conceal the presence of pests or diseases. However, the standard needs to more clear on the definition of 'plants in close proximity'. PFR is a breeding institute with many horticultural crops nearby whose phenotypic characteristics are assessed on a regular basis The implementation of the requirement to remove plants that are associated in close proximity with the imported commodity could be hard to implement by PFR as we are a `breeding new varieties institute'.

MPI response: This part of the PFR submission specifically refers to requirements set out for a Level 3A PEQ facility in part 4.3.1.3(2) of the standard, which specifies that '*Plants of the same genus as plants being held in quarantine that are growing in close proximity to the facility may need to be removed as part of the conditions of a facility's approval. This will depend on the level of risk and types of organisms that are potentially associated with the imported material*'.

Based on the level of risk likely to be associated with material imported into a Level 3A facility, and given the physical and operational requirements proposed for this level of facility, MPI consider that all biosecurity risks will be adequately managed by other requirements set out in the standard. As such, plants (other than those within the buffer zone) would not need to be removed from the area surrounding a Level 3A facility. This requirement has been removed from the standard.

10.3 It is not clear what commodities will be permitted to be processed through PEQ facilities under the new standard. Is it intended that high value crops such as pipfruit, grapes, berry fruit, stonefruit go into at least a PEQ 3A facility? Will this apply also to plant material that comes from offshore accredited facilities? If yes, then this will mean PEQ will become more costly and there will be fewer PEQ facilities available for use which are able to meet the PEQ L3A requirements.

MPI response: At present the nursery stock IHS specifies that high value crops such as pipfruit, grapes, berryfruit and stonefruit must enter Level 3 PEQ (i.e. Level 3B under the revised standard) unless they are obtained from an offshore accredited facility. The level of quarantine specified in an IHS may change after the revised PEQ standard is issued. As discussed in the risk management proposal (paragraph 63), including an extra level of quarantine may allow some species to be held at a lower level of quarantine than currently specified in the IHS (Level 3A rather than Level 3B). This could apply to plants that are not obtained from an offshore accredited facility if a risk assessment shows that the risk can be adequately managed within a Level 3A facility. However, it is intended that Level 3A PEQ would be the lowest level of quarantine for high value crops unless they come from an offshore accredited facility.

As per MPI's current procedure, once an offshore facility has been audited by MPI a decision will be made on the appropriate level of PEQ. This will be based on an assessment of residual risk associated with material from a particular facility. The level of residual risk depends on the testing and operational procedures in place at the offshore facility. At present, based on such assessments, material from offshore facilities is directed to either Level 2 or Level 3 PEQ, or in the case of one facility, is eligible for biosecurity clearance on arrival in New Zealand. Under the revised standard, other PEQ levels may also be considered for material from offshore facilities.

10.4 We believe it is unreasonable to be asked to assess the suitability of the new standard when it is not clear what commodities will be permitted to be processed through the different levels of PEQ facilities under the new standard. The confusion around which imported commodities will need to go into which level of containment needs to be addressed urgently so that the new proposed standard can be fairly assessed.

MPI response: MPI are asking that the suitability of physical and operational measures proposed in the revised standard is assessed based on the type(s) of quarantine pest potentially associated with material to be imported into each level of facility, and the operational measures that may apply (as summarised in Table 1 of the risk management proposal and discussed in that document). We believe that it is possible to fairly assess the suitability of the standard based on this information regardless of the level of quarantine that will be specified for a particular commodity in an IHS.

MPI acknowledge that introducing a new level of quarantine creates some uncertainty around what level of quarantine will be specified in an IHS after the revised standard is issued. However, MPI believe that more flexibility is required for PEQ facilities, and that the best way to achieve this is to include the new level of facility as proposed in the revised standard. It is not practical to specify a new level of PEQ in an IHS before specifications for the new level of quarantine are finalised, which is why the PEQ standard has been put out for consultation before any import health standards are amended.

10.5 Under the new proposed standard, the PFR Level 2 PEQ facility in Hawkes Bay will remain a Level 2 facility, unless upgraded at significant cost to the new Level 3A standard. Currently this Level 2 PEQ facility is sufficient for high value crops imported from an offshore accredited facility, such as Prosser or CFIA. However this facility will no longer be suitable for its current use, if high value crops, which have the potential to harbour unwanted bacterial or fungal pathogens, will be required under the revised IHS to be processed through PEQ Level 3A or above. To the best of our knowledge, there have been no incursions of unwanted organisms in association with the processing of high value crops from offshore accredited facilities through the current PEQ L2 standard.

MPI response: As noted in part 10.3, the level of PEQ required for material from offshore facilities will be assessed once a particular offshore facility has been audited. This will be a risk based assessment, and does not preclude material from offshore accredited facilities entering a Level 2 facility. If a risk assessment shows that residual risk associated with material from a particular offshore accredited facility cannot be adequately managed within a Level 2 facility, then material will be required to enter a higher level of quarantine (as is already the case with material from the offshore facilities identified above).

10.6 We hope the creation of the new PEQ Level 3A will not increase the cost and time delays for importation of critical crop germplasm into New Zealand and consequently provide greater incentive for illegal importations. There are currently no PEQ Level 3A facilities in New Zealand, and upgrading of any

existing PEQ Level 2 facilities will no doubt be costly (as for the PFR facility in Hawkes Bay) and only after considerable time-delays. This will put an even greater pressure on the existing PEQ Level 3 facilities, either to operate at the new Level 3A standard, with a consequent greater pressure on the remaining Level 3B facility, or to operate at the Level 3B where there will be a significant cost increase for high value crops imported from an offshore accredited facility.

The creation of new PEQ Levels 3A and 3B will require revision of existing IHSs. There is a significant backlog of requests for new or renewal of suspended IHSs which has been the subject of significant industry (and PFR) concern over several years. The recent news of new resources within the MPI Plant Imports team and indications of increased focus and progress on this backlog has been widely welcomed. PFR would be very concerned if the creation of the new PEQ Levels 3A and 3B now threatens this new hope of progress on the existing backlog.

MPI response: MPI are aware that there is the potential for illegal importations of germplasm into New Zealand. This is why systems are in place at places of first arrival to prevent such imports.

MPI consider that including the new level of quarantine in the revised standard provides an incentive for organisations to construct a facility that costs significantly less to build and operate than a Level 3B facility, and provides more incentives for all parties to only use legal importation methods. It is intended that over the mid- to long-term this will enable import of a more wide range of commodities than is allowed into a Level 2 facility. This will potentially lower the cost and reduce delays in the import of new germplasm into New Zealand and aligns with MPIs focus areas of improving sector productivity and protecting New Zealand from biological risk.

The submitter correctly states that there are currently no level 3A facilities in New Zealand. This is because this level of quarantine has not previously existed. However, at least one publically available PEQ facility in New Zealand does already meet the requirements set out in the standard for a Level 3A facility.

As noted (paragraph 62 of the risk management proposal) Level 3A facilities are not necessarily intended to be introduced with immediate effect. However, MPI will endeavour to identify any crops which may be required to enter Level 3A PEQ as soon as possible and will hold discussions with anyone likely to be affected by any changes to ensure that any changes have minimal impact on future imports.

Appendices – Copies of Submissions

Appendix 1; Submission from Bloomz New Zealand Ltd

Shane

Submission re PEQ review

Further to verbal submissions at the recent meeting in Auckland we express concern re the resourcing of MPI verification services for PEQ purposes.

- Whilst we have great confidence in the existing verification services, with changes to PEQ status and increasing activity in the especially the Northern regions the backup of the one Northern based officer (Abu Iqram) is now critical. In the event of such person being away on leave, sickness or unplanned absence this puts the current system at risk
- We contend that in line with other areas of delegated authority in the import/export sector of biosecurity that a good portion of the work could be easily and securely handled by the IVAs. Such work could include annual/surveillance audits, regular inspections notwithstanding the certain activities of higher risk nature may still be carried out by MPI staff
- There needs to be a smoothing of charges with respect to geographical location as its patently unfair that those operating in regions outside Auckland or Wellington where the verification officers currently reside should be significantly disadvantaged by their distance from the existing officers. In a climate of government directed export growth and contestability this is an urgent area requiring review. We submit that travel and other location charges should originate from the closest MPI office
- Furthermore whilst we applaud the efforts of PHEL in Auckland and a group of very committed staff the pressure on the one existing Auckland based facility is growing. Rooms are fully booked through to 2017 and facilities such as the tissue culture holding area at PHEL are severely limited. There should be an opportunity to encourage other Level 3a and 3b facilities but on a platform of equity when it comes to verification services, especially for those located outside Auckland and Wellington. The growth of Bay of Plenty alone for example, in horticulture and general exports is far outstripping Auckland and on that basis there needs to be a review of staff location or as above other cost recovery mechanisms to solve such issues

As discussed at the meeting there were various other issues raised however the above are worthy of written submission. To pass such issues off as "its your choice to live outside Auckland" simply doesn't wash in the current climate of government sponsored export growth. We ask that these matters be taken seriously and acted upon appropriately

Thanks and regards

Andy Warren

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Appendix 2; Submission from the Department of Conservation

Submission on Draft Facility Standard for Post Entry Quarantine for Plants.

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1. We thank the Ministry of Primary Industries for this opportunity to comment on the Draft Facility Standard for Post Entry Quarantine for Plants.

2. The Department of Conservation has a statutory role to manage and protect natural heritage and advocate for conservation, in this regard one of our management outcomes is to maintain and restore New Zealand's natural heritage.

3. The Department has an extensive pest plant programme managing plants that were introduced for horticultural reasons such as Darwin's barberry, heather, Japanese honeysuckle, evergreen buckthorn, and old man's beard. Several exotic plant diseases for example *Coleosporium tussilaginus*, *Phytophthora cinnamomii*, and Cucumber mosaic virus impact on native plants. Pest invertebrates such as German wasp, Darwin's ant, and Argentine ant, also impact on natural areas and native species. We are also currently involved in managing a Phytophthora species which may have been brought into New Zealand on exotic plant material.

4. In general we support aim and purpose of the draft facility standard for post entry quarantine, including the requirements for facility building standards, training, operating manuals and inspections of facilities and plants. In my experience during CITES inspections etc I have encountered facilities containing imported plants which have been run down, and where there is poor documentation. There are also examples where imported plants have escaped from a glasshouse and are now the subject of eradication programmes. If the plants can escape, it is likely that any associated pest organisms will also escape.

5. From experience of level 1 and level 2 facilities before the current standard was introduced there were problems with PEQ facilities. These included open access by birds and insects etc, vehicle movements into and out of the facility potentially spreading disease infected soil, containment of plant dispersal, and management of plant waste. Glasshouses had screens etc but disease and insect pests spread between glasshouses. Poor disease and pest surveillance through lack of knowledge of potential pests and the size of the area to be surveyed were also issues. So it good to see improvements in current PEQ facilities.

6. In the current post entry quarantine standard for plants (PEQ), section 2.1.3, classifies quarantine/containment facilities as outlined below. Similar definitions are listed in the draft guidance document at the beginning of each section on each type of facility.

2.1.3 Levels of Registration of Quarantine/Containment Facilities
Registration shall be classified into one of the following four levels:
(i) Level 1 Quarantine Facility:
For plant propagating material which may be infected/infested with risk group 1 pests which cannot be detected by visual inspections at the point of entry and are highly unlikely to be spread by wind, water, insects or other vectors.
(ii) Level 2 Quarantine Facility:
For plant propagating material that may be infected/infested with risk group 1 pests which cannot be detected by visual inspections at the point of entry and can be spread by wind, water, insects or other vectors/means.
(iii) Level 3 Quarantine Facility:
For plant propagating material which may be infected/infested with:
- risk group 1 pests which require specific tests for detection
- risk group 2 pests.

(iv) Level 4 Containment Facility:
For plant quarantine pests which are being bred or cultured in host plants (e.g. viruses) for diagnostic or research purposes or for plant material which is known to be infested/infected with quarantine pests in risk groups 1 or 2.

By reference to section 2.1.3 in the current standard, it is clear as to level of risk being managed by each type of facility. The level of risk can be directly related to the level of control required by each facility type to achieve the aim of the standard, and linked to the operation manual. While the wording of should change it may be useful to consider a section similar to section 2.1.3 in the draft PEQ standard rather than the supporting documents.

7. The description of Level 1 facilities in the draft guidance document is as follows,

"Level 1 (open field) facilities are intended for plant material that may harbour quarantine pests which are unlikely to disperse naturally (for example organisms that are solely graft transmitted) and/or which are likely to have a very low impact if they escape from quarantine. Material eligible for Level 1 quarantine is generally restricted to certain species of seed and dormant bulb imported from approved countries".

This differs from the current standard in considering the potential impact from escaped harboured pests, i.e. should pests escape they are likely to have very low impact. I prefer the current standard where the potential risk is not considered because of the potential error in estimating impact due to harboured pests. Examples where the risk was underestimated are myrtle rust in New South Wales, and *Passiflora apetala* in New Zealand. MPI will be aware of other cases where the risk posed by an organism has been underestimated. Otherwise more detail and transparency in respect of determining impact risk should be included in the standard. In addition in considering the potential impact risk of harboured pests especially from a level 1 facility, the potential impact of potential pests on native flora and ecosystems should also be considered.

8. In relation to the description of level facilities, the words **species of seed** are confusing, as species is usually used in relation to a taxon rather than a type of seed. Not all plants which may be suitable for a level 1 facility have seeds, bulbs, corms or rhizomes.

9. For a level 1 facility there are requirements in the draft PEQ standard on the distances between plants in containment and other plants depending upon the genus relationship and growth habit. While it is accepted that pests are more likely to attack members of the same genus, some pests such as myrtle rust will utilise a range of genera as either primary or secondary hosts, some genera such as Solanum and Lavatera contain trees, herbs and shrubs, and some pests utilise a variety of growth forms for example some wheat rusts infect grasses and shrubs. It may better to set distance requirements based upon whether known host plants are within the dispersal range of potential pests for a particular plant species. Alternatively plants within the range of pests which could be harboured by the plants in containment should also be subject of a stringent surveillance plan.

10. In section 4.1.2.3 reference is made to weed management, given that the term weed is very subjective and is generally understood to mean unwanted plants. It may be better to directly state that all vegetation within 100(?) metres of the facility must be managed to minimise the risks of the spread of pests and diseases. This would ensure that gardens and other patches of vegetation are also managed to reduce the risk of pests and diseases.

11. Under section 3.6 1 in the draft standard, all plants within a post entry quarantine facility must be inspected for pest and diseases. This is sound given overseas experience where pests were detected on surrounding vegetation as well as on nursery plants. I suggest that is clear that inspections include vegetation within the facility which could harbour plant pests that may spread from the quarantined plants as well as checks on quarantined material. Some level 1 requirements could apply to other facilities such as vegetation management to reduce the risk of pest dispersal and establishment within the facility.

12. Facilities should also be checked for spread of plant material from the facility, especially in the case of a level 1 facility. While the potential pest status of plant material is likely to have been already accessed, there is an element of risk that new organisms or new cultivars may be invasive, and level 1 quarantine facilities may be useful for early warnings. Several plant species such as Tradescantia which have only vegetative reproductive systems in New Zealand have widely dispersed so it is feasible for a typical Level 1 species to escape.

13. Detection methods which enable early detection of plant pests before symptoms appear and which could be used to screen plants before entry to a PEQ facility should be used where feasible. For example DNA screening methods are being used to detect Phytophthora.

Appendix 3; Submission from Horticulture New Zealand

Horticulture™ New Zealand

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27 November 2015

SUBMISSION ON
THE DRAFT MPI FACILITY STANDARD FOR POST ENTRY QUARANTINE FOR PLANTS, DRAFT FOR CONSULTATION DATED 27 OCT 2015

Submitter: Horticulture New Zealand Incorporated

Submitted by: Richard Palmer, Biosecurity Manager

Contact Details: P O Box 10232, The Terrace, Wellington 6143, New Zealand
Ph +64 4 472 3795
Email Richard.palmer@hortnz.co.nz

References:

A. MPI Facility Standard: Post Entry Quarantine for Plants, draft for consultation dated 27 Oct 2015
B. MPI Guidance Document: Post Entry Quarantine for Plants, draft for consultation dated 27 Oct 2015
C. MPI Risk Management Proposal: Revision of the Facility Standard: Post Entry Quarantine for Plants, dated 27 Oct 2015
D. MPI Example Operating Manual for hypothetical Level 2 PEQ Facility;

EXECUTIVE SUMMARY

1. Horticulture New Zealand (HortNZ) represents 5,500 commercial fruit, vegetable and berry fruit growers, providing strategic direction and focus, building strong relationships with product groups and associations and working at both a national and regional level across a range of interest areas, including biosecurity.

2. Plant material imported for propagation presents significant biosecurity risk to New Zealand horticulture, and as such the regulations for, and operation of, Post Entry Quarantine for plants (PEQ) facilities is of considerable importance to the industry. Similarly

HortNZ recognises the importance of germplasm importation to the future success of the industry, and the practicality of this standard enables this importation in a safe manner.

3. HortNZ takes very seriously any changes to biosecurity risk management which may result in the establishment of pests and diseases which New Zealand is currently free of. Equally HortNZ supports changes to risk management that will mitigate against the introduction of pests and diseases.

4. The Risk Management Proposal (Ref C) plainly sets out the reasons for change of the Post Entry Quarantine for plants (PEQ) facility standard:

- To achieve the purposes of the Biosecurity Act 1993 (amendments 2012)
- Prevent release to the wider environment of regulated pests and diseases
- Plant material imported for propagation is one of the most high risk pathways for inadvertent introduction
- The current standard is out of date
- Align to MPI standards and processes, and international guidelines
- The risk profile of many plant species has changed markedly since 1999, and more stringent measures may be required to prevent pest and disease entry and establishment

5. The Facility Standard, Risk Management Proposal, and guidance set out the following key changes to PEQ operation:

- The introduction of new level of facility between the existing Level 2 and 3 facilities
- The requirement for PEQ operators to have an operating manual
- Setting out more clearly the physical and operating requirements that provide necessary risk mitigation

6. Horticulture New Zealand:

- endorses the reasons and necessity for updating the facility standard
- supports the overall intent of the proposed facility standard changes
- proposes some amendments to facilitate better risk management
- proposes some amendments to address equivalence of requirements

7. Overall the facility standard and guidance document are well written, clear and easily understood. These documents achieve the purpose of setting out the expectation for the operation of a PEQ facility, which should achieve the changes for the reasons set out.

8. There are a few aspects which HortNZ considers would aid the clarity of understanding, and achievement of purpose of the standard and the guidance material.

9. There are areas of the standard and guidance where the expectation does not accord with equivalent procedural expectation in other regulatory areas of MPI. These are covered further in the submission.

10. In summary these changes are mostly complete, provide clarity, and are well drafted. The changes are essential to improving plant entry quarantine risk mitigation.

POSITIVE CHANGES

11. The introduction of a new facility between the existing Level 2 and Level 3 standard should provide flexibility to both MPI in allocating appropriate but not excessive requirements on particular imports, and also to PEQ operators to enable the import of new plant material.

12. The requirement for PEQ operators to have an operating manual that sets out how an operator will achieve the requirements and objectives. This will support better audit and assurance, and aligns more closely to other MPI requirements (e.g. Ministry Approved Operators [MAOs] for plant exports).

13. The proposed standard provides clarity of expectation that should enable PEQ operators to better understand and execute the requirements, and build confidence with HortNZ stakeholders.

SUGGESTIONS FOR FURTHER IMPROVEMENT

Contingency Planning

14. Whilst there is a requirement in the Standard to describe contingency plans, there is no requirement to undertake a risk assessment upon which to determine the need for such contingency plans. The example in Ref D included some likely contingency scenarios (theft, minor and major damage etc) however this may insinuate that no analysis of contingencies is required by PEQ operators. HortNZ suggests that an appropriate contingency assessment is required for the specific operation, taking account of its location and associated environmental factors, to facilitate the development of contingency plans.

Staff Training (Ref A, s3.9.2)

15. The staff training section of Ref A appears relatively insubstantial, and not of an equivalent standard to that required for MAOs as an example. The training section does not set out the need to identify the key competencies for staff to meet the operational requirements. For example for pest and disease inspections (Ref A, s3.6.1) there is no requirement to identify the key competencies required for detecting pest and disease or symptoms.

16. HortNZ suggests the operator be required to identify the key competencies required of PEQ staff to meet the roles set out in the operations manual. As an example for plant inspections the following training and assessment would be required:

i. Identifying the plants list associated with the PEQ (a list of species in the PEQ manual)
ii. List of the known associated pests and diseases, and symptoms (a list or referenced in the PEQ manual)
iii. An introduction to the Unwanted Organisms register and MPI BORIC database
iv. The procedure for detecting pest/disease on the plant
v. The procedure for determining pest status
vi. Assessment of staff competency for items (iii) to (v)

Consequence for Systemic Failure

17. There is no clear consequence for systemic failure or continued non-compliance. This area should be clarified to ensure appropriate risk management is achieved. Systemic or repeated failure must be addressed, especially where non-compliances may be minor, and therefore doesn't trigger any significant operating consequence. As noted in Ref C, para 49,

MPI inspectors "commonly observe holes in single skin facilities" which suggests historic systemic failure by operators to address this problem, despite the standard setting out the requirement. HortNZ's expectation is of operators meeting the standard as a matter of course, not having others point out common or consistent breaches.

Plant Material Security

18. Section 3.4.2 (1) states "All reasonable steps must be taken to ensure plant material is securely packaged..." HortNZ proposes that this should read "All plant material must be securely packaged..." to avoid doubt about the expectation.

Unclear Delegation to Operators

19. One area of the standard that gives a subjective delegation to PEQ operators is s.4.1.2.5. pest and diseases which states: "insect pests (or damage or symptoms that are directly attributable to insect pests) do not need to be reported to an MPI Inspector unless the operator believes that these are regulated, new, or unwanted organisms (in which case they must be reported...)". This delegation to the 'operator's belief' should be modified and a clearer decision process required. It is unclear if this section delegates diagnosis (and organism status decision-making) to the PEQ operator, when s.3.7 requires diagnosis decision-making by an MPI Inspector.

20. HortNZ proposes this section is clarified and re-drafted to ensure that the appropriately qualified person is diagnosing pests and disease, and making subsequent decisions about the organism's status.

21. Section 4.4.1.1 of Ref A states that water decontamination before release ***may be required*** but gives no indication of the reason or decision-making process and delegation for this. HortNZ understands the determination is that water must be captured before release in order that decontamination may take place if required.

Delegated Decision Making of MPI Inspectors/Other Decision Makers

22. There are several sections which delegate the approval of variations in physical or operating requirements to an MPI Inspector. Whilst sensible, given the wide variation of plants and associated requirements, there should be clarity provided as to the extent of delegated decision making. This improves consistency of approach, and risk management. (see s.4.3.1.2(2) and

23. Section 3.1.3(1) and Ref B, s.3.10.3 (external inspection frequency reduction) allows a dispensation to reduced frequency audit by the MPI Inspector. HortNZ proposes that the decision for any reduction in audit be made outside the normal day-to-day relationship between MPI and the PEQ operator, to eliminate any perceived conflict of interest.

Access by Staff and Visitors

24. HortNZ proposes requiring the contact details of visitors to enable rapid communication after a visit should this be required.

Insect Monitoring

25. Section 4.3.2.3 (3) and s. 4.4.2.3 (3) specifies "Traps must be replaced when full, or before the arrival of a new consignment". It is unclear which has primacy (i.e. if not full must traps be replaced before a new consignment?) or whether 'or' should be 'and'.

EQUIVALENCE

26. Some of the expectation set out in this proposal is not aligned to similar requirements in other plant regulatory areas. Of particular note is the inconsistency with the expectation placed on MAOs for training, audit frequency, and detail in operations manuals. HortNZ welcomes the opportunity to engage further with MPI to understand why variances occur and to find solutions, to ensure New Zealand is compliant with its international obligations.

CONCLUSION

27. HortNZ commends the work by MPI in identifying clear purpose from the risk management proposal, and in preparing this draft facility standard. Whilst suggestions have been made to improve the standard, the draft document has made great strides toward mitigating risks on this high-risk pathway.

28. This submission is supported by New Zealand Avocado Growers, New Zealand Citrus Growers, Blackcurrants New Zealand, Vegetables New Zealand, and Kiwifruit Vine Health.

29. HortNZ supports the submission from Kiwifruit Vine Health and New Zealand Citrus Growers.

30. HortNZ welcomes the opportunity to discuss the matters raised together with other horticultural industry product groups.

Appendix 4; Submission from Kiwifruit Vine Health

27 November 2015

plantimports@mpi.govt.nz
Ministry for Primary Industries
PO Box 2526
Wellington 6140

To whom it may concern

Re: Kiwifruit industry comments on MPI's proposed amendments to the PEQ for Plants Facility Standard

Thank you for the opportunity to make a submission on proposed amendments to the PEQ for Plants Facility Standard, including the following documents:

- Draft Facility Standard: Post Entry Quarantine for Plants
- Risk Management Proposal: Revision of the Facility Standard: Post Entry Quarantine For Plants
- Draft Guidance Document: Post Entry Quarantine for Plants
- Example Operating Manual for a Hypothetical Level 2 Facility

KVH wishes to congratulate MPI on this proposal and supporting documentation, which are thorough and of high quality. The process MPI has used to develop these - inclusive of GERMAC engagement and guidance by a project board comprising MPI, industry and Crown Research Institute representatives – has been a useful one.

KVH welcomes opportunity to discuss any aspect of our submission with MPI, and we look forward to your careful consideration of these matters.

Yours sincerely,

Andrew Harrison
Biosecurity Programmes Management, Kiwifruit Vine Health

Kiwifruit Vine Health Inc
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KVH Submission on proposed amendments to the PEQ for Plants Facility Standard

Overall comments on proposals

1. KVH acknowledges the importance of science-based risk assessments to manage the risks associated with international movements of risk goods, and shares MPI's commitment to principles of transparency and evidence-based technical justification for all phytosanitary measures.

2. KVH endorses the need and reasons for changes to the PEQ for Plants Facility Standard as set out in the RMP, being:
   - To achieve the purposes of the Biosecurity Act 1993 (amendments 2012)
   - Prevent release to the wider environment of regulated pests and diseases
   - Plant material imported for propagation is one of the most high risk pathways for inadvertent introduction
   - The current standard is out of date
   - Align to MPI standards and processes, and international guidelines
   - The risk profile of many plant species has changed markedly since 1999, and more stringent measures may be required to prevent pest and disease entry and establishment

3. In relation to proposed amendments in the 'Risk Management Proposal' (RMP)[1] KVH submits overall:
   - In support of proposed format changes (as set out in paragraphs 29 – 32 of the RMP); and
   - In support of proposed changes to standard requirements (including the factors considered and changes proposed as set out in paragraphs 37-43 of the RMP), noting several relatively minor comments and suggestions for improvement below.

4. KVH supports the overall view and matters raised in the Horticulture NZ submission on proposed amendments to the PEQ for Plants Facility Standard.

5. KVH compliments MPI on the quality of its proposal and supporting documentation, and recognises value of MPI's process for developing the proposal inclusive of GERMAC engagement and guidance by a project board comprising MPI, industry and Crown Research Institute representatives.

Comments on proposed format changes

6. These changes usefully simplify and streamline the standard and clarify legal requirements.

Minor comments on proposed amendments to requirements of the facility standard

7. KVH supports the introduction of a new level of quarantine (named level 3A) to allow plants to be held in a level of quarantine that better reflects level of risk and to create more options for MPI when assessing quarantine requirements for different types of plant material. This support, however, is based on MPI maintaining or further enhancing the additional safeguards as set out in the proposal (i.e. proposed changes to 'physical and structural requirements' for each level of facility and to 'operational requirements' as set out in sections 44-91 of the RMP).

8. KVH supports Horticulture New Zealand suggestions for improvement in relation to:
   - Contingency planning
   - Staff training
   - Consequence for systemic failure
   - Plant material security
   - Unclear delegation to Operators
   - Delegated decision making of MPI Inspectors/Other decisions makers

[1] *Risk Management Proposal: Revision of the Facility Standard: Post Entry Quarantine for Plants. 27 October 2015.* **MPI Consultation Document.**

- Access by staff and visitors
- Insect monitoring

9. KVH supports the proposed amendment to allow MPI inspectors to grant an "inspection frequency reduction" from the base requirement for external audit once every six months, out to a maximum period of two years (in six monthly increments). KVH also supports the ability for Inspectors to increase inspection frequencies where there are critical or major non-compliances. KVH supports this approach as it creates the right incentives to reward excellent compliance and penalise poor compliance. However, the guidance in section 3.10.3 of the guidance document[2] provides only general criteria for considering whether a dispensation should be granted for extending external inspection frequency out to one-year, 18-month or two-year intervals. We submit that:
    - a two-year dispensation frequency should only be reserved for exceptional levels of compliance (e.g., where there have been no critical, major or minor non-compliances in the previous five years and Operators have operated a facility for at least five years); and either
    - more specific guidance should be issued that sets out when an inspector should consider granting a dispensation to reduce the inspection frequency to every one-year, as opposed to every 18-months, as opposed to every 2-years; or
    - dispensation only be granted by a chief technical officer, on the recommendation of an Inspector.

Other comments

10. KVH attended the MPI consultation meeting in Auckland on 11 November 2015, and notes the MPI personnel presenting and responding to questions at the consultation meeting did a great job.

11. Many of the issues raised in that meeting related to Implementation of the new standard and related standards, including:
    - Fairness and equity relating to cost recovery (the significant difference in compliance costs for PEQ facilities across regions, being subject to the decisions of MPI on the number and locations of inspectors trained to inspect PEQ facilities);
    - Integrity of the inspection process in terms of ensuring adequate capability and succession planning (noting for example there is one Inspector covering the whole of the North Island and only three Inspectors currently capable of Inspecting PEQ facilities across NZ);
    - The devil is now in the detail of the various Import Health Standards that direct the level of quarantine required in any given situation, and the significant challenges associated with development and/or review of Import Health Standards.

12. In relation to the latter, KVH notes the process MPI initiated for development of an Import Health Standard that covers *Actinidia* spp. germplasm appears to have stalled. KVH would appreciate an update on this work.

ENDS

[2] *Guidance Document: Post Entry Quarantine for Plants. Draft for Consultation.* **MPI Consultation Document 2015**

Appendix 5; Submission from Matthews nurseries Ltd

Dear Richard

I have finally been able to work my way through all the documentation, somewhat onerous.

Not sure what to submitt anything for, the detail is quite mind boggling.Most of the documentation is about common sense, and any experienced operator would be aware of all the issues, and follow the procedures as laid out with or without the paperwork.

This would be the basis of my submission, beware of bogging down the simplicity of common sense(mostly what all the documentation is about) with the danger of operators like myself being alienated from the very thing all this documentation is trying to create.The KISS principle applies here, lets be very aware of this.

As way of the methodology of my submission;

Operators like myself live and work in a very competitive industry, doing our job with the time/availibility/work ratio`s is very complex. Alongside minimal profitability, anything adding to our cost structures has to be challenged, and the change from MPI supplying the required service of inspection/monitoring at their cost, as their part of protecting our border, to the change from L1Q to a L2Q (still unproven that it is required for my sort of product, and I was led to believe L1Q`s where now abandoned, yet they are still part of the new guidelines) in itself created a cost structure we have yet to come to terms with. Continuously changing the rules and regulations, but imposing/expecting us to cover yet more costs makes us even more vulnerable.
Closing down our importing operation is a very real possibility, much that I personally would find extremely dissappointing, but reality has to be faced.
Lets be real; We are not MPI, and we do not have a cost plus charge it out ability availible to us. Our only recovery is effieciency, or higher charge for our product.. Both are limited.
Over the last few years, this cost plus mentality of the MPI in their charging for any and everything going has been very difficult to quantify. It would be more readily accepted if MPI accepted that the cost of doing business (their business, inspecting and monitoring etc) was at their cost. The whole industry could and would readily accept measures as they developed from necessity or other, if this mentality was reincorporated into the overall planning of the MPI.

Where would the industry go to for its new product if it wasnt for the likes of myself and the few still involved.
That is the leading question, one I cannot answer.
The main point here is it is easier to verify and coordinate with those that want to to be counted.
There are many who dont want to be counted, within a globalised industry that is expected by the public to supply product published on the internet.

I look forward to some constructive dialogue going forward on the points I have raised,
Looking forward to any reply

Yours faithfully

Bob Matthews

Matthews Nurseries Ltd

Appendix 6; Submission from New Zealand Forest Owners Association

FOREST OWNERS ASSOCIATION

27 November 2015

Submission on the "Draft Facility Standard for Post Entry Quarantine for Plants"

Background

1. The New Zealand Forest Owners Association (FOA) is the representative membership body for the commercial plantation forest growing industry.

2. FOA members are responsible for the management of approximately 1.2 million hectares of New Zealand's plantation forests and over 80% of the annual harvest.

3. FOA is submitting on behalf of its membership nationally.

Submission

A: Draft Facility Standard for PEQ

4. Nursery stock, live plants, etc. are one of the main pathways of concern to the biosecurity interests of the forest growing industry. FOA's primary is concern around the import of new pathogens, but we also want to stop the spread of existing pathogens from nurseries to plantation forests. There is considerable evidence that this has happened in the past.

5. FOA is very concerned that the focus of the standard is on "pests and diseases". While it is understood that this is common language in MPI, there are two issues with the focus on "disease":

   a) It implies that it is satisfactory to simply look for disease symptoms, rather than for disease organisms

   b) It ignores the fact that many organisms may be pathogenic to some species of plants and not to others, and specifically in this case, that imported nursery plants may be carrying pathogens of radiata pine and other plantation forestry species.

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6. The draft standard does not take into account that technology has changed considerably since the previous standard was written and that diagnostic tests are now available to enable rapid screening of imported plants for unwanted organisms. While molecular tests are now rapid and relatively inexpensive, plant tissue can also be plated out on media, including *Phytophthora*-selective media, to determine if potential pathogens are present. While this is a slower process than molecular testing, *Phytophthora* test kits are also available in which pine needles, for example, can be put into a pouch and a colour change indicates the presence of *Phytophthora*. The test kits can then be analysed (PCR) to determine the species of *Phytophthora* present.

7. FOA strongly supports the proposed Operational Requirements and is both surprised and concerned that some of these requirements are not already in place. This highlights the issue with the large number of IHS's and a lack of capability to review all existing standards that may be relevant to the forestry sector.

8. In particular, FOA strongly endorses the requirement to have Operating Manuals at all facilities and that the facilities are inspected by MPI at least once every 6 months.

9. FOA has concerns with regard to section **3.6 Inspecting Plants**. Inspecting plants for disease symptoms is not enough to ensure pathogens such as new species, or even strains, of *Phytophthora*, are not introduced into New Zealand. FOA is also concerned about cryptic insect pests such as aphids or psyllids. The plants found to be infected with *Fusarium circinatum* (cause of pitch canker) that were imported in 2003 did not have any disease symptoms. As outlined in paragraph 6 – new developments in technology enables inexpensive testing. FOA recommends all plant shipments are initially batch tested, reducing this over time to testing imports from those areas with known risk pathogens, such as *Phytophthora*.

10. Referring to the reporting of organisms, Section 3.7.1, FOA considers that MPI must recognise and take regard for the lack of incentive, and in fact considerable disincentive, for facility operators to report suspected unwanted organisms to MPI. FOA recommends the introduction of a facility standard that ensures independent third party audits are completed by an MPI-verified organisation, or by an MPI inspector. It is suggested this inspection could include molecular testing of plant material for potential disease-causing organisms.

11. Section 3.7.2 highlights the problems with the language used in the standard discussed in point 9 above, i.e., "If a pest or disease is found, or if pest or disease symptoms are detected". FOA considers that it is the "disease-causing organisms" that need to be found. In many cases pathogenic organisms may be present but not causing identifiable disease symptoms. The standard needs

to reflect this risk and put steps in place to detect unwanted organisms in asymptomatic plants.

12. Section 4.1.2.6, and other sections, discuss treatments for fungi and insects. Facility operators should be made aware that there are many other types of organisms including *Phytophthora*, bacteria, viruses, etc. that can cause diseases. Perhaps somewhere in the standard these could be explained and that the term "fungus" is used in a generic sense. "Pathogen" would be a better term.

13. Section 4.2 – Level 2 – FOA commends the requirement for stronger material to avoid rips and potential pathogen and insect escapes. FOA strongly supports this proposal, however would like to register its concern that facility biosecurity has been compromised in the past due to tears in the polythene cover.

B: Draft guidance document – relevant to the PEQ Facility Standard

14. Section 3.6 covers plant inspection. As discussed above, FOA does not consider that only inspecting for disease symptoms is adequate in order to identify biosecurity risks.

15. It is recommended that Section 3.7.2, as well as others, are rewritten with the understanding that it is disease-causing organisms that should be looked for, not only the diseases, for example references to "diseases of NZ origin" should be "pathogens" or "disease-causing organisms of NZ origin".

16. Section 4.4 Level 3B – FOA considers that this does call for HEPA filtration, however notes that it appears to be only for plant imports where the risks are known. It should be noted that there is considerable concern regarding the possible importation of plant material into Level 2 or Level 3A facilities where the plants may be harbouring a foliar *Phytophthora*, such as *P. ramorum*, but HEPA filtration is not required. While it is realised that it is difficult for MPI to manage for unknown risk, FOA considers that it is important for MPI to understand the potential risks of foliar *Phytophthora* species, sporulating and spores escaping through unfiltered PEQ facilities.

Concluding remarks

17. In summary FOA agrees with the proposal to tighten the standard for PEQ facilities.

18. FOA also acknowledges that, to a large extent, MPI will be relying on the specific IHS for the plant species being imported and not just on the PEQ facility standard to reduce risk. However, in the case of asymptomatic pathogens (e.g., *Phytophthora*, fungi, as well as viruses and bacteria etc.), there is a considerable risk that the IHS updates will not keep up with pathogen evolution and ability to move (or at least be detected) on new hosts.

Yours sincerely

David Rhodes
Chief Executive

Appendix 7; Submission from New Zealand Citrus Growers Inc

27 November 2015

Richard Lardner
Plant Imports
Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand
Via email to plantimports@mpi.govt.nz

Dear Richard,

Re: Draft Facility Standard: Post Entry Quarantine for Plants

New Zealand Citrus Growers Inc (NZCGI) is the industry body representing the interests of citrus growers and the wider industry. NZCGI represents over 450 growers who produce citrus valued at approximately $50 million. New Zealand does not have a citrus breeding programme and instead relies on the importation of new germplasm from offshore. Additionally, the industry largely relies on an offshore quarantine facility to provide material to facilities in New Zealand (currently at Level 2). The MPI facility is the only option for importing germplasm into Level 3 PEQ for citrus and it is significantly space constrained. NZCGI is critically aware of the biosecurity risk that is associated with the importation of plant germplasm but are also reliant on this pathway for current and future improvements to citrus varieties produced in New Zealand.

NZCGI considers that the draft facility standard contains a number of improvements that are needed for risk mitigation. NZCGI has made contact with those facilities currently operating at Level 2 PEQ that import citrus germplasm to ask for their feedback on MPIs proposed changes. We have received no feedback that indicates the changes will impact on their ability to continue providing PEQ services to the citrus industry. This means that NZCGI is able to support all of the proposed changes to the structure and operation of PEQ facilities.

NZCGI would like to acknowledge the significant work that MPI has carried out in the development of the standard and associated documents. By working through the proposed changes with a Project Board including those potentially impacted, MPI has developed a standard that provides a good balance between risk management and practicality. Further, the efforts to explain the changes to industry and PEQ operators are much appreciated by industry.

NZCGI is a product group affiliated to HortNZ and supports their substantive submission. NZCGI encourages MPI to hold further discussions with HortNZ and affected product groups as required to explore the comments. NZCGI is happy to be involved in those discussions if that would assist.

Kind regards,

Nikki Johnson
Executive Manager

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www.citrus.co.nz

Appendix 8; Submission from Nursery and Garden Industry New Zealand

In response to you call for comment on proposed changes to the *Facility Standard: Post Entry Quarantine for Plants* NGINZ is pleased to submit:

1. That NGINZ supports the proposal in its entirety.
2. That the overall proposal provides a good balance between the risks that the facility standard is seeking to address and the practicalities of construction and operating a facility.
3. NGINZ's CEO, John Liddle, attended both public consultation meetings and notes
    a. Substantial feedback related to issues outside the scope of the facility standard. Matters such as the small number of PEQ inspector (and associated risks should one fall ill etc), options for the use of IVA in the PEQ space, costs (travel, inspection and diagnostics), border staff familiarity with procedures … are nevertheless of concern. MPI staff will no doubt have a record of these comments and NGINZ urges that these are passed on to, and acted upon, by the appropriate MPI branch.
    b. There is concern about where various commodities will fit into the revised PEQ levels. While understanding this is the subject of IHS reviews, early indications of likely changes will go some way to alleviate concerns and provide guidance to those wishing to upgrade facilities to meet the new requirements.
4. In particular and concerning the proposed audit frequency dispensation and that consideration of this for a facility will need to wait until after two audits, NGINZ submits that consideration should be given to exemplary performance by operators under the existing standard. Perhaps, one full audit under the new standard could be regarded as suitable in such circumstances.
5. That the review process involving a Project Board including industry members and PEQ operators has produced a robust proposal and that the ability to have early industry feedback (and response to its concerns) through such a process has been invaluable to industry's acceptance and adoption of the new Standard.
6. Further the extensive fieldwork (site visits) made by MPI staff through the review period not only strengthened their understanding of site and operator experience, it too will enhance industry's acceptance and adoption.

In closing, NGIA would like to congratulate MPI on an excellent process and proposal.

regards
John

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Appendix 9; Submission from Pattullo's Nurseries

Submission re PEQ Review.

Dear Shane,
Please find below my submission re the current PEQ review.

Firstly, I would like to commend those involved at MPI in their ability to listen to the industry and modify MPI's position as there because a greater understanding of the issues involved and the consequences for those at the coal face of the industry.

I find the current recommendations to be fair and reasoned and reasonable.

I do have concerns as to the potential influence of industry sectors as regards the review of the relative import health standards, and there will need to be considerable vigilance to ensure that the outcomes of the review processes are totally based upon current risk profiles, whilst at the same time consideration is also taken of the past record of risk that a cultivar/genus represented verse the actual issues that were faced.

I totally support the submission made by Andy Warren.

I am directly affected by the costs involved because of the MPI rules.
MPI in the past decreed changes in the inspection/verification processes/procedures, and the impact of this was we lost our Napier based MPI inspection/verification.
The practical consequences were that inspection costs went from a couple of hundred to in excess of $1000 each and ever time.
There is a SEVERE lack of MPI inspection/verification service providers, and absolutely no contestability to keep MPI financially competitive in a "free market" economy.
There is a SEVERE lack of capacity within PHEL.
The above comments have absolutely nothing to do with the capability of those who are currently providing the services, this is all about what MPI as an organisation are providing.
As a provider of "services" to clients (PEQ providers in this case), MPI need to be able to respond to market demand (as any other private company would), and currently there seems absolutely no willingness or capability to do this and this directly impacts on the private sector.

If MPI are unable of unwilling to meet market demand then MPI MUST develop a process where other service providers can fill the void.

yours

Kerry Sixtus

Appendix 10; Submission from Plant and Food Research

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Date: 23 November 2015

Submission to: Ministry for Primary Industries

Submission on: MPI Post Entry Quarantine for Plants Standard (2015)

Submission from: Plant & Food Research

Contact person:
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Thank you for the opportunity to provide submissions on the draft Facility Standard: Post Entry Quarantine for Plants.

Background information

Plant & Food Research (PFR) is a Crown Research Institute. Currently, PFR operates several PEQ facilities. These are a Level 1 facilities at Palmerston North; Level 2 facilities at Lincoln, Havelock North and Palmerston North; and a level 3 facility at Palmerston North. To date, PFR has imported a range of nursery stock plant species or seed for sowing into PEQ facilities. This plant material is held in quarantine and tested for associated risk, new or unwanted organisms as required in Import Health Standards, prior to obtaining Biosecurity Clearance for release into New Zealand.

Summary of the submission

In general, PFR supports the proposed changes to the current Post Entry Quarantine Standard for PEQ levels 1 and 2 glasshouses; the splitting of level 3 glasshouse into new levels 3A and 3B; and PEQ levels 2 and 3 tissue culture laboratories. However, a few issues have been identified in the proposed new PEQ Standard, and these are raised below.

Detailed submission on proposed 2016 Post Entry Quarantine for Plants Standard

Item 1

1. : A: Section *4.2.1.3*

"Area surrounding the facility
A buffer strip a minimum of 1 metre wide must be present on all sides of the facility. The buffer strip must either be covered to prevent the growth of plants, or must be closely mowed lawn, or must be regularly treated with herbicide to prevent plant growth".

: Section *4.3.1.3*

"Area surrounding the facility
(1) A buffer strip a minimum of 1 metre wide must be present on all sides of the facility".

It is noted that the inclusion of the buffer zone is '*because plants adjacent to facility may be an alternative host for some pathogens, act as reservoirs for certain viruses and/or viroids, or may conceal the presence of pests or diseases. As such, plants in close proximity to a facility may increase the chances of pests and disease escaping from a facility (for example through breaks in seals or tears in mesh)*'.

While this is understandable. PFR does question whether a shared wall between a PEQ facility and a non-PEQ facility falls under the definition of the "*Area surrounding the facility*" as described in sections 4.2.1.3 and 4.3.1.3. If so this would mean that any PEQ L2 or L3A facilities sharing a wall with another building would no longer be able to comply with the new standard. For PFR this would include the PEQ L2 facility at Lincoln. This would impact considerably on our ability to provide quarantine services of our industry partners with high value crops.

I If the intention was not to have standalone PEQ L2 and L3A facilities or exclude quarantine facilities that share a common wall with other buildings, we propose that the wording is altered as suggested below.

4.2.1.3 Area surrounding the facility
(1) A buffer strip free of primary or alternative hosts of a minimum of 1 metre wide must be present on all sides of the facility. The buffer strip must either be covered to prevent the growth of plants, or must be closely mowed lawn, or must be regularly treated with herbicide to prevent plant growth.

4.3.1.3 Area surrounding the facility
(1) A buffer strip free of primary or alternative hosts of a minimum of 1 metre wide must be present on all sides of the facility.

Item 2

4.3.1.3 (2) the buffer strip must be covered and maintained free from plants.
{Note: Plants of the same genus as plants being held in quarantine that are growing in close proximity to the facility may need to be removed as part of the conditions of a facility's approval. This will depend on the level of risk and types of organisms that are potentially associated with the imported material.}

It is noted that the inclusion of the buffer zone is 'because plants adjacent to facility may be an alternative host for some pathogens, act as reservoirs for certain viruses and/or viroids, or may conceal the presence of pests or diseases. However, the

standard needs to more clear on the definition of 'plants in close proximity'. PFR is a breeding institute with many horticultural crops nearby whose phenotypic characteristics are assessed on a regular basis The implementation of the requirement to remove plants that are associated in close proximity with the imported commodity could be hard to implement by PFR as we are a `breeding new varieties institute'.

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It is noted that the Risk Management Proposal states that "*High value species from certain MPI-approved offshore facilities may also be eligible for entry into Level 2 facilities, although this will be on a case-by-case basis depending on the particular offshore facility and on what testing has been completed prior to import.*

It is not clear what commodities will be permitted to be processed through PEQ facilities under the new standard. Is it intended that high value crops such as pipfruit, grapes, berry fruit, stonefruit go into at least a PEQ 3A facility? Will this apply also to plant material that comes from offshore accredited facilities? If yes, then this will mean PEQ will become more costly and there will be fewer PEQ facilities available for use which are able to meet the PEQ L3A requirements

We believe it is unreasonable to be asked to assess the suitability of the new standard when it is not clear what commodities will be permitted to be processed through the different levels of PEQ facilities under the new standard. The confusion around which imported commodities will need to go into which level of containment needs to be addressed urgently so that the new proposed standard can be fairly assessed.

Under the new proposed standard, the PFR Level 2 PEQ facility in Hawkes Bay will remain a Level 2 facility, unless upgraded at significant cost to the new Level 3A standard. Currently this Level 2 PEQ facility is sufficient for high value crops imported from an offshore accredited facility, such as Prosser or CFIA. However this facility will no longer be suitable for its current use, if high value crops, which have the potential to harbour unwanted bacterial or fungal pathogens, will be required under the revised IHS to be processed through PEQ Level 3A or above. To the best of our knowledge, there have been no incursions of unwanted organisms in association with the processing of high value crops from offshore accredited facilities through the current PEQ L2 standard.

We hope the creation of the new PEQ Level 3A will not increase the cost and time delays for importation of critical crop germplasm into New Zealand and consequently provide greater incentive for illegal importations. There are currently no PEQ Level 3A facilities in New Zealand, and upgrading of any existing PEQ Level 2 facilities will no doubt be costly (as for the PFR facility in Hawkes Bay) and only after considerable time-delays. This will put an even greater pressure on the existing PEQ Level 3 facilities, either to operate at the new Level 3A standard, with a consequent greater pressure on the remaining Level 3B facility, or to operate at the Level 3B where there will be a significant cost increase for high value crops imported from an offshore accredited facility.

The creation of new PEQ Levels 3A and 3B will require revision of existing IHSs. There is a significant backlog of requests for new or renewal of suspended IHSs which has been the subject of significant industry (and PFR) concern over several years. The recent news of new resources within the MPI Plant Imports team and indications of increased focus and progress on this backlog has been widely welcomed. PFR would be very concerned if the creation of the new PEQ Levels 3A and 3B now threatens this new hope of progress on the existing backlog.