



# Summary of Additional Submissions:

## Report on the American Foulbrood National Pest Management Strategy

MPI Information – Paper No: 2012/02

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ISBN No: 978-0-478-38872-5 (print)  
ISBN No: 978-0-478-38871-8 (online)  
ISSN No: 2253-3931 (print)  
ISSN No: 2253-394X (online)

June 2012

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# 1 Purpose of this document

## 1.1 CONTEXT

The American foulbrood National Pest Management Strategy (the Strategy) is a programme developed to eliminate American foulbrood in managed bee colonies (i.e. hives) in New Zealand. American foulbrood is controlled through this National Strategy under the Biosecurity Act 1993, which primarily involves setting best practice methods to avoid the spread of the disease to other hives. The Strategy provides regulatory powers required for its effective implementation.

## 1.2 UPDATE

The then Ministry of Agriculture and Forestry (MAF) – now the Ministry for Primary Industries (MPI), released the discussion paper *Report on the American Foulbrood National Pest Management Strategy* for public consultation in September 2008. The purpose of the discussion paper was to seek feedback from individuals and organisations with an interest in American foulbrood control and the beekeeping industry.

As part of the consultation process, MPI asked for feedback on various aspects of the Strategy including:

- Governance;
- Strategy Funding;
- Strategy Effectiveness;
- The proposed changes to the Strategy.

A previous document, the *Summary of Submissions: Report on the American Foulbrood National Pest Management Strategy*, examined the 26 submissions MPI received on the original discussion paper, and addressed the issues generated by the submission process.

As part of this consultation process, MPI invited further submissions from individuals and organisations with an interest in American foulbrood control, and the beekeeping industry on two additional issues that were not discussed in the original consultation document but which were raised in a number of submissions.

This paper summarises the submissions received in response to the request for further submission on the two additional questions for consultation. This paper should be read in conjunction with the *Summary of Submissions: Report on the American Foulbrood National Pest Management Strategy*

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## 2 Introduction

American foulbrood is a serious disease of bees. Since 1998, American foulbrood has been managed by the beekeeping industry via a National Pest Management Strategy (the Strategy). This Strategy was due to expire on 30 September 2008. Under the Biosecurity Act, however, if a review has been notified prior to the expiry date, the Strategy remains in force until completion of the review.

In September 2008, the then Ministry of Agriculture and Forestry (MAF) released a discussion document entitled *Report on the American Foulbrood National Pest Management Strategy* (discussion paper no: 2008/07) and invited submissions on its proposed changes to the Strategy.

This document assessed the Order in Council<sup>1</sup> that underpins the Strategy, and suggested a number of changes. It also invited submissions from individuals and organisations with an interest in American foulbrood control and the beekeeping industry.

MPI received twenty-six submissions on the discussion document. These submissions are summarised in a *Summary of Submissions: Report on the American Foulbrood National Pest Management Strategy* (MAF Biosecurity New Zealand Information Paper No. 2010/03). A separate document, *Submissions on the American Foulbrood National Pest Management Strategy* contains full copies of all submissions received. This is available from the address below, or can be viewed on the MPI website.

As part of this consultation process, MPI invited further submissions from individuals and organisations with an interest in American foulbrood control, and the beekeeping industry on two additional issues that were not discussed in the original consultation document but which were raised in a number of submissions:

- Strategy Funding – timing of levy
- Clause 8 – Powers used to implement the Strategy

This paper summarises the four submissions received in response to the request for further submissions on the two additional questions for consultation, and needs to be read as supplementary to the *Summary of Submissions: Report on the American Foulbrood National Pest Management Strategy* (MAF Biosecurity New Zealand Information Paper No. 2010/03).

MPI officials also discussed the submissions with management committee members of the Management Agency in May 2012, to consider the Agency's views on the feasibility of the proposed changes.

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<sup>1</sup> Orders in Council are regulations or legislative orders in relation to and authorised by an existing Act of Parliament.

### 3 Executive Summary of Submissions Received

Four submissions were received from beekeepers. Two submissions provided additional extensive comments on sections of the Strategy other than on the two questions where feedback was requested. These areas were covered in the previous call for submissions on the Strategy (with a clearly stated deadline); consequently these sections of the submissions were regarded as out of scope for the purposes of this paper.

Question 1 requested feedback on changing the levy calculation date to follow the Annual Disease Return date (1 June), instead of the current levy date of 31 March, when payment is calculated on the number of apiaries at that point. It was felt that this amended date would ensure that the levies would be based on information that was more up to date. Three out of the four submissions supported this amendment; one submission expressed concerns that this change could result in a funding shortfall and questioned the benefit to be obtained from the change.

Question 2 requested opinion on giving the management agency the powers to define regions of different AFB status, and to impose requirements on hives being moved into these zones. Three of the submissions expressed support for this proposal, although with reservation expressed by one submitter on possible abuses by the management agency. One submission opposed the idea, due to concerns about increased need for checks, increased resource demands and the greater likelihood of non-reporting.

## 4 Proposed further amendments to the American Foulbrood Strategy

The following section outlines the additional proposed amendments to the Strategy, with a summary of key issues raised by the submitters. A full summary of submissions received, and MPI responses to the key issues raised by submitters are outlined in section 5.

### 4.1 CLAUSE 8 – POWERS USED TO IMPLEMENT STRATEGY

MPI recommends that the Strategy includes a new power to declare controlled areas under section 131 of the Biosecurity Act. This would permit the establishment of regional zones based on American foulbrood levels. Restrictions could be imposed on hives moving between zones of differing AFB status as a means of managing the disease.

Three of the submissions expressed support for this proposal, although with reservation expressed by one submitter on possible abuses by the management agency. One submission opposed the idea, due to concerns about increased need for checks, resource demands and the greater likelihood of non-reporting.

There is a risk that beekeepers could seek to use these restrictions inappropriately, but this can be addressed through the Management Agency outlining clear and robust criteria for defining the various zones. The potential additional costs associated with increased monitoring and surveillance would need to be weighed against the potential disease control benefits that zoning could provide.

This amendment was discussed in May 2012 with the Manager and several committee members of the AFB Strategy Management Agency.

The opinion of the members that were surveyed was that the powers were not required at this point in time, as no significant area of New Zealand is believed to be free of AFB. However, MPI considers that these powers would be a useful additional control tool if the prevalence of AFB were reduced in the medium to long term. The power to declare control zones would be an additional control option available to the Management Agency, and would not need to be implemented unless the Management Agency considered it would be beneficial.

MPI therefore recommends that the Strategy includes the power to declare Controlled Area notices for disease management purposes.

### 4.2 CLAUSE 27 – ANNUAL DISEASE RETURN AND THE LEVY CALCULATION DATE

MPI proposed that the management agency consider amending the levy calculation date, and the date levies are due, to ensure that levies are based on up-to-date and accurate information.

MPI requested feedback on changing the levy calculation date to follow the Annual Disease Return date (1 June). The current levy calculation date is 31 March (the apiary levy is assessed on the number of apiaries owned by a beekeeper on this date.). It was felt that this amended date would ensure that the levies would be based on information that was more up to



date, as all beekeepers are required to submit a full update of their hive holdings in an Annual Disease Return due by 1 June each year. Three out of the four submissions supported this amendment; one submission expressed concerns that this change could result in a funding shortfall and questioned the benefit to be obtained from the change.

This proposed amendment was discussed in May 2012 with the Manager and several committee members of the AFB Strategy Management Agency.

The opinion of these members was that this amendment would impose significant challenges on the Management Agency during the transitional period, as the Strategy would be required to operate for 14-15 months (depending on the new calculation date chosen) using revenue gathered for a 12-month period.

Since MPI sought feedback on this issue, commercial beekeepers have gained access to the Apiary Database via a programme called APIWEB, which allows them to directly input some changes into the database. Following this successful trial, APIWEB will be extended to all beekeepers in winter 2012. This will allow all beekeepers to update their hive information in real time through the website. This makes it much easier for beekeepers to keep their apiary details up-to-date, and greatly reduces the rationale for amending the levy calculation date

MPI therefore recommends that the levy calculation date is **not** amended.

## 5 Summary of Additional Submissions on the Report on the American Foulbrood National Pest Management Strategy

The following section is a summary of submissions received, and MPI responses to the key issues raised by submitters.

### 5.1 CLAUSE 8: POWERS TO IMPLEMENT THE STRATEGY

MPI noted suggestions in the first round of submissions that the Strategy include a new power to declare controlled areas under section 131 of the Biosecurity Act. It has been noted that the Bovine Tb Strategy has this power, and uses it to implement a nationwide zoning strategy based on disease incidence.

Supporting beekeepers envisage the management agency being able to declare certain regions as being “AFB free” or “low AFB incidence”, and imposing entry requirements on hives being moved into these zones. MPI accepts this could assist in the objective of reducing AFB levels, particularly if AFB levels continue to decline more rapidly in some regions of the country.

There is a risk that beekeepers could attempt to persuade the management agency to put in place controlled areas whose real intent is to exclude “outside” beekeepers, or prevent migratory beekeepers accessing a particular region. MPI would only support this power being added to the Strategy if it is convinced that the management agency is able to use controlled areas in an appropriate manner.

Declaring areas such as the Chatham Islands and Stewart Island to be “AFB free” or “low AFB incidence” areas cannot be done directly via the American foulbrood Order in Council. However, the management agency could impose restrictions of this nature if section 131 powers were added to the Strategy.

MPI sought further input from beekeepers on whether the management agency should be able to declare controlled areas under section 131 of the Biosecurity Act in a second round of consultation, where this was one of two additional questions.

#### 5.1.1 Submissions

Three of the submissions expressed support for this proposal. One of these submitters expressed reservations about possible abuses by the management agency, and another indicated that if implemented it would require additional surveillance. One submission opposed the idea, due to concerns about increased need for checks, increased resource demands and the greater likelihood of non-reporting. This submission did indicate that it could be considered in the future when the AFB objectives were being effectively managed.

MPI also sought the opinion of the Manager and several committee members of the National Beekeepers’ Association (as Management Agency for the Strategy) in May 2012.

The opinion of these members was that the powers were not required at this point in time.

### 5.1.2 MPI response:

MPI recognises that there is a risk that beekeepers could seek to use these restrictions inappropriately, through possibly restricting access to hives into “desirable” or economically attractive areas through the use of movement controls. This can be addressed through the Management Agency outlining clear and robust criteria for defining the various zones. There will also need to be clear control guidelines for the movement of hives, as well as a transparent process for the approval or refusal of hive movement requests.

The potential additional costs associated with increased monitoring and surveillance would need to be determined and then weighed against the potential disease control benefits that zoning could provide.

MPI does not foresee that the use of zoning with a possible increased requirement for checking would result in an increased likelihood of non-reporting, as expressed by the submitter opposed to the proposal. The Management Agency need not put in place any controlled area if it does not have confidence in the accuracy of reported disease levels.

MPI notes that the Management Agency is under no obligation to impose controlled areas using section 131, but would have the ability to use this power if it wished. It will be up to the Management Agency to determine whether or not imposing a controlled area would assist in reducing American foulbrood levels.

## 5.2 ANNUAL DISEASE RETURN – AMENDMENT TO TIMING OF PAYMENT

The Strategy is currently funded by a levy on apiaries imposed under the Biosecurity Act. The levy order imposes a base levy fixed at \$20 per beekeeper, and an apiary levy that can be varied by the management agency; up to a maximum of \$15.17 per apiary (all figures GST-exclusive). At present, the levy is calculated based on the number of apiaries registered by a beekeeper as of 31 March each year. Most beekeepers comprehensively update their apiary details in their Annual Disease Return, which must be submitted by 1 June each year. Many beekeepers fail to update the management agency of changes to apiary number through the year, despite a legal requirement to do so. This results in the levy being calculated on information that may be up to nine months old. This has been a frequent source of friction between the Management Agency and levy-payers.

MPI sought feedback on the costs and benefits to beekeepers and the Strategy of changing the levy calculation date to coincide with or follow closely after the Annual Disease Return due date. This would require a change in the Biosecurity (American Foulbrood Apiary and Beekeepers levy) Order 2003.

### 5.2.1 Submissions

Three out of the four submissions supported this amendment. One submission from a previous Chair of the Management Agency expressed concern that this change could result in a funding shortfall that could impact on delivery of work. This submitter also outlined that there will be discrepancies the day after the calculation is made, and that March is still the time when apiaries are less likely to be shifted to larger holding sites. Based on these concerns this submitter questioned whether it was an appropriate change to make.

### 5.2.2 MPI response:

A number of submissions in the first round of consultation proposed aligning the due date of Annual Disease Returns with the date that levies are paid, so that there is no dispute about the number of hives for which a beekeeper should be paying levies. In the second round of submissions 3 out of the 4 submissions supported this proposal.

MPI notes the concern about financial impact on the Strategy during a transition period expressed by one submitter. There appear to be two issues to be considered. Firstly, what will be the ongoing impact on the annual cashflow of the Management Agency if the levy calculation date was changed? Secondly, what would be the impact on the Management Agency's finances during the transitional year in the event of the change to the levy calculation date?

It was envisaged that changing the levy calculation date could reduce conflict between the Management Agency and levy payers, and provided that there would be no serious impact on the ongoing financial position of the management agency, MPI felt that a change could be made.

This amendment was discussed in May 2012 with the Manager and several committee members of the National Beekeepers' Association (as Management Agency for the Strategy).

The opinion of these members was that this amendment was not required. All beekeepers either have or will shortly gain the ability to update their hive information on the Apiary Database via a programme called APIWEB. This means that out-of-date information should be less of an issue, and that there is no longer the incentive to amend the levy calculation date.

MPI therefore recommends that the levy calculation date is **not** amended.