Ministry for Primary Industries
Manatū Ahu Matua

Review of Submissions:
DRAFT IMPORT HEALTH STANDARD FOR FRESH ONIONS (*ALLIUM CEPA*) FROM THE PEOPLE'S REPUBLIC OF CHINA

February 2014

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Plants, Food & Environment Directorate
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REVIEW OF SUBMISSIONS:

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Approved for general release

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Introduction

The Ministry for Primary Industries (MPI) consulted with interested parties from 23 September 2013 to 22 January 2014, on the draft import health standard (IHS) for fresh onions (*Allium cepa*) from the People's Republic of China (PRC) in accordance with Section 23 of the Biosecurity Act 1993 (the Act) and MPI's consultation policy. The draft IHS proposed that fresh onions from the PRC have:

(i) undergone appropriate pest control activities that are effective against *Delia antiqua, Delia floralis, Pantoea ananatis* and *Puccinia asparagi* in accordance with the official assurance programme between the New Zealand Ministry for Primary Industries and the General Administration for Quality Supervision and Inspection and Quarantine of the People's Republic of China.

MPI received two submissions on the draft IHS from the following stakeholders:

Ian Cardno	New Zealand Fresh Produce Importers Association	22 January 2014
Matthew Spence	Onions New Zealand Inc.	22 January 2014

This document summarizes the comments/points raised in submissions and presents MPI's responses.

Please note, as part of the Standards Integration Project (SIP) MPI is currently in the process of migrating regulatory requirement and guidance documents into a new format and templates. In order to provide more consistent presentation, the fresh produce IHSs are currently being converted into the new SIP format. When regulatory requirements are being amended or updated formal consultation will occur.

The IHS for fresh onions from the PRC was previously consulted in the old IHS format and is being issued under the new SIP IHS format; no change to regulatory requirements has occurred during the migration of this content. However, in review of submissions MPI has recorded where wording differences have occurred during migration into the new SIP format.

Acronyms

AQSIQ	General Administration for Quality Supervision and Inspection and Quarantine of the People's Republic of China (PRC's NPPO)
CTO	Chief Technical Officer
dCTO	Deputy Chief Technical Officer
IHS	import health standard
152.02	MPI IHS 152.02: Importation and Clearance of Fresh Fruit and Vegetables into New Zealand (http://www.biosecurity.govt.nz/files/ihs/152-02.pdf)
MPI	Ministry for Primary Industries (New Zealand's NPPO)
NPPO	National Plant Protection Organisation
NZFPIA	New Zealand Fresh Produce Importers Association
OAP	official assurance programme
ONZ	Onions New Zealand Inc.
PRC	People's Republic of China
RMP	risk management proposal

Submission 1: Ian Cardno, NZFPIA

Scope

1. Please advise how the Scope of the IHS states "requirements to be met to enable biosecurity clearance to be given" when some of the "Actions on interception" in Part E of the IHS include actions that are contrary to giving biosecurity clearance.

MPI response:

Within the new SIP formatted IHS for fresh onions from the PRC the 'scoping' requirements are included in Part 1.1-5, in accordance with section 22 of the Act which provides a definition of an IHS.

Part 1.5(2) contains information for 'Consequences of not complying with this standard' and is further elaborated in Part 3.1(2), including the 'Actions on interception' for specific pathway regulated pests, at an external link to the 'Regulated pest list for onions from the People's Republic of China'.

"Actions on interception" of regulated pests in Part 3.1(2) of the SIP formatted IHS meets the definition of an IHS as per section 22(2)(d) and provides an appropriate level of transparency for importers for 'Consequences of not complying with this standard'.

2. Please advise the legal connection of non-biosecurity clearance actions to the IHS and how the reship, destroy and suspension of pathway become part of the development and implementation of an import health standard.

MPI response:

As per MPI's response to NZFPIA submission point 1, within the new SIP formatted IHS for fresh onions from the PRC Part 1.5(2) contains information for 'Consequences of not complying with this standard'. Further to this, section 116(2) and 24B(3) of the Act includes provisions for MPI to undertake non-compliance actions such as reship, destroy and pathway suspension.

Definitions – Additional declaration pests

3. What is "additional declaration pest"?

MPI response:

The definition an of additional declaration pest as consulted on in the draft IHS for fresh onions from the PRC is provided below.

Additional declaration pests - means regulated pests that require specific pre-export phytosanitary measures that are attested to using an additional declaration on the export phytosanitary certificate.

4. Please advise if this is a newly created category.

MPI response:

An additional declaration pest with the above specified definition was a potential new pest category. However, in response to submissions and for consistency across all plant import pathways, this terminology has been discontinued.

5. What implications will this pest categorisation have on other pathways?

MPI response:

As per MPI's response to NZFPIA submission point 4, MPI has discontinued the use of the additional declaration pest definition. MPI is currently in the process of revising pest categorisation for all plant import pathways to improve consistency.

6. At the time the draft IHS was developed, and later released for comment, what consultation with stakeholders on this term/category had MPI completed? Prior to the draft IHS release it did not appear

to have been discussed or communicated to the Onions Working Group of FreshPAC. Why is this?

MPI response:

In accordance with section 23 of the Act, MPI consulted on the potential new pest category in the draft IHS for fresh onions from the PRC. However, as per MPI's response to NZFPIA submission point 4, MPI has discontinued the use of the additional declaration pest definition.

During the interim period of pest categorisation revision, all pests included in the 'Regulated pest list for onions from the People's Republic of China' will be referred to as regulated pests.

7. What International conventions or MPI consultation requirements must be followed prior to the development and implementation of important new terminologies in import health standards?

MPI response:

The biosecurity system for imported plants and plant products into New Zealand is subject to the Act, and is based on the principles and guidelines of the World Trade Organisation (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the International Plant Protection Convention (IPPC).

Governed under New Zealand's domestic legislation (the Act), MPI consulted on the potential new pest category in the draft IHS for fresh onions from the PRC, but does not intend to continue with its use.

8. Why have changes been made to the pest categorisation terminology in recent IHSs developed and released in the past 24 months (including draft IHSs)?

MPI response:

NZFPIA submission point 8 does not directly relate to the consultation of technical material within the draft IHS for fresh onions from the PRC, but is a higher level MPI policy position. This policy position will be further outlined for the submitter within the context of the MPI/industry Fresh Produce Advisory Committee (FreshPAC) forum.

Definitions – Import health standard

9. The definition of Import health standard in the draft IHS does not appear to be the same as specified in the Biosecurity Act (1993).

MPI response:

Within the new SIP formatted IHS for fresh onions from the PRC, the definition of an IHS has not been included, as this is defined in the Act. Please refer to s22 of the Act for the full definition of an IHS.

Definitions – Inspection pests

10. What is the technical definition of "inspection pest"?

MPI response:

The definition of an inspection pest as consulted on in the draft IHS for fresh onions from the PRC is provided below.

Inspection pests – means regulated pests on the IHS pest list, for which the commodity is requiring freedom from at phytosanitary inspection that are attested to by issuance of the export phytosanitary certificate.

11. What implications will this categorisation have on other pathways?

MPI response:

In response to submissions and for consistency across all plant import pathways, this terminology has been discontinued. MPI is currently in the process of revising pest categorisation for all plant import

pathways to improve consistency.

12. At the time the draft IHS was developed, and later released for comment, what consultation with stakeholders on this term/category had MPI completed? Prior to the draft IHS release it did not appear to have been discussed or communicated to the Onions Working Group of FreshPAC. Why is this?

MPI response:

In accordance with section 23 of the Act, MPI consulted on the potential new pest category in the draft IHS for fresh onions from the PRC. However, as per MPI's response to NZFPIA submission point 11, MPI has discontinued the use of the inspection pest definition.

During the interim period of pest categorisation revision, all pests included in the 'Regulated pest list for onions from the People's Republic of China' will be referred to as regulated pests.

Definitions – Regulated pest

13. The IHS definition of regulated pest differs to the ISPM definition.

MPI response:

MPI has updated the definition of a regulated pest to align with ISPM 5: *Glossary of phytosanitary terms* (2012) and the Act. This definition is included in the new SIP format of the IHS for fresh onions from the PRC in Appendix 1.

Regulated pest
A quarantine pest or a regulated non-quarantine pest and an organism listed in BORIC as being regulated for New Zealand.

Note: If an intercepted organism is not listed in BORIC, the NPPO must contact MPI to establish the regulatory status.

Outcome

14. What has been agreed and by whom, when and under what technical background was the agreement made?

MPI response:

Prior to MPI consulting on the draft IHS for fresh onions from the PRC, MPI provided the draft IHS to the PRC NPPO for their review and comment. At the September 2013 bilateral phytosanitary meeting, MPI and the PRC NPPO agreed upon the proposed phytosanitary measures for the onion import pathway.

MPI's approach towards proposing the phytosanitary measures in the draft IHS for fresh onions from the PRC has included a series of assessment iterations, based on information available to MPI and stakeholder engagement since the project began in 2008. MPI has worked to base risk management decisions on scientific evidence and pathway information, for technical justification.

The consulted IHS is a draft and will not be issued as final until MPI has released this Review of Submissions (RoS) document and the IHS for a provisional period of 10 working days. MPI will also seek to agree and finalise the OAP with the PRC NPPO, before trade can commence.

15. Why are technical components of "agreements" e.g. Official Assurance Programmes, or Bilateral Quarantine Arrangements, not appended to the IHS?

MPI response:

MPI has developed an OAP to describe how the IHS requirements on the PRC fresh onion import pathway are to be met, which is translated into an additional declaration certified by the NPPO on the phytosanitary certificate. The OAP is a confidential agreement between MPI and the PRC NPPO, which documents the activities within the PRC onion commercial production and phytosanitary export systems,

with PRC NPPO oversight.

The OAP does not impose legal requirements, therefore will not be part of or appended to the IHS.

16. Should the wording be "visually free of all regulated pests to a level that prevents its likelihood of entry and/or establishment in New Zealand and consequent impacts?" What is MPI's comment on this?

MPI response:

In accordance with section 22(5) of the Act, an IHS may specify requirements in any appropriate manner. Part 2.1 of the new SIP formatted IHS for fresh onions from the PRC includes a general requirement for all fresh produce consignments to be free from viable regulated pests and is not limited to those that are visually detectable.

The general requirements in Part 2.1 and information in the accompanying guidance box also are in alignment with international guidelines included in ISPM 7: *Phytosanitary certificates* (2012), ISPM 12: *Phytosanitary certificates* (2012) and ISPM 23: *Guidelines for inspection* (2013); these ISPMs are incorporated by reference into the IHS.

17. There appears to be a significant difference between the Outcome statement and the Objectives of the draft Risk Management Proposal i.e. "The objective of the proposed measures is to effectively manage known phytosanitary risks associated with the importation of fresh onion bulbs for human consumption from PRC in a way that is consistent with New Zealand's domestic legislation and international obligations". What is MPI's comment on this?

MPI response:

The difference between an objective and outcome can be found in their definition and the use of the two words in either document. The RMP is an explanatory document to the draft IHS, including the objective of the proposed measures, whereas the IHS specifies the requirements to meet the expected outcome.

However, within the new SIP formatted IHS for fresh onions from the PRC, the outcome included in Part 1.3 is now more closely aligned with the objective in the RMP.

18. There is no consistency of Outcome Statement of the draft IHS and other import health standards. What is MPI's comment on this?

MPI response:

NZFPIA submission point 18 does not directly relate to the consultation technical material within the draft IHS for fresh onions from the PRC, but is a higher level MPI policy position. This policy position will be further outlined for the submitter within the context of the MPI/industry FreshPAC forum.

19. The second sentence of the first paragraph and the last two paragraphs as listed under the draft IHS under the heading of "Outcome" are not Outcomes. They are part of performance measures.

MPI response:

Within the new SIP formatted IHS for fresh onions from the PRC the 'The outcome this standard is seeking to achieve' is included in Part 1.3.

MPI has not included performance measure statements within the new SIP formatted IHS, but does provide guidance information to Part 1.3, for how to determine whether the outcome has been met.

Performance Measure (Note: this heading is missing from the IHS)

20. Please advise the inspection techniques for the pathogens listed below, and how MPI determines the confidence level of 95% that not more than 0.5% of the units in the consignment are infested: *Erwinia chrysanthemi* pv. *chrysanthemi*, *Pantoea ananatis*, *Alternaria palandui*, *Cladosporium oxysporum*, *Davidiella allii-cepae*, *Penicillium oxalicum*, *Phytophthora capsici* and *Puccinia asparagi*.

MPI response:

As per MPI's response to NZFPIA submission point 16, within the new SIP formatted IHS for fresh onions from the PRC, Part 2.1 incorporates ISPM 23 (2013) by reference, specifying guidelines for inspection.

MPI's expectation of how pathogens are inspected for includes the examination of each individual unit within the sample by an inspector, along with the package in which they were contained, for signs or symptoms of disease. How the IHS requirements for phytosanitary inspection and certification are met by the PRC NPPO are documented in the OAP.

MPI acknowledges that some pathogens may be asymptomatic at the time of phytosanitary inspection. It is for this reason that MPI does not consider phytosanitary inspection as a risk management activity, but as a verification activity.

As per MPI's response to NZFPIA submission point 19, performance measure statements are no longer included in the new SIP formatted IHS.

Equivalence

21. Please provide details of standards and requirements that MPI operates to, to determine if an equivalent phytosanitary measure to maintain at least the same level of protection assured by the current measures can be applied.

MPI response:

Within the new SIP formatted IHS for fresh onions from the PRC the 'Equivalence' statement is included in Part 1.4.

MPI will assess requests for equivalent phytosanitary measures in alignment with ISPM 24 (2011), which is incorporated by reference into Part 1.4. This approach is consistent with MPI's assessment of recently consulted equivalence requests for amendments to the IHSs for fresh table grapes from the United States of America http://www.biosecurity.govt.nz/biosec/consult/amend-ihs-table-grapes-usa-aug-13 and fresh capsicums and tomatoes from Australia http://www.biosecurity.govt.nz/biosec/consult/draft-ihs-capsicum-and-tomatoes

Phytosanitary measures

22. As MPI "requires" the NPPO to undertake pest control activities that are effective against the additional declaration pests, please comment on why these requirements are not included in the IHS.

MPI response:

MPI's requirement for the risk management for the regulated pests *D. antiqua, D. floralis, P. ananatis* and *P. asparagi* is that 'appropriate pest control activities' have been undertaken. MPI requires the PRC NPPO to verify these activities are undertaken and then attest to this by additional declaration on the phytosanitary certificate, as a legal requirement of the IHS.

Within the new SIP formatted IHS for fresh onions from the PRC, the requirement for the PRC NPPO verification and certification of the additional declaration can be found in Part 3.1(1).

Inspection of the consignment

23. Please advise how PRC's NPPO will "sample and visually inspect the consignment according to official procedures for all regulated pests to ensure it meets New Zealand's current import requirements".

MPI response:

As per MPI's response to NZFPIA submission point 16 and 20, within the new SIP formatted IHS for fresh onions from the PRC, Part 2.1 incorporates ISPM 23 (2013) by reference, specifying guidelines for inspection.

24. What are the "official procedures" and what inspection methods are employed to detect pathogens?

MPI response:

As per MPI's response to NZFPIA submission point 16, 20 and 23, within the new SIP formatted IHS for fresh onions from the PRC, Part 2.1 incorporates ISPM 23 (2013) by reference, specifying guidelines for inspection.

MPI's expectation of how pathogens are inspected for includes the examination of each individual unit within the sample by an inspector, along with the package in which they were contained, for signs or symptoms of disease. How the IHS requirements for phytosanitary inspection and certification are met by the PRC NPPO are documented in the OAP.

MPI acknowledges that some pathogens may be asymptomatic at the time of phytosanitary inspection. It is for this reason that MPI does not consider phytosanitary inspection as a risk management activity, but as a verification activity.

25. If PRC's NPPO detects an organism during the visual inspection, which is not listed in the IHS, would this be considered a pest control system failure, and, if Yes, what action will MPI take?

MPI response:

Within the new SIP formatted IHS for fresh onions from the PRC the guidance information in Part 2.1 includes information about detection of organisms that are not listed in the IHS.

Where an organism is detected during the PRC NPPO's phytosanitary inspection that is not listed on the IHS, it not considered a pest control system failure. The PRC NPPO will refer to MPI's Biosecurity Organisms Register for Imported Commodities (BORIC) or contact MPI if the organism is unlisted for confirmation of regulatory status.

Once the PRC NPPO has confirmed the regulatory status of the organism, appropriate pest mitigation (pre-export treatment) action agreed between the PRC NPPO and MPI will be conducted, or the fresh onions will not be exported to New Zealand.

Activities required for phytosanitary certification

26. The description of the pest categorisation is different i.e. quarantine pests and regulated non-quarantine pests in the first paragraph, and regulated pests from the second paragraph. Please advise why there is a difference.

MPI response:

Within the new SIP formatted IHS for fresh onions from the PRC the ISPM 12 (2012) certifying statement for phytosanitary inspection is included in Part 2.1(3). The MPI inspection certifying statement as consulted on in the draft IHS for fresh onions from the PRC will no longer be used.

Additional declarations to the phytosanitary certificate

27. What is the scope of OAP's?

28. What is the requirement, therefore, to have an OAP for pests other than "high priority" or "high impact" pests (e.g. the 4 pests listed above) for this, and other pathways?

MPI response:

Consistent with the IPPC and the WTO SPS agreement, New Zealand relies on an exporting country's NPPO to provide an official assurance (via phytosanitary certification) that its export commodities meet New Zealand's import requirements. In order to provide confidence to government and domestic stakeholders, MPI, as necessary, will document the systems, procedures and activities used by an exporting country. These components are captured within an OAP and are subject to pathway assurance audit by MPI, to verify that the official procedures are being implemented appropriately.

Official assurance programmes may include one or more of the following:

- activities undertaken prior to export, including in-field application of pest control activities, to ensure biosecurity risks are adequately managed in order to meet the requirements of an IHS;
- operating systems and minimum structural requirements for treatment facilities, packing houses and storage facilities (post-harvest/treatment security);
- details of minimum requirements for packaging and transport.

The decision for the use of an OAP on the fresh onion import pathway from PRC was in agreement between MPI and the PRC NPPO at the 2013 bilateral phytosanitary meeting.

The use of OAPs is a higher level MPI policy position. This policy position can be further outlined for the submitter within the context of the MPI/industry FreshPAC forum if necessary.

Part E. Regulated pest list for onions from the People's Republic of China

29. *Atherigona orientalis*
    There is an added "Action on interception" of *Atherigona orientalis* – refer to item k) of Appendix 2: Summary of the Onion Export Pathway from PRC of the draft RMP – which states that any consignment not complying with New Zealand's import requirements is treated, reshipped or destroyed, and/or the temporary suspension of the pathway on the detection of risk organisms for pre-export phytosanitary measures are required.

30. *Penicillium oxalicum*
    There is an added "Action on interception" of *Penicillium oxalicum* – refer to item k) of Appendix 2: Summary of the Onion Export Pathway from PRC of the draft RMP – which states that any consignment not complying with New Zealand's import requirements is treated, reshipped or destroyed, and/or the temporary suspension of the pathway on the detection of risk organisms for pre-export phytosanitary measures are required.

    This does not appear to be consistent with the draft IHS? Why is there an added action i.e. pathway suspension, for this pest in the RMP?

MPI response:

MPI does not consider the difference between the description of non-compliance actions in the RMP and IHS an inconsistency. This is a comparison of a summary statement of actions in the RMP (an explanatory document) to specific actions on interception in the draft IHS for fresh onions from the PRC, as consulted in the old format.

As per MPI's response to NZFPIA submission point 1, within the new SIP formatted IHS for fresh onions from the PRC, the 'Actions on interception' for specific pathway regulated pests is included in Part 3.1(2).

31. *Penicillium oxalicum*
    MPI advised the FreshPac Onions Working Group (Sep 2013) that the information on this pest did not support the regulated pest classification. Given that statement and the fact that *Penicillium oxalicum* has been categorised as a non-regulated pest in other commodity import health standards e.g. garlic ex PRC.

    Why does this IHS list this pest as a regulated pest?

MPI response:

In response to consultation submissions MPI has re-assessed the regulatory status of *P. oxalicum.* MPI has determined *P. oxalicum* to be non-regulated, on the basis there are three entries of its presence in New Zealand and that it doesn't meet the criteria for established species to be quarantine pests. MPI has formally changed the regulatory status of *P. oxalicum* to non-regulated. *P. oxalicum* will be removed from the IHS for fresh onions from the PRC and will not be actionable if intercepted during on arrival verification inspection.

32. *Penicillium* spp are considered to be "cosmopolitan" and they are difficult to identify. What is MPI's response to this statement and to other cosmopolitan pests?

MPI response:

As per MPI's response to NZFPIA submission point 31, MPI has determined *P. oxalicum* to be non-regulated.

NZFPIA submission point 32 does not relate to the consultation technical material within the draft IHS for fresh onions from PRC, but is a higher level MPI policy position. This policy position will be further outlined for the submitter within the context of the MPI/industry FreshPAC forum.

33. It is likely to be practically unworkable to undertake trade where *Pencillium* spp is associated with the pathway and intercepted on imported product, due to diagnostic constraints, difficulty identifying to species level and associated issues with decision-making timelines for affected consignments. What is MPI's response to this statement?

MPI response:

As per MPI's response to NZFPIA submission point 31, MPI has re-assessed the regulatory status of *P. oxalicum* and determined it to be non-regulated.

NZFPIA submission point 33 does not relate to the consultation technical material within the draft IHS for fresh onions from PRC, but is a higher level MPI policy position. This policy position will be further outlined for the submitter within the context of the MPI/industry FreshPAC forum.

34. The IHS for garlic ex PRC has a number of regulated pests (e.g. *Pratylenchus zeae* and *Mamestra brassicae*) which have onions listed as hosts in other media (e.g. Google) which are not listed in the onions IHS. Why is that?

MPI response:

MPI's assessment of *Pratylenchus zeae* and *Mamestra brassicae* concluded these organisms were of negligible risk and not a potential hazard to the PRC onion import pathway (MAFBNZ, 2009). http://www.biosecurity.govt.nz/files/biosec/consult/draft-ira-onions-from-china.pdf

Submission 2: Matthew Spence, ONZ

Introduction

1. ONZ had prepared extensive technical comments on the Risk Management Proposal (RMP) and draft Import Health Standard (IHS) prior to the suspension of public consultation and the provision of additional documentation (MPI, 2013e). We have subsequently revised the submission on the basis of written and verbal information and assurances provided by MPI. In this submission we specifically seek confirmation from MPI of these assurances.

MPI response:

MPI thanks ONZ for their review and comments on documents during the development of the draft IHS for fresh onions from PRC and for their constructive contribution as a member of the FreshPAC Onions working group. MPI also appreciates the technical knowledge and industry experience ONZ and their consultant have provided to the working group.

Process for development of the IHS for consultation

2. The RMP does not reflect the options for phytosanitary measures recommended in the draft Import Risk Analysis.

MPI response:

As previously discussed within the FreshPAC Onions working group forum, the phytosanitary measures included in the draft Import Risk Analysis (MAFBNZ, 2009) are not recommendations but are generic options for risk management.

MPI's approach towards proposing phytosanitary measures in the draft IHS for fresh onions from the PRC has also included a series of assessment iterations, based on information available to MPI and stakeholder engagement, since the project began in 2008. For technical justification MPI has worked to base risk management decisions on scientific evidence and pathway information.

Content and status of the OAP

3. Risk management for the importation of onions from China is based on ensuring that the commercial practices described by China's NPPO are effectively implemented. ONZ is concerned to ensure that these requirements are very clearly documented and subject to audit by MPI.

   It is our understanding based on written and verbal advice from MPI that an Official Assurance Programme (OAP) will be developed by China and MPI, and that this will include all of the activities specified in the RMP (and further elaborated in the information document (MPI, 2013e sections 3.4-3.6)), and that the OAP will be subject to audit by MPI. We request confirmation by MPI that this is the process that will be followed.

MPI response:

MPI has developed an OAP to describe how the IHS requirements on the fresh onion pathway are to be met. The OAP is a confidential agreement between MPI and the PRC NPPO that documents the activities within the PRC onion commercial production and phytosanitary export systems with PRC NPPO oversight. The OAP will provide an additional level of confidence in the systems used by PRC to produce onions for export to New Zealand. The activities documented within the OAP are taken from the RMP, the draft IHS and other supporting information. The activities in OAP are auditable by MPI and the PRC NPPO.

4. It is also our view that both the RMP and OAP should be explicitly incorporated by reference into the IHS, in accordance with Section 142M of the Biosecurity Act.

MPI response:

The OAP documents the activities within the PRC onion export system, which are translated into an additional declaration certified by the PRC NPPO on the phytosanitary certificate; phytosanitary certification is a requirement of the IHS. The RMP is an explanatory document that provides technical justification for the proposed import requirements, for use during public consultation.

Section 142M of the Act allows MPI to incorporate written material by reference into biosecurity documents such as IHSs, to make that written material a legal requirement of the IHS. The RMP and OAP do not impose legal requirements.

Pest specific concerns: Onion fly – *Delia antiqua* (and *D. flora*)

5. MPI has clarified that its assessment of risk has concluded that in areas of China from which onions will be exported the life cycle of *Delia* spp. is asynchronous with onion production cycles, and therefore the risk of infestation is very low. As this appears to be a critical component of the risk management proposal we request that the IHS specifies the areas of China which meet this criteria and that importation be limited to those areas.

MPI response:

The draft IHS for onions from the PRC that MPI has consulted on is for the whole of the PRC and will not be restricted to provinces with specific production cycles. Although it is likely certain provinces within PRC will have onion production cycles asynchronous to *D. antiqua* lifecycles thereby reducing the likelihood of the first generation infestation of young seedlings, there is still a risk of infestation by later generations.

Therefore MPI has assessed, developed and proposed phytosanitary measures targeting all generations of *D. antiqua* for the production and export of onions from all PRC provinces. MPI considers the pre-planting, production and post-harvest control activities relating to the management of *D. antiqua* risk are to an acceptable level. This approach is consistent with commercial production practices used for onions worldwide and is in adherence with international agreements New Zealand is signatory to – IPPC and the WTO SPS agreement.

Pest specific concerns: Centre rot - *Pantoea ananatis*

6. We have asked MPI to advise ONZ of the level of detection required by China's pest surveys under the RMP, and MPI has advised that "the levels to measure control activities are not specified to an exporting NPPO" (MPI, 2014).

   ONZ believes that the survey methods undertaken by China, accepted as adequate by MPI, as well as the activities described in sections 3.4-3.6 of the information document (MPI, 2013e) should be documented in the OAP to ensure that these are adhered to and can be audited by MPI.

MPI response:

MPI has included monitoring activities for *P. ananatis* as a subset of pest control activities for the PRC NPPO to verify that 'appropriate pest control activities' have been undertaken. MPI has documented in the OAP that the PRC NPPO's assessment and approval of each establishment's quality system is to include field monitoring methods appropriate to the biology and epidemiology of each target regulated pest i.e. *D. antiqua, D. floralis, P. ananatis* and *P. asparagi*.

The monitoring for *P. ananatis* will be in accordance with the PRC NPPO approved method, conducted by accredited plant protection personnel and verified by the NPPO during routine supervision and inspection and also at pre-harvest audit. Production sites where disease symptoms of *P. ananatis* are detected and confirmed are not eligible for export to New Zealand and will be suspended from the export system until the next season, in accordance with PRC domestic legislation and the MPI OAP and IHS.

Please note, the OAP documents monitoring activities and methods, these are not survey methods.

7. We have previously expressed concerns that an area of uncertainty identified in the draft Import Risk Analysis, waste disposal in NZ, has not been updated following provision of further information from Industry. We have advised MPI that imported onions are frequently re-graded in onion packhouses and wastes fed to stock or dumped adjacent to onion production areas. This was almost certainly the cause of the recent introduction of Iris Yellow Spot Virus into New Zealand and is a very significant risk pathway for the introduction of other pests such as centre rot. This has been underestimated by MPI, and neither the IRA nor the RMP has been updated to reflect this changed risk.

MPI response:

MPI has assessed, developed and proposed phytosanitary measures to manage the risk of regulated pests associated with the fresh onions imported to New Zealand from the PRC. MPI considers the pre-planting, production and post-harvest control activities relating to the regulated pests of concern are justified to manage the risk of them entering and establishing in New Zealand to an acceptable level. All scientific evidence and information available to MPI to date has been considered in the development of the proposed measures. This information includes but is not limited to the 2009 RA section 3.2.1: Important generic risk factors, relating to risk associated with disposal of onion waste.

As per MPI's response to ONZ submission point 5, the phytosanitary measures MPI has proposed to import of fresh onions from the PRC are consistent with commercial production practices used for onions worldwide and are in adherence with international agreements New Zealand is signatory to – IPPC and the WTO SPS agreement.

MPI is aware that onion packhouses in New Zealand often re-grade imported onions adjacent to domestic onion production areas. Although Iris yellow spot virus (IYSV) is now considered established in New Zealand, we are unaware of any scientific evidence that the source of this introduction was associated

with re-grading imported onions that may have been infected with IYSV.

MPI acknowledges there is a potential likelihood regulated pests could be exposed to the New Zealand environment when being re-graded. However, at this time there is no technical justification for MPI to require additional post-biosecurity clearance conditions on the import pathway. MPI considers the proposed phytosanitary measures as consulted in the draft IHS for fresh onions from the PRC effectively manage the risk of regulated pests of concern.

Pest specific concerns: Asparagus rust – *Puccinia asparagi*

8. The risk of *Puccinia asparagi* is to be managed through the commercial practices described by China's NPPO. These are described in the RMP and in sections 3.4-3.6 of the information document (MPI, 2013e). As these are the only measures to prevent the introduction of this disease into New Zealand, and due to the risk of establishment through post-entry repacking activities, ONZ believes these requirements should be explicitly stated in the OAP.

MPI response:

MPI can confirm the OAP documents the activities within the PRC onion commercial production and phytosanitary export systems with PRC NPPO oversight. The activities documented within the systems include information and details of how IHS requirements are to be met, taken from the RMP, the draft IHS and the supporting information document. The OAP will provide an additional level of confidence in the systems used by PRC to produce onions for export to New Zealand, which are auditable by MPI and the PRC NPPO.

Appendix 1: Consultation submissions

Submission: Ian Cardno, i4 Independent Inspection & Advisory Services on behalf of the NZFPIA

Submission, on behalf of New Zealand Fresh Produce Importers Association on the Draft IHS Commodity sub-class: Fresh fruit/vegetables Onions (*Allium cepa* L.), from the People's Republic of China (Submitted 22 January 2014)

Reference	Documented in IHS/Submission
Scope	This document describes the requirements to be met to enable biosecurity clearance to be given for fresh onions (Allium cepa L.) for human consumption imported into New Zealand from the People's Republic of China. **Submission:** The draft IHS describes requirements that do more than enable a biosecurity clearance to be given, viz, **"Part E. Regulated pest list for onions from the People's Republic of China, Actions on interception:** 2 … reship or destroy; 2a … reship or destroy. Suspend pathway; 3 Reship or destroy. Suspend pathway". Section 22 of the Biosecurity Act 1993 specifies requirements of an IHS i.e. what must be included and what may be included. The draft IHS does not seem to link the requirements of Section 22 and all of the "Actions on interception" e.g. Reship, destroy and suspension of pathway". Please advise how the Scope of the IHS states "requirements to be met to enable biosecurity clearance to be given" when some of the "Actions on interception" of Part E of the IHS include actions that are contrary to giving a biosecurity clearance. Please advise the legal connection of non-biosecurity clearance actions to the IHS and how the reship, destroy and suspension of pathway become part of the development and implementation of an import health standard.
Definitions	Additional declaration pests - means regulated pests that require specific pre-export phytosanitary measures that are attested to using an additional declaration on the export phytosanitary certificate. **Submission:** What is "additional declaration pest"? Please advise if this is a newly created pest category. What implications will this pest categorisation have on other pathways? At the time the draft IHS was developed, and later released for comment, what consultation with stakeholders on this term/category had MPI completed? Prior to the draft IHS release It did not appear to have been discussed or communicated to the Onions Working Group of FreshPac. Why is this? What International conventions or MPI consultation requirements must be followed prior to the development and implementation of important new terminologies in import health standards? **Submission:** MPI has used a number of pest categorisation terms in recent IHSs – e.g. high risk regulated pest, high impact pest, regulated pest, Risk Group (1, 2 & 3) pests, high impact (fruit fly) species. Often these appear in IHSs without any definitions. Continual change or introduction of new terminology is very confusing and possibly misleading. Why have changes been made to the pest categorisation terminology in recent IHSs developed and released in the past 24 months (including draft IHSs)? There should be consistency.
	Import health standard - a document issued pursuant to section 24A of the Biosecurity Act 1993 on behalf of the

	Director General permitting entry to New Zealand of a specific product under certain conditions **Submission:** The definition of Import health standard in the draft IHS does not appear to be the same as specified in the Biosecurity Act (1993).
	Inspection pests - means regulated pests on the IHS pest list, for which the commodity is requiring freedom from at phytosanitary inspection that are attested to by issuance of the export phytosanitary certificate. **Submission:** What is the technical definition of "inspection pest"? What implications will this categorisation have on other pathways? At the time the draft IHS was developed, and later released for comment, what consultation with stakeholders on this term/category had MPI completed? Prior to the draft IHS release It did not appear to have been discussed or communicated to the Onions Working Group of FreshPac. Why is this?
	Regulated pest - means those organisms for which phytosanitary actions would be undertaken if they were intercepted/detected. **Submission:** The IHS definition of regulated pest differs to the ISPM definition, which is defined as: *Regulated pest* A **quarantine pest** or a **regulated non-quarantine pest** Quarantine pest A **pest** of potential economic importance to the **area endangered** thereby and not yet present but not widely distributed and being **officially controlled** Regulated non-quarantine pest A **non-quarantine pest** whose presence in **plants for planting** affects the **intended use** of those plants with economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party.
Outcome	The agreed pre-shipment phytosanitary measures for specific regulated pests have been undertaken and the onions are free of all regulated pests. **Submission:** What has been agreed and by whom, when and under what technical background was the agreement made? Why are the technical components of "agreements" e.g. Official Assurance Programmes, or Bilateral Quarantine Agreements, not appended to the IHS? **Submission:** The second part of the Outcome statement (i.e. "are free of all regulated pests") is not achievable because it implies 100% freedom. There is always a possibility of a presence of a pest if it is present in a production area and is host associated (undetected perhaps in a sample inspection), that is why there are risk management programmes and risk management tools. Should the wording be "… visually free of all regulated pests to a level that prevents its likelihood of entry and/or establishment in New Zealand and consequent impacts?" What is MPI's comment on this? **Submission:** There appears to be a significant difference between the Outcome statement and the Objectives of the draft Risk Management Proposal i.e. "The objective of the proposed measures is to effectively manage known phytosanitary risks associated with the importation of fresh onion bulbs for human consumption from PRC in a way that is

	consistent with New Zealand's domestic legislation and international obligations". What is MPI's comment on this? **Submission:** There is no consistency of Outcome Statement of the draft IHS and other import health standards, e.g.: • MPI Standard 155.02.04 Seed for Sowing: "All seed for sowing imports must be subject to risk management measures for specified risk organisms associated with the commodity, appropriate to the status of the risk organism, their likelihood of entry and/or establishment in New Zealand and consequent impacts". • MPI Standard BNZ-PAFP-IMPRT (July 2013) does not have an Outcome Statement. MPI Standard ZOOTASDE.AUS (currently in draft) has an Outcome Statement: "The outcome this IHS is seeking to achieve is the effective management of biosecurity risks associated with the commodities defined in section 1.2". What is MPI's comment on this? **Submission:** The second sentence of the first paragraph and the last two paragraphs as listed under the draft IHS under the heading of "Outcome" are not Outcomes. They are part of performance measures.
Performance Measures (Note: this heading is missing from the IHS)	The specified regulated pests listed in Part E require specific phytosanitary measures. Visual inspection is required for all regulated pests. **Submission:** Please advise the inspection techniques for the pathogens listed below, and how MPI determines the confidence level of 95% that not more than 0.5% of the units in the consignment are infested: *Erwinia chrysanthemi* pv. *chrysanthemi* *Pantoea ananatis* *Alternaria palandui* *Cladosporium oxysporum* *Davidiella allii-cepae* *Penicillium oxalicum* *Phytophthora capsici* *Puccinia asparagi*
Equivalence	MPI may consider a pre-export application for an equivalent phytosanitary measure to maintain at least the same level of protection assured by the current measures in this standard. Equivalence is determined in accordance with ISPM 24 (2011): Guidelines for the determination and recognition of equivalence of phytosanitary measures. **Submission:** Please provide details of standards and requirements that MPI operates to, to determine if an equivalent phytosanitary measure to maintain at least the same level of protection assured by the current measures can be applied.
Phytosanitary measures	MPI requires the PRC's National Plant Protection Organisation (NPPO) to undertake pest control activities that are effective against additional declaration pests prior to the commodity arriving in New Zealand, and phytosanitary certification will need to attest to this accordingly. **Submission:** As MPI "requires" the NPPO to undertake pest control activities that are effective against the additional declaration pests, please comment on why these requirements are not included in the IHS.

Inspection of the consignment	Once the phytosanitary measures have been undertaken for the pests specified in the regulated pest list (Part E), PRC's NPPO is required to sample and visually inspect the consignment according to official procedures for all regulated pests to ensure it meets New Zealand's current import requirements. **Submission:** Please advise how PRC's NPPO will "sample and visually inspect the consignment according to official procedures for all regulated pests to ensure it meets New Zealand's current import requirements". What are the "official procedures" and what inspection methods are employed to detect pathogens?
	A phytosanitary certificate should not be issued if live regulated pests are detected. If organisms are found which are not listed in the IHS, PRC's NPPO must establish their regulatory status by consulting the MPI "Biosecurity Organisms Register for Imported Commodities" (BORIC), online at http://www.biosecurity.govt.nz/pests/registers/boric or if an organism is not listed in BORIC, PRC's NPPO must contact MPI to establish the regulatory status of the organism. **Submission:** If PRC's NPPO detects an organism during the visual inspection, which is not listed in the IHS, would this be considered a pest control system failure, and, if Yes, what action will MPI take?
Activities required for phytosanitary certification	"This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests." And, The onions in this consignment have: (i) been visually inspected according to appropriate official procedures and found free from the regulated pests specified by the New Zealand Ministry for Primary Industries (NZ MPI). **Submission:** The description of pest categorization is different i.e. quarantine pests and regulated non-quarantine pests in the first paragraph, and regulated pests from the second paragraph. Please advise why there is a difference.
Additional declarations to the phytosanitary certificate	The onions in this consignment have: (i) been visually inspected according to appropriate official procedures and found free from all regulated pests specified by the New Zealand Ministry for Primary Industries **Submission:** See comment above under **Activities required for phytosanitary certification.**
	ii) undergone appropriate pest control activities that are effective against *Delia antique*, *Delia floralis, Pantoea anamatis* and *Puccinia asparagi* in accordance with the Official Assurance Programme. **Submission:** What is the scope of OAP's? MPI has recently stated that OAPs are required for countries which export commodities that are hosts for high priority pests, such as fruit flies, and require some form of official control or pre-export treatment.

	What is the requirement, therefore, to have an OAP for pests other than "high priority" or "high impact" pests (e.g. the 4 pests listed above) for this, and other pathways?
Part E. Regulated pest list for onions from the People's Republic of China	*Atherigona orientalis* Insect Actions on interception: 2. Treat, reship or destroy. **Submission:** There is an added "Action on interception" of *Atherigona orientalis* – refer to item k) of Appendix 2: Summary of the Onion Export Pathway from PRC of the draft RMP – which states that any consignment not complying with New Zealand's phytosanitary imported requirements is treated, reshipped or destroyed, and/or the temporary suspension of the pathway on the detection of risk organisms for pre-export phytosanitary measures are required. This does not appear to be consistent in the draft IHS? Why is there an added action, i.e. pathway suspension, for this pest in the RMP?
	Penicillium oxalicum Insect Actions on interception: 2. Treat, reship or destroy. **Submission:** MPI advised the FreshPac Onions Working Group (Sep 2013) that the information on this pest did not support the regulated pest classification. Given that statement and the fact that *Penicillium oxalicum* has been categorised as a non-regulated pest in other commodity import health standards e.g. garlic ex PRC, why does this IHS list this pest as a regulated pest? **Submission:** *Penicillium* spp are considered to be "cosmopolitan" and they are difficult to identify. What is MPI's response to this statement and to other cosmopolitan pests? **Submission:** It is likely to be practically unworkable to undertake trade where *Penicillium* spp is associated with the pathway and intercepted on imported product, due to diagnostic constraints, difficulty identifying to species level and associated issues with decision-making timelines for affected consignments. What is MPI's response to this statement? **Submission:** There is an added "Action on interception" of *Penicillium oxalicum* – refer to item k) of Appendix 2: Summary of the Onion Export Pathway from PRC of the draft RMP – which states that any consignment not complying with New Zealand's phytosanitary imported requirements is treated, reshipped or destroyed, and/or the temporary suspension of the pathway on the detection of risk organisms for pre-export phytosanitary measures are required. This does not appear to be consistent in the draft IHS? Why is there an added action, i.e. pathway suspension, for this pest in the RMP?
	Submission: The IHS for garlic ex PRC has a number of regulated pests (e.g.*Pratylenchus zeae* and *Mamestra brassicae*) which have onions listed as hosts in other media (e.g. Google) which are not listed in the onions IHS. Why is that?

Submission: Matthew Spence, Onions New Zealand

Onions New Zealand comments on the Risk Management Proposal and Import Health Standard for fresh onion bulbs from China.

1. Introduction

Onions New Zealand (ONZ) is the peak industry body representing the interests of over 100 growers of domestic and export onions, and onion exporters. The onion export industry is valued at $95 million per annum (HEA, 2012), making onions New Zealand's 3rd largest fresh horticulture export crop.

Onions are a storage based industry, relying on their excellent keeping qualities to supply the domestic market all year round and to sea freight onions long distances to our export markets. Consequently ONZ takes seriously biosecurity threats which may result in the establishment of new pests that may affect the storage quality and export of onions. In preparation for the introduction of Government Industry Agreements on Biosecurity, ONZ has assessed potential biosecurity risks and has been engaging with MPI to ensure that the risks of the introduction of these species is adequately managed.

Two of the pests (onion fly and centre rot) for which additional declarations are required by the draft Import Health Standard for onions from China are identified by ONZ as high impact pests under GIA. ONZ is therefore concerned to ensure that the phytosanitary measures proposed by MPI are sufficient to manage the risks posed by these pests.

ONZ had prepared extensive technical comments on the Risk Management Proposal (RMP) and draft Import Health Standard (IHS) prior to the suspension of public consultation and the provision of additional documentation (MPI, 2013e). We have subsequently revised the submission on the basis of written and verbal information and assurances provided by MPI. In this submission we specifically seek confirmation from MPI of these assurances.

2. Process for development of the IHS and consultation

ONZ acknowledges that there has been extensive consultation during the development of the IHS, but wishes to express concern that MPI's own procedures for risk analysis and development of IHS have not been followed, and in many cases policy decisions appear to have been made in an *ad hoc* manner. In particular the decision by MPI not to complete the draft Import Risk Analysis (MAFBNZ, 2009) has led to confusion and unnecessary pressure for ONZ to provide technical comments over the course of several years.

MPI's operational procedures require the development of a risk analysis document to support the issuance of an Import Health Standard (IHS). According to MPI's "Risk Analysis Procedures" (Biosecurity New Zealand, 2006):

- The purpose of import risk analysis is "to identify appropriate risk-mitigating options for the development of import health standards";

- "Risk management options, in the context of risk analysis, is the process of deciding upon biosecurity measures to effectively manage the risks posed by the hazard(s) associated with the commodity under consideration. Possible options are identified, and the likelihood of the entry, establishment or spread of the hazard is evaluated according to the option(s) that might be applied. An appropriate option or combination of options is then selected. Residual risk remaining after the selected options have been successfully implemented is then estimated and becomes the basis for developing a monitoring protocol that may, for instance, interpret interception data to determine if risk thresholds are being exceeded."
- "… each risk analysis accurately measures the risks to the extent necessary and identifies mitigation options that achieve a level of protection appropriate for New Zealand"; and
- "The primary design objective for the new framework is to ensure that stakeholders, risk analysts and decision-makers can be confident that recommendations, on the level of protection required to manage the risks posed by unwanted organisms and diseases, are being developed appropriately.

To date, ONZ's comments have been made on the basis that the RMP does not reflect the options for phytosanitary measures recommended in the draft Import Risk Analysis and that we were not confident (as per the previous bullet point) that recommendations on the level of protection required to manage the risks posed by unwanted organisms and diseases are being developed appropriately.

MPI's latest information document (MPI, 2013e) and discussions at the FreshPAC Onions Working Group have revealed that through its market assurance visits MPI has re-evaluated the risk posed by onions imported from China under commercial practices described by the China NPPO, and that MPI is satisfied that the residual risk via this pathway is negligible. Had MPI revised and re-documented the Import Risk Analysis this conclusion would have been clear to industry and vastly simplified the consultation process.

3. Content and status of the OAP

Risk management for the importation of onions from China is based on ensuring that the commercial practices described by China's NPPO are effectively implemented. ONZ is concerned to ensure that these requirements are very clearly documented and subject to audit by MPI.

We have sought clarification of the status of the requirements specified in the RMP. It is our understanding based on written and verbal advice from MPI that an Official Assurance Programme (OAP) will be developed by China and MPI, and that this will include all of the activities specified in the RMP (and further elaborated in the information document (MPI, 2013e sections 3.4-3.6)), and that the OAP will be subject to audit by MPI. We request confirmation by MPI that this is the process that will be followed. If MPI advises that this process will not be followed, ONZ submits that as the OAP does not yet exist

and its content is undefined, it is not possible for the industry to have been adequately consulted as per Section 23 of the Biosecurity Act.

It is also our view that both the RMP and OAP should be explicitly incorporated by reference into the IHS, in accordance with Section 142M of the Biosecurity Act.

3. Pest specific concerns

3.1 Onion fly – *Delia antiqua (and D. flora)*

ONZ is very concerned at the risk of onion flies establishing in New Zealand. The larvae of *Delia antiqua* are carried internally within the onion bulb, and the pest and symptoms are usually invisible (CPC, 2013). Phytosanitary inspection and field inspection of crops immediately pre-harvest is therefore unlikely to detect this pest, and this was the conclusion reached in the MPI import risk analysis "As apparently healthy bulbs may bear *B. odoriphaga* and the *Delia* spp. infestations, inspection of healthy bulbs for *B. odoriphaga* and the *Delia* spp. would not be an effective phytosanitary measure" (MAFBNZ, 2009).

MPI has clarified that its assessment of risk has concluded that in areas of China from which onions will be exported the life cycle of *Delia* spp. is asynchronous with onion production cycles, and therefore the risk of infestation is very low. As this appears to be a critical component of the risk management proposal we request that the IHS specifies the areas of China which meet this criteria and that importation be limited to those areas.

3.2 Centre rot - *Pantoea ananatis*

ONZ is also concerned about the risk of centre rot establishing in New Zealand. The need for stringent pre-export pest management is borne out by CABI's and MPI's evaluation of the risk of this pest:

> "Although onions may be infected with *P. ananatis* in the field, the pathogen could go undetected at the time of harvest or prior to export because disease symptoms may be very mild, or possibly not visible, e.g., at temperatures below 20°C (CPC 2007). Storage conditions during shipment would allow for pathogen survival but would not be considered conducive for disease development (e.g., <5°C). Under such conditions, it would be expected that *P. ananatis* would not be detected at the time of arrival into New Zealand" (MAF, 2009).

It is therefore vitally important that infection in the field is prevented or detected during the growing season. We have asked MPI to advise ONZ of the level of detection required by China's pest surveys under the RMP, and MPI has advised that "the levels to measure control activities are not specified to an exporting NPPO" (MPI, 2014). MPI has advised that it has evaluated the pest survey methods undertaken by China and is confident these are adequate to meet the proposed import requirements.

ONZ believes that the survey methods undertaken by China, accepted as adequate by MPI, as well as the activities described in sections 3.4-3.6 of the information document (MPI, 2013e) should be documented in the OAP to ensure that these are adhered to and can be audited by MPI.

We have previously expressed concerns that an area of uncertainty identified in the draft Import Risk Analysis, waste disposal in NZ, has not been updated following provision of further information from Industry. We have advised MPI that imported onions are frequently re-graded in onion packhouses and wastes fed to stock or dumped adjacent to onion production areas. This was almost certainly the cause of the recent introduction of Iris Yellow Spot Virus into New Zealand and is a very significant risk pathway for the introduction of other pests such as centre rot. This has been underestimated by MPI, and neither the IRA nor the RMP has been updated to reflect this changed risk.

3.3 Asparagus rust - *Puccinia asparagi*

The risk of *Puccinia asparagi* is to be managed through the commercial practices described by China's NPPO. These are described in the RMP and in sections 3.4-3.6 of the information document (MPI, 2013e). As these are the only measures to prevent the introduction of this disease into New Zealand, and due to the risk of establishment through post-entry repacking activities, ONZ believes these requirements should be explicitly stated in the OAP.

4. Summary

Onions New Zealand is concerned that MPI's own procedures for risk analysis and development of IHS have not been followed in this instance, and several decisions appear to have been made in an ad hoc manner. In particular the decision by MPI not to complete the draft Import Risk Analysis (MAFBNZ, 2009) has led to confusion regarding phytosanitary risk and risk management, and has placed unnecessary pressure on ONZ to provide technical comments over the course of several years.

MPI's most recent approach (MPI, 2013e) and further elaborated at the FreshPAC Onions Working Group is that MPI has re-evaluated the risk posed by onions imported from China under commercial practices described by the China NPPO, and that MPI is satisfied that the residual risk via this pathway is negligible. It is therefore essential that the commercial pathway and phytosanitary measures incorporated into this commercial pathway, as described by China's NPPO to MPI, are incorporated in detail into the Official Assurance Programme and that the OAP is subject to audit by MPI.

To ensure that this happens ONZ requests assurance that the OAP will include all of the activities specified in the RMP and further elaborated in the information document (MPI, 2013e sections 3.4-3.6)), and that the OAP will be subject to audit by MPI.

If MPI is unable to provide such assurance, ONZ submits that as the OAP does not yet exist and its content is undefined, it is not possible for the industry to have been adequately consulted as per Section 23 of the Biosecurity Act.

To provide additional assurance ONZ believes the RMP and OAP should be incorporated by reference into the IHS, in accordance with section 142M of the Biosecurity Act.

In relation to onion flies, risk management appears to highly dependent on the asynchrony between onion production in areas of China from which onions will be exported and the life cycle of *Delia* spp.. As this is a critical component of the risk management proposal we request that the IHS specifies the areas of China which meet these criteria and that imports be limited to production from those areas.

5. References

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