

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- Draft Guidance Document: Post Entry Quarantine for Plants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,

A handwritten signature in blue ink, appearing to read 'Barry O'Neil', is written over a large, light grey 'DRAFT' watermark.

Barry O'Neil
CE, Kiwifruit Vine Health

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 - The current standard is out of date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 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 document² 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