

Two submissions were received regarding the draft import health schedules. These were submitted by:

1. Federated Farmers
2. New Zealand Fruitgrowers Federation

This documents records the issues raised in the submissions and how these have been addressed by the Ministry of Agriculture and Forestry Biosecurity New Zealand (Biosecurity New Zealand). Comments from submitters are reproduced in **bold text** and the responses are recorded in normal text.

## **Federated Farmers of New Zealand (Inc.)**

### **1. Introduction/General Comments**

- 1.1 Federated Farmers of New Zealand (Inc) welcomes the opportunity to submit on the draft Import Health Standard PIT-NPP\_HUMAN: Importation into New Zealand of Plant Products Intended for Human Consumption.**
- 1.2 Federated Farmers is a primary sector organisation that represents approximately 18,500 farmers and various other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand's farming communities, primary producers and agricultural exporters.**
- 1.4 As a nation reliant on trade, New Zealand undertakes a certain level of risk when importing goods from other countries, just as we impose a certain level of risk upon those countries that import New Zealand goods. While we must seek to minimise risks of importing pests into New Zealand, we must also ensure that our biosecurity measures do not impose unjustified barriers to trade. New Zealand is very active in promoting trade liberalisation and therefore should be mindful that any import phytosanitary requirements should be science based, recognising the risks posed to the New Zealand agriculture industry.**
- 1.5 However, we must point out that New Zealand agricultural producers assume a great deal of risk with respect to biosecurity, as breaches can have costly long term impacts on the industry. As producers of commodities, farmers are price takers and therefore cannot pass increased production costs onto the end users of their products. The importation of new pests or diseases has the potential to add significant costs and constraints to production for New Zealand farmers. An example of this was the introduction of striped rust in cereals in the 1970s. Farmers attempt to minimise costs while maximising production. Pest control is a significant expense in agricultural production therefore the effectiveness of biosecurity standards has direct bearing on farm profitability.**
- 1.6 For these reasons, Federated Farmers maintains an active interest in the development of Import Health Standards, which set out the conditions under which plants and plant products may enter New Zealand.**

## **2. Importation into New Zealand of Plant Products Intended for Human Consumption**

**2.1 The Federation understands that the vast majority of plant products imported for human consumption, exclusive of those items imported under the grain for processing standard, and the dried/fresh produce for consumption standard, are food products which have been processed to some extent and packaged either in bulk (i.e. 25kg bags of rice) or packaged for end use by consumers.**

**2.2 Relative to food imported under the grain for processing standard or the dried/fresh produce standard, both of which have the potential for field pest contamination, stored or processed plant products imported for human consumption would seem to be of lower risk. Consignments are relatively small, often treated or processed, and its end use would suggest a certain standard of hygiene.**

**2.3 Indeed, anecdotal evidence from MAF Quarantine indicates that discoveries of pests in consignments of stored/processed plant products for human consumption are very few and far-between. Further, they indicate that any pests would more likely to originate from cross-contamination by other goods.**

**2.3 However, given the frequency and variety of food that will be entering New Zealand under this standard, it cannot be overlooked as a real potential pathway for pests. For that reason, we support the development of a clear biosecurity standard for the importation of these goods.**

### **3.0 Specific Comments on the Draft Standard**

#### **Section 8.4 - Dried cereals, Cereal Products and Seeds**

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**We understand that any import requirements must be science-based, but there seems to be an inconsistency in that most whole seed imported into New Zealand under this standard must be accompanied by a Phytosanitary Certificate (PC), but other seed only requires inspection (such as buckwheat and linseed).**

#### **Attachment – Definitions**

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**It appears that the definition of ‘contamination pest’ or ‘hitch-hiker pest’ has been overlooked.**

Biosecurity New Zealand thanks Federated Farmers for their comments made during consultation on this draft import health standard and we are pleased that your organisation is generally supportive of the draft standard. In response to your specific concerns:

##### **a.) Section 8.4 - Dried cereals, Cereal Products and Seeds**

In this standard, the import requirements for seeds are based on the risks associated with seeds imported for sowing. If the requirements for a seed imported for sowing are “Basic” the only requirement in this standard is inspection. Seed imported for sowing that requires additional measures will require the same or equivalent measures when imported as grain or seed for consumption. The only exception is in the case of a few species where a revision of the requirements for seed for sowing is anticipated because new information suggests the present requirements are inappropriate.

##### **b.) Definitions**

It is agreed that it was inappropriate to refer to “Hitch-hiker pest” without defining the term “contamination pest”. Both items have been removed as such a definition is no longer considered necessary.

## **New Zealand Fruitgrowers Federation**

**Thank you for the opportunity to comment on the draft Import Health Standard for the importation into New Zealand of plant products intended for human consumption, and for agreeing to provide our organisations with additional time for comment.**

**In general we are in agreement that many of the retail packaged plant products covered by the Import Health Standard (IHS) represent a low risk, or are not risk goods (as per the Biosecurity Act definition). However in our submission we draw your attention to some systemic procedural issues, as well as some specific concerns related to the draft IHS. We would appreciate your clarification and response to those questions, and are happy to discuss these with MAF or to provide input into the finalisation of the import health standards.**

### **1. General comments on the Import Health Standard**

#### **1.1 Authority to issue the Import Health Standard**

**We note that this is one of the first IHSs to be proposed for issue in the new MAF Biosecurity New Zealand structure, and that the standard is to be issued under delegated authority by a Deputy Chief Technical Officer. This raises some important questions about the process of recommendation and approval of IHSs in general within the new structure, and we would appreciate MAF's clarification of these.**

**The Biosecurity Act specifies that “the Director-General may, following the recommendation of a chief technical officer (CTO), issue an import health standard”. In making that recommendation the chief technical officer must have regard to the matters specified in Section 22(5) of the Act. In the draft IHS PIT-NPP-HUMAN the authority to issue the IHS is unclear, as it is to be issued by a deputy CTO under delegated authority. We presume that this authority to issue the IHS is a delegated administrative power from the Director General (under section 105) as CTOs do not have the power to issue IHSs. We believe it would be less confusing if the IHS was issued under the issuer's administrative title (e.g., Manager, Biosecurity Standards) rather than as a deputy CTO.**

**Given that the CTO has the responsibility of ensuring that due regard has been given to the technical requirements of risk analysis specified in Section 22(5) we are concerned that the process of recommending and issuing IHSs may not be properly separated as provided for in the Biosecurity Act. We presume that the same individual does not hold delegated authority to both recommend and issue IHSs, as we believe that would be highly inappropriate.**

**We are also concerned that if authority to issue an IHS has been delegated to deputy chief technical officer level the authority to recommend IHSs will have been delegated from CTO level to a level below the deputy CTO.**

**We would be grateful for clarification of the process used to ensure the separation of technical and administrative provisions of the Biosecurity Act, and for clarification of the instruments of delegation and the relationship between delegations from the Director General and delegations from the CTO.**

## **1.2 Risk Analysis**

The risk analysis associated with this Import Health Standard has not been released for comment. It is therefore very difficult for stakeholders to review the technical basis of the risk management measures that are established in the IHS. Policies established under the former Biosecurity Council specify that MAF should document the risk analyses that are undertaken as part of IHS development. Publication of these analyses would improve transparency to Industry of MAF's decision making. We would be grateful for a copy of the risk analysis associated with this IHS.

## **2. Specific comments on PIT-NPP-HUMAN**

### **2.1 Scope**

The scope of the Import Health Standard is stated as "stored plant products and processed plant products". However, some of the commodities covered in the IHS do not meet the definitions of stored plant products or processed plant products as provided in the IHS (e.g., washed and topped carrots are not processed).

The definition of "processed" needs to be clarified, and in particular the definition of "processed" should not include the word processed itself. For example one of the definitions used for "processed" is "frozen fruit/vegetables which are commercially processed, packaged and labeled" but this adds nothing to the meaning of the term.

### **2.2 Sampling**

The sampling plan indicated in section 4.2.2 appears to use much smaller samples than the general inspection required for other plant products. What is the justification for this, and what level of detection is provided?

### **2.3 Pest identification**

Elements of section 4.3 appear not to be in accordance with New Zealand's international obligations. This section refers to "live organisms" and suggests that the importer "may" be given the option of pest identification. Any actions taken should be based on pest identification to a level where technically justifiable decisions can be made.

If the organism is found not to be either a quarantine pest or a regulated pest then the consignment should be released. As drafted, the Import Health Standard suggests that if any live organisms are found the consignment will be treated, reshipped, or destroyed – release is not listed as an option. This should be clarified.

### **2.4 Other contaminants**

Section 4.3 refers to "other contaminants". There is no definition of "contaminant", but the Standard's definition of contamination refers to pests, not quarantine pests or regulated pests. The IHS appears to require all pests (including those already established in New Zealand) to be treated. This should be clarified.

### **2.5 Peeled, shredded, or diced commodities**

Section 8.6.4 lists a range of "peeled, shredded and diced" fruit and vegetables. More correctly, this should be listed as "peeled, shredded, or diced" unless all three elements of processing are required. In addition, some of the commodities (e.g., washed and

topped carrots from South Africa) are not peeled, shredded, or diced and do not meet this requirement, or the definition of processed as noted in 2.1, above.

While it is acknowledged that the risk posed by these products is probably low this is difficult to assess because, as was mentioned in 1.2 above, no risk analysis had been issued for consultation.

The composition of some of the listed commodities is also unclear. For example, “Mixed vegetables” from South Africa could include a wide range of vegetables, and there is no specification on the degree of processing. Similarly, there is no specification attached to “fine beans” or “purple sprouted broccoli”.

## **2.6 Requirements for freezing**

Section 8.6.8 is ambiguous. The term “frozen” is defined in the IHS definitions section as requiring a core temperature at or below -18°C for a minimum of 7 days. However section 8.6.8 specifies two time/temperature requirements for frozen fruit and vegetables: one for fruit fly host material and one for non-fruit fly host material. The definition needs to be clarified.

Section 8.6.8 also appears to specify that consignments that are labelled can be released, however labelling requirements are not specified. We suggest that for clarity this section be reviewed.

## **2.8 Nuts**

Section 8.10 states that there are no import requirements for “commercially manufactured and produced chopped nuts” listed in the table. The table then goes on to list several nuts or nuts in shells, which are not chopped. It is acknowledged that these whole nuts are in sealed bags and may be of lower risk. However we note with concern that, for example, a number of pests such as the navel orangeworm *Amyelois transitella* and the peach twig borer *Anarsia lineatella* invade whole almonds at levels of up to 30% infestation in California. We understand that Navel orangeworms can survive processing and emerge in bags of pistachios. Both of these species are regulated pests for New Zealand. In these circumstances we believe that further justification needs to be provided before such consignments are determined to not constitute risk goods.

Section 8.10 also lists a range of nuts (e.g., hazelnut, pistachio) where the nature of processing is not specified, so it is unclear whether this means that they must be chopped or if they can be imported in any form.

## **2.9 Miscellaneous**

Section 3.1.2 refers to section 10. There is no section 10 in this Standard.

In section 3.2.1, we suggest that the word “deemed” be replaced by “confirmed”, as this is more precise and less open to misinterpretation.

Again, thank you for the opportunity to comment on this Import Health standard.

Biosecurity New Zealand thanks New Zealand Fruit Growers for their comments made during consultation on this draft import health standard. We have considered your comments as follows:

### 1.1 Authority to issue the Import Health Standard

As you have pointed out according to the Biosecurity Act, 1993 import health standards are issued by the Director General of MAF following the recommendations of a Chief Technical Officer. In Biosecurity New Zealand these functions have been delegated to the Chief Technical Officer (Pre-Clearance) and Deputy Chief Technical Officer (Biosecurity Standards), and Senior Adviser-Import Health Standards, respectively. With respect to this particular draft import health standard, PIT-NPP-HUMAN, it is anticipated that the recommendation to issue the standard will be made by Bronwyn Wiseman (Senior Adviser-Import Health Standards) and, if approved, issued by Veronica Herrera, Deputy Chief Technical Officer (Biosecurity Standards).

### 1.2 Risk Analysis

Risk analysis activities have not been gathered together in one document that would cover all the commodities of this import health standard. These include: extraction and examination of MAF's inspection and interception records over the last 3 years; verbal communication with MAF Quarantine Service officers on specific topics; specific projects to check for viable spores in dried edible mushrooms; a review of the risks of citrus canker associated with citrus peel; and literature searches. Apart from where risk analysis has required revisions, the measures adopted in the draft standard are those currently in use, i.e. the present import status of the commodity has been maintained. The range of such commodities in this standard is wide but in all cases the risks involved are considered to be very low.

## 2. Specific comments on PIT-NPP-HUMAN

### 2.1 Scope

Since the consultation period of the draft, it has been decided to move the section 8.6.4 in the consultation version of the draft for "Peeled, Shredded and Diced Fruit & Vegetables" back to the Fresh Produce Standard.

The definition for "processed" has been revised to:

"Processed:

Fruit/vegetables which are commercially **frozen**, packaged and labelled.

Dried, freeze dried, **cooked, pickled**, preserved or pureed plant products which are shelf stable and are not required to be kept under refrigeration (e.g. fruit jams/conserves, tinned fruit, dried fruit, vegetable purees, rolled oats, flaked barley, roasted barley, etc)."

### 2.2 Sampling

The sampling plan in section 4.2.2 is considered to be appropriate for the low risk nature of stored products in comparison with fresh plant commodities. If a future analysis of sampling plans were to indicate larger samples should be taken, the import health standard would be amended accordingly.

### 2.3 Pest identification

Section 4.3 has been revised and clarified to read:

"If live organisms are detected, the importer will be given the option to reship, destroy or treat the consignment. If a consignment is covered by a phytosanitary certificate and is commercial, identification of the organism is required. For all other goods, the importer may be given the option of pest identification. If the organism is regulated, the plant products may be treated, reshipped or destroyed as directed by the MAF inspector. The plant products may be given biosecurity clearance if the pest identified is classified as non-regulated.

If other contaminants are detected, any treatments given will be in accordance with the MAF Standard BMG-STD-TREAT: Approval of Suppliers Providing Treatments of Risk Goods and Forestry/Plant Related Material for Export

<http://www.biosecurity.govt.nz/border/transitional-facilities/bmg-std-treat.pdf>

If signs or symptoms of pests are detected, the MAF inspector will determine the action to be taken.”

#### 2.4 Other contaminants

This has been clarified in the revised section 4.3.

#### 2.5 Peeled, shredded, or diced commodities

As stated above, section 8.6.4 will no longer be included in this import health standard.

#### 2.6 Requirements for freezing

The definition has been clarified to align with section 8.6.8.

With regard to labelling, a brand name may sometimes provide confidence to a MAF inspector that the whole frozen pathway records need not be inspected on every occasion. The records must always be present and accessible should the MAF wish to sight them.

#### 2.8 Nuts

Section 8.10 has been amended. The intention is that chopped nuts, of nut types listed in the table, will not require inspection. This has been clarified by the inclusion of chopped nuts as the first item in the table. For other nuts, as listed the table in the consultation document as “No import requirements”, there has been a revision to “No certification or inspection requirements if packaged for direct retail sale or less than 10kg packs, otherwise inspection”. Your notes about the regulated pests *Amyelois transitella* and *Anarsia lineatella* have been noted but neither of these pests has been recorded from interceptions. Where no specific mention of the nature of processing has been made in the table, the nuts may be imported in any form.

#### 2.9 Miscellaneous

The reference to section 10 in section 3.1.2 has been rectified and in section 3.2.1 “Deemed” has been amended to “confirmed as”.