

REVIEW OF SUBMISSIONS – PROPOSED SEED CONTAMINANT TOLERANCES FOR IMPORTS OF GRAIN FOR CONSUMPTION, FEED & PROCESSING

The draft import health standards and risk management proposal for BNZ-GCFP-PHR and BNZ-NPP-HUMAN was notified on the MAF website www.biosecurity.govt.nz on 21st of December 2010.

Five (5) formal submissions were received during the consultation period. In addition, informal correspondence on the proposed changes was received from several other interested parties.

Submitters	Date Received
Davis Trading Co. Limited	25/1/2011
Department of Conservation	25/1/2011
Tegel Foods	26/1/2011
Cargill Australia	28/1/2011
Federated Farmers of New Zealand	4/2/2011

If you wish to see a copy of the full submissions, please contact the Plant Imports Team, Import & Export Standards, Ministry of Agriculture and Forestry; email: plantimports@maf.govt.nz or phone (04) 894 0460.

Submissions

1. Davis Trading Co. Limited

1.1 Under the consumption pathway there currently exists a zero tolerance for regulated weed seeds however due to the very nature of these products there is virtually no supplier who will guarantee that their process will eliminate all foreign seeds. Contamination can occur via the following routes:

- Rogue foreign plants within the main crop (lentils are most prone to this due to the high level of susceptibility to herbicides which does not allow the farmer much scope to spray out the foreign plants)
- Contamination within the harvester
- Contamination within the seed cleaning process (this is most noted where the size difference between the crop and the foreign seed is similar)

Countries such as Australia, Canada, Argentina and Germany have the facility to undertake the agricultural disease testing that is mandatory prior to shipment. It has come to our attention however, that every NPPO has a slightly different method for sampling. This leads to discrepancies between the sample certificates from the exporting country and physical inspection on arrival.

The Product that we would like to review in respect to foreign seed contaminations are:

- Kibbled Cereal Grains such as Oat, Wheat, Barley and Rye
- Pulses such as Phaseolus spp. Lens spp. Vigna spp. Vicia spp. Cicer Arietinum, with particular reference to these products in a split format.
- Sunflower - Helianthus
- Corn - Zea Mays
- Chia - Salvia Hispanica
- Linseed

Workable tolerances indicated by our exporting countries:

- Germany state 0.1% for weeds seeds and 0.5% for other cereal grains.
- Canadians state 0.2% in addition to contrasting colour and a further 0.2% which covers other pulses within the lot. These are industry standards and represent No.1 Grade. The definitions and tolerances are set out in the industry website www.grainscanada.gc.ca
- One Canadian supplier has suggested Foreign seeds as 1 per kg with 10 per kg for split product as a workable framework
- Argentina state 0.1% for weeds seeds and cereal grains
- Australians sight industry standards under NACMA for dressing chick peas and the Australian Mungbean Association standard that allows 0.3% and most contracts to packers in Australia are based on this level.
- Another Australian supplier has indicated a level of 5 cereal grains or weed seeds per kg based on maximum levels commonly occurring particularly in split lentils.

MAF responds:

MAF thanks you for the information you have provided. We agree that some small levels of foreign seed contamination can occur within industry processing. Our proposed contamination levels apply to all seeds imported for consumption, although MAF is aware that there are more common contaminants associated with some types of seeds, and that suppliers in various countries can have variances in their sampling methods and their established workable tolerance levels.

1.2 In light of the above mentioned tolerances from our suppliers we believe a fair tolerance for stakeholders, which would reduce the burden at the border and while still ensuring no compromise to New Zealand Biosecurity would be:

- 0% for prohibited seeds however option to direct to 3bi (further processing if no more than 5 per kg and without inspect on despatch if facility audited and found to have good controls for track and tracing are in place.
- 0.1% for regulated seeds (i.e. Sorghum) – our calculations suggest that 0.1% equates to 10-15 seeds per kg depending on weight
- 100% tolerance for basic seeds.
- 0.2% tolerance when the consignment is imported under 3bi Option

We would like to see this as a guideline but discretion from the inspecting office/risk screening should be permitted. We need to find a way to make the consumption pathway workable but without compromising the New Zealand Biosecurity. If MAF insist on a zero tolerance then we will need to review our policy towards importing particularly small size grains and split pulses because despite due care the commercial risk is deemed too high to continue.

MAF responds:

The above recommendation is very similar to the MAF proposal. The only exception is for Option 3b(i) where we do not have a stated tolerance as this involves seed being directed to MAF-approved transitional facilities for processing, and under this option, viable seed never receives biosecurity clearance.

2. Department of Conservation

2.1 We query why, with treated consignments or consignments directed to transitional facilities, consignments that have seed contaminants that are entry prohibited or unwanted organisms etc do not require any further action? In that case, you would be essentially allowing importation of unwanted or new organisms (without the correct legislative approvals).

MAF responds:

Under Section 27 of the Biosecurity Act, consignments cannot be given clearance unless an inspector is satisfied that they are not risk goods. Consignments containing small numbers of regulated or prohibited seeds, including new and unwanted organisms, which have been treated or processed (either offshore or on arrival in MAF-approved transitional facilities) are no longer considered to be risk goods, as the seeds are not viable, and can therefore be cleared. Please also note that small numbers of unwanted organisms as viable seed contaminants can enter transitional facilities as long as they are not for the propagation, breeding, or multiplication of the unwanted organism as per Section 53 of the Biosecurity Act.

2.2 We note there is also no mention of what action will be required if the 0.1% tolerance is exceeded, or the contaminant seeds are new organisms or prohibited seeds in consignments seeking clearance at the border.

MAF responds:

Where the 0.1% tolerance level is exceeded, or where the contaminant seeds are new organisms or prohibited seeds, MAF will give the importer the option to remove all contaminant seeds, require treatment (to render the seeds non-viable), reshipment or destruction, or another equivalent action as approved by MAF. These options will be added to the proposed section in each IHS.

3. Tegel Foods

3.1 Tegel Foods understands the proposal does apply to our importation process under option 2, but will ultimately not negatively affect our operations as “No further action is to be taken on these contaminant seeds as treatment or processing in MAF-approved transitional facilities will make them non viable” even if a shipment is above the 0.1% limit. However, we would request this exception is clearly stated in the final wording to avoid any potential confusion.

MAF responds:

MAF agrees with this comment. Wording will be stated in the Import Health Standards to clarify the types of contaminant seeds that require no further action when treated or processed in MAF-approved transitional facilities to make them non-viable.

4. Cargill Australia

4.1 We believe that this proposal will provide reduced risk to exporters in respect to low levels of contaminant seeds in consignments shipped to New Zealand that require biosecurity clearance on arrival. However, Cargill is of the view that the following wording, as contained in the public consultation discussion paper, should be included in Section 2.1.2 of the Import Health Standard. Cargill believes this wording is necessary for clarity in respect to Heat Treated consignments and those consignments directed for processing at a MAF-approved transitional facility, as currently the wording in Section 2.1.2 the draft of IHS only refers to consignments “not being imported into a Grain Import System”.

MAF responds:

MAF agrees with this comment. Wording will be stated in the Import Health Standards to clarify the types of contaminant seeds that require no further action when treated or processed in MAF-approved transitional facilities to make them non-viable.

5. Federated Farmers of New Zealand

5.1 Safeguarding New Zealand’s biosecurity is a critical issue for the primary sector. Farmers consider it very important to ensure that the Government adequately funds biosecurity services for the benefit of all New Zealanders. New Zealand’s unique biosecurity status and freedom from serious diseases gives us a major competitive advantage in a global market.

The Speciality Seed industry is of prime importance to the New Zealand arable industry; particularly for the South Island. The South Island’s favourable climate, relative freedom from weeds, insects and fungal pests, and our counter- season to the northern hemisphere make it an ideal location for multiplying seed for export. NZ exports approximately \$70 million of seed annually; this includes herbage and vegetable seed.

The timing of the submission has been very inconvenient due to it being harvest time for grains and seeds farmers. We recommend that in the future that the Ministry of Agriculture and Forestry (MAF) discuss with Industry as to when is appropriate times for consultation to avoid the extremely busy times for farmers.

MAF responds:

We note your comments on the timing for completion of submissions and are willing to extend the timing of completion of submissions where necessary. Our consultation period lasted for 6 weeks from mid-December to the end of January. However, based on the concerns raised, we have delayed the implementation of the proposed tolerance levels for several months to allow for further time for consultation, if considered necessary by Federated Farmers.

5.2 Federated Farmers do not support the addition of a 0.1% tolerance level for contaminant seeds on imports of grains and seeds. Pest and disease incursions are viewed by our farming members as a failure by MAF to meet its key purpose of keeping out, removing, or effectively managing the harm that pests or diseases can do to our economy, the environment and our health. Based on the high level of trade across our borders, Federated Farmers accept that the occasional failure will occur. However, we are most concerned when goods are imported into New Zealand under approved Import Health Standards with known contamination. We believe that such an addition to the Import Health Standards BNZ-GCFP-PHR and BNZ-NPP-HUMAN will be opening the door to the importation of weeds into NZ. An example of a weed of concern is Roundup resistant ryegrass. *Lolium rigidum* is not currently a regulated weed seed, and as a result, MAF does not monitor grain or seed imports for the weed, or require any action to be taken if the weed is discovered. We are therefore concerned that the herbicide resistant strain

of the grass could be introduced into the New Zealand environment through imports of grain or seed, potentially jeopardising our speciality seed industry. There is a real and legitimate concern that herbicide resistant *Lolium rigidum* ryegrass could establish in grass seed multiplication crops where it would be almost impossible to control, and would contaminate export seedlines. We do not support that when the contaminant seeds are found at the Border, no further action will be taken. This is due to the assertion that treatment or processing in MAF-approved transitional facilities will make the contaminant seeds non-viable. Our concerns are centred on the treatment of extraneous grains and/or seeds at transitional facilities. Upon arrival at transitional facilities the product is screened before further processing takes place, the waste product is then sold as a stock feed. If no further treatment of contaminant seeds is taken, they may be introduced into the stock feed system still viable. We do not believe that the Risk Assessment has given any evidence to prove that this will not occur. We believe that there may be added risk from additional tonnages of downgraded Australian wheat being imported by the New Zealand feed industry. MAF needs to ensure that processing does in fact destroy seed viability before clearance. In the case of imported oats being used in chaff is an example of a process that in no way destroys seed viability.

MAF responds:

For seeds directed for processing in MAF-approved transitional facilities, the IHS proposes that no further action is to be taken on contaminant seeds, as treatment or processing in MAF-approved transitional facilities will make them non-viable (i.e. no longer a risk good). MAF has particular controls on any material imported into these facilities to ensure that no viable material leaves the facility. We frequently audit each transitional facility and its suitability for processing, including the evaluation of the final products, by-products, intended uses, and the facility operators.

MAF have assessed the risk that seeds could be accidentally or deliberately diverted to sowing, and consider that the proportion of contaminant seed which will be accepted for clearance is very low (e.g. 1 in 1000 seeds), and within a level that our trading partners can achieve. New Zealand is in a position that we must import seeds for consumption. Any low level contamination contained therein is highly likely to be consumed and not end up in an environment suitable for growing. The likelihood of exposure to the wider environment is extremely low and it follows that the likelihood of establishment is very low. Sufficient seeds are unlikely to be both present in numbers and diverted from the consumption pathway to establish a viable population. Given the considerations outlined above the final risk is considered negligible.

5.3 There are also questions as to how genetically modified (GM) seeds and/or grains will be identified if the 0.1% tolerance level is enacted. We understand that any genetically modified seed/grain is considered a new organism under the IHS and will have to be treated accordingly, however we have questions as to how these would be identified from non GM seeds i.e. GM canola vs. Non-GM canola. The GM seeds could possibly be imported unknowingly into NZ. This cannot be allowed to occur.

MAF responds:

In instances where the contaminants are seeds of species which could be genetically modified, as the intended purpose is consumption or processing rather than sowing, MAF does not consider that the provisions of the HSNO Act mandate further specific action.

5.4 Australian Quarantine and Inspection Service's (AQIS) 'Import Case details for purple flaked wheat from New Zealand only' provides an example of an IHS with the appropriate stringent conditions that we recommend the NZ IHS should state. In particular conditions 3 and 5:

- Shipments must be free of soil, live insects, and contamination with other seeds including any wheat seed (whole or part) and must be packed in clean and new bags.
- Each consignment must be accompanied an acceptable seed analysis certificate issued by an AQIS approved, ISTA-accredited seed laboratory in New Zealand, appropriately identified with the consignment, showing a nil-germination of representative samples drawn from the consignment.

MAF responds:

We note your suggestion that AQIS provides a good example of appropriate conditions for seeds imported for consumption or processing. However, as part of Condition 1 (part c) of the import requirements cited for Purple flaked wheat from NZ, as well as all other seeds/grains for consumption, AQIS have a similar tolerance level for contaminant seeds already established, which includes tolerances for many seeds including wheat, sorghum and barley. For further information refer to this AQIS website: <http://www.daff.gov.au/aqis/import/plants-grains-hort/contaminants-tolerance>

Furthermore, AQIS takes no action on regulated seeds being directed for processing, other than prohibited seeds. For an example, refer to the import requirements for chickpeas entering Australia for processing.