

Determining if an established Plant Pest is an Emergency Plant Pest under subclause (d)

Revision history

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		Section(s)	Details
1.0	27 May 2016	All	New document developed in conjunction with the Issues Resolution Group on the definition of an Emergency Plant Pest under subclause (d). Endorsed by Parties May 2015 subject to the relevant formal variations to the EPPRD being signed off by all Parties. Variations to the EPPRD approved by all Parties and incorporated into new version of the EPPRD 27 May 2016.

Contents

1.	Introduction	1
2.	Definitions	2
3.	Background	2
4.	Decision making	3
	Criterion 1: Is the Plant Pest under consideration found in Australia?	3
	Criterion 2: Is the Plant Pest restricted to a defined area through the use of regulatory measures intended to prevent further spread of the pest out of the defined area or into an endangered area?	3
	Criterion 3: Has the Plant Pest been detected outside the defined area?	4
	Criterion 4: Is the Plant Pest a native of Australia?	4
	Criterion 5: Is the Plant Pest the subject of any instrument for management which is agreed to be effective risk mitigation and management for that Plant Pest at a national level?.....	5
	Criterion 6: Does the Plant Pest have an adverse economic impact such that an emergency response is required to prevent an incident of regional and national importance?.....	5
5.	Next steps	6

1. Introduction

These Guidelines are provided to Parties for use in determining if an established Plant Pest meets the definition of an Emergency Plant Pest (EPP) under subclause (d).

The relevant sections of the EPPRD that should be referred to in conjunction with these guidelines are:

- Clause 1.1 Definitions
- Clause 5 Phases of an Emergency Plant Pest Response

- Schedule 8 Part 2 The CCEPP

The latest version of the EPPRD can be downloaded from the PHA website at www.planthealthaustralia.com.au/epprd.

2. Definitions

In the EPPRD, an EPP is a Plant Pest that is included in Schedule 13 or which is determined by the Categorisation Group to meet one or more of the following criteria:

- (a) It is a known exotic Plant Pest the economic consequences of an occurrence of which would be economically or otherwise harmful for Australia, and for which it is considered to be in the regional and national interest to be free of the Plant Pest.
- (b) It is a variant form of an established Plant Pest which can be distinguished by appropriate investigative and diagnostic methods and which, if established in Australia, would have a regional and national impact.
- (c) It is a serious Plant Pest of unknown or uncertain origin which may, on the evidence available at the time, be an entirely new Plant Pest or one not listed in Schedule 13 and which if established in Australia is considered likely to have an adverse economic impact regionally and nationally.
- (d) It is a Plant Pest already found in Australia that:
 - (i) is restricted to a defined area through the use of regulatory measures intended to prevent further spread of the pest out of the defined area or into an endangered area; and
 - (ii) has been detected outside the defined area; and
 - (iii) is not a native of Australia; and
 - (iv) is not the subject of any instrument for management which is agreed to be effective risk mitigation and management at a national level; and
 - (v) is considered likely to have an adverse economic impact such that an emergency response is required to prevent an incident of regional and national importance.

3. Background

The inclusion of subclause (d) occurred during the initial drafting of the EPPRD. It was considered that extending the scope of the EPPRD from exotic pests only, to allowing provision for established emergency pests would be of benefit to Parties. This subclause was intended to cover outbreaks where the severity was far beyond that expected. It was argued at the time that for most established pests there would be a good understanding of the severity of impact when a pest was found in a previously free area.

To make it clear that the majority of established pests would not be included in this subclause and were not for consideration under the EPPRD, the drafters based subclause (d) on the definition of subclause (d) from the Emergency Animal Disease Response Agreement, and the definition of 'Quarantine Pest'¹ and required 'Official Control'¹ to be in place. Parties agreed to this explanation and the inclusion of the subclause.

¹ This definition is contained in the International Standard for Phytosanitary Measures No. 5 Glossary of Phytosanitary Terms

Subsequently through application and review of the EPPRD in 2011/2012 it was identified that the wording of subclause (d) was not appropriate to plant biosecurity and the subclause was too complex to manage. The wording was revised, removing terms more applicable to animal and human health and taking into account the original intent of the EPPRD to exclude established Plant Pests with effective national management such as Queensland fruit fly and Mediterranean fruit fly. Parties agreed in November 2013 to change the wording to better represent both plant health and the original intent of the EPPRD. The revised wording became a list of criteria, all of which must be met before a Plant Pest can be considered an EPP under subclause (d).

All Plant Pests thought to meet the definition of an EPP under the EPPRD are considered on a case by case basis and consideration of the definition is only the first step in a series of conditions that a Plant Pest must meet before a response is agreed.

4. Decision making

The main decision making issue for subclause (d) relates to Plant Pests that have been present in Australia for some time. It was recognised that there was no possible wording that covered all eventualities while remaining clear and concise. EPPRD Parties agreed that explanatory notes in the form of these guidelines would assist in ensuring consistent application of subclause (d).

To be considered an EPP under subclause (d) an established Plant Pest must meet all the criteria, therefore to make a decision Parties should ask the following questions:

Criterion 1: Is the Plant Pest under consideration found in Australia?

The intention of subclause (d) is that it only applies to established Plant Pests. Therefore the first question to ask is 'is the Plant Pest established in Australia'. There are a variety of avenues for investigation to determine this. These include:

- Existing inter- and intra-state regulation
- The Australian Plant Pest Database
- The Australian National Insect Collection Database

If the answer is no then the Plant Pest is not an EPP under subclause (d) and further consideration could be given as to whether the Plant Pest meets any other of the criteria for an EPP (refer section 2).

If the answer is yes then move to the next criterion.

Criterion 2: Is the Plant Pest restricted to a defined area through the use of regulatory measures intended to prevent further spread of the pest out of the defined area or into an endangered area?

This criteria means that there is some form of regulation in place that restricts the spread of the pest from where it is established or there is some form of regulation in place that restricts the spread of the pest into an area which is free of the pest.

The areas must be clearly defined in the relevant regulation.

- An example of regulation that restricts the movement of a pest out of an area is the intrastate regulation in place in Queensland to stop Red Banded Mango Caterpillar (RBMC) from moving out of the Cape York Peninsula into mango growing areas. In

this scenario, a quarantine area has been established on Cape York Peninsula and Torres Strait north of 13° 45' S latitude to restrict the spread of the pest. Control measures on mango fruit and plant movement are enforced by the Queensland government under Queensland's Plant Protection Act 1989.

- An example of regulation that restricts the movement of a pest from a defined area into an area free of that pest is NSW regulation protecting the Griffith rice growing area. In this scenario, the NSW rice growing region, as defined in Plant Diseases Act 1924 P174, is the endangered area and the remainder of Australia is the defined risk area.

If the answer is no then the Plant Pest is not an EPP under subclause (d)

If the answer is yes then move to the next criterion.

Criterion 3: Has the Plant Pest been detected outside the defined area?

The Plant Pest must be detected outside the regulated area to meet this criterion.

This could be in the same jurisdiction where the Plant Pest currently occurs,

- An example is Potato Cyst Nematode (PCN) in Victoria. In areas where PCN had previously been detected (Kooweerup and Gembrook) the movement of risk material was regulated. In 2008 PCN was detected in the Thorpdale potato growing area, within Victoria but outside the regulated areas. This triggered consideration of PCN under subclause (d).

or a detection in a jurisdiction other than where the Plant Pest is established

- An example is Sugarcane smut. This Plant Pest was established in Western Australia with regulation in place for the movement of risk material. In 2006 Sugarcane smut was detected in Queensland sugar cane growing areas and triggered consideration of Sugarcane smut under subclause (d).

Note: In both examples the pests were considered not technically feasible to eradicate

If the answer is no then the Plant Pest is not an EPP under subclause (d)

If the answer is yes then move to the next criterion.

Criterion 4: Is the Plant Pest a native of Australia?

As subclause (d) covers pests currently in Australia there was some concern that CCEPP would be asked to consider pests native to Australia. This is an unintended consequence of the subclause therefore this criterion was added to make it clear that these pests should not be considered. The definition of 'native' is that which appears in the Oxford English Dictionary².

If the answer is yes the Plant Pest is a native then the Plant Pest is not an EPP under subclause (d)

If the answer is no the Plant Pest is not a native then move to the next criterion.

² an animal or plant indigenous to a place

Criterion 5: Is the Plant Pest the subject of any instrument for management which is agreed to be effective risk mitigation and management for that Plant Pest at a national level?

This criterion is included to ensure that Plant Pests being effectively managed at a national level are not considered under subclause (d). It covers Plant Pests which have been the subject of transition to management programs that specifically recognise an emergency response is no longer viable. It also refers to any Plant Pest covered by the Australian Fruit Fly Code of Practice or any other national management agreement that provides ongoing management at a national level for a plant pest.

If the answer is yes then the Plant Pest is not an EPP under subclause (d)

If the answer is no then move to the next criterion.

Criterion 6: Does the Plant Pest have an adverse economic impact such that an emergency response is required to prevent an incident of regional and national importance?

Where the economic impact is not immediately apparent information may be available in documentation justifying regulating movement of hosts; there may also be information provided in Import Risk Analyses relating to interstate trade or in literature relating to the pest.

- An example of a pest which fits this criterion is Red banded mango caterpillar (*Deonalis sumblimbalis*). This is a serious pest of mangoes. It is currently present in the Torres Strait and on the Cape York Peninsula. If this pest was found in mango growing regions it is likely to have an adverse economic impact.

If the answer is no then this completes the determination of whether the Plant Pest is an EPP under subclause (d) and the assessment has shown that the Plant Pest is not an EPP under subclause (d).

If the answer is yes then the pest is an EPP under subclause (d).

The following is an example of a Plant Pest which could be considered against the entire subclause (d).

Red Banded Mango Caterpillar (*Deanolis sublimbalis*)

Criterion 1

RBMC is found on several Torres Strait Islands and isolated locations on the Cape York Peninsular. It is therefore found in Australia and meets Criterion 1.

Criterion 2

A RBMC quarantine area has been established on Cape York Peninsula and Torres Strait north of 13° 45' S latitude to restrict the spread of the pest. The Queensland government enforces controls on mango fruit and plant movement under Queensland's Plant Protection Act 1989. It is therefore restricted to a defined area and meets Criterion 2.

Criterion 3

If RBMC was found south of 13° 45' S latitude then it would be found outside the currently defined area and meet Criterion 3.

Criterion 4

RBMC is a native of Asia not Australia and therefore meets Criterion 4.

Criterion 5

RBMC is not currently subject to any nationally agreed management instrument and therefore meets Criterion 5.

Criterion 6

In tropical parts of Asia RBMC causes commercial mango losses of 10-15% and it is considered a serious threat to Australia's commercial mango industry. If RBMC was found south of 13° 45' S latitude and threatened a mango growing area then it could be said to have an adverse economic impact and meet Criterion 6.

Please note this is an example of what could possibly happen and not a definitive decision on what would occur if RBMC was detected outside the current regulated area.

5. Next steps

Once it has been determined that a Plant Pest is an EPP under subclause (d) then consideration will be given as to whether eradication is technically feasible and cost beneficial. Please see the EPPRD and PLANTPLAN for guidance for subsequent actions.