Responses to non-technical comments on the Pest Risk Analysis for Cut Flowers and Foliage Imports – Part 2

Stakeholders commented or raised concern around the operational aspects of cut flower and foliage imports. As these comments do not directly refer to the findings in the Pest Risk Analysis, we have provided our responses to those comments here.

To review our responses to the technical comments raised in relation the Pest Risk Analysis, please read Appendix H of the final report.

Comment 1: Concerns were raised about the department continuing to allow cut flowers and foliage to be imported despite pests being found on them and treatment applied when they arrive at the Australian border (i.e. they are non-compliant).

Protecting Australia's biosecurity status is a priority for the Australian Government Department of Agriculture, Water and the Environment (the department). We work with exporting countries and at the Australian border to manage the risk of exotic and unwanted pests from entering Australia, and to protect Australia's $65 billion agriculture industry, of which around 70 per cent of outputs are exported (agriculture.gov.au/abares/research-topics/agricultural-outlook).

In the 50 years that Australia has been importing cut flowers, we have continuously managed the risk of pests from entering Australia. Today, this has not changed; we continue to manage risks at the border.

We have worked collaboratively with exporting countries to apply regulatory actions on imported cut flowers and foliage to reduce the number of pests being intercepted at the border. If pests are intercepted at the border, we take appropriate action and treat the shipment, or export or dispose of the shipment.

The regulatory actions we have taken include:

- Changing our regulatory approach to risk management by shifting the primary responsibility for managing risk to the exporting country.

  Exporting countries are required to apply pest management actions to cut flowers and foliage before they are shipped to Australia. The exporting country's National Plant Protection Organisation (NPPO) and importers are required to ensure that cut flowers and foliage meet Australia's import requirements before they arrive at the Australian border.

- Introducing import permits for shipments of cut flowers and foliage from Kenya, Colombia and Ecuador that were produced under the systems approach pest management option.

  Permits are a tool we use to regulate and monitor imports of cut flowers and foliage. Through a permit we have better oversight of what actions the grower and importer are taking to manage pests on cut flowers and foliage before they are shipped to Australia.

- Pursuing bilateral work plans with some exporting countries. The purpose of the work plan is to establish an agreed regulatory approach between Australia and the exporting country's NPPO to ensure shipments of cut flowers and foliage are free from pests when they arrive at the Australian border.

While we focus on pre-export measures, we continue to manage any identified pest risks on consignments arriving at the border. We inspect all shipments of cut flowers and foliage and will treat, export or dispose of the shipment if pests are found. Only cut flowers that are free from pests can enter Australia.

We are satisfied that the actions taken manage the biosecurity risk associated with imported cut flowers and foliage. An analysis of interception data (after September 2019) confirms that the import conditions are working as intended. That is, they are reducing the number of pests of biosecurity concern arriving at the Australian border on the pathway. The percentage of consignments arriving at the border with pests of biosecurity concern has reduced from 56% in September 2017 to 12% in March 2021. However, this does not prevent us from making further changes to the import conditions or applying other regulatory actions to ensure exporting countries and importers import cut flowers and foliage that are free from pests.

We reserve the right to suspend imports (either all imports or imports from specific pathways) and conduct an audit of the risk management systems if pests continue to arrive at the border on cut flowers and foliage. Imports will only recommence when we are satisfied that appropriate action has been taken by the NPPO to correct the issue.

Comment 2: Stakeholders requested more information about the department's decision-making around permit issuance, renewal, revocation, or refusal.

An import permit is required when importing cut flowers and foliage from Kenya, Colombia or Ecuador if those flowers and foliage have been produced using the systems approach pest management option. If the flowers and foliage were produced using the other pest management options—methyl bromide fumigation or an alternative treatment—a permit is not required to import cut flowers and foliage from these three countries.

If an importer chooses to import cut flowers and foliage produced under a systems approach option from Kenya, Colombia or Ecuador, they must submit an application to the department for consideration:

1. Issuing a permit

    - When an importer applies for a permit, they must submit a supply chain management system.

      A supply chain management system (SCMS) is a type of work plan between the importer and their supplier. It outlines the management actions the supplier and/or importer will apply along the supply chain to manage biosecurity risk.

    - Only if we are satisfied that the SCMS includes the necessary activities and procedures to reduce the number of pests arriving at the border will a permit be issued.

2. Issuing subsequent permits

- We monitor the performance of an importer's SCMS throughout the permit period. That is, we monitor how effective the supply chain management system has been in preventing pests from arriving at the Australian border on cut flowers and foliage.
- To ensure a fair and objective assessment of a subsequent permit application, we use statistical analyses. We use a statistical test called a Fisher's Exact Test to assess period-on-period performance. This approach considers the variability in volumes imported between each permit period and gives an indication of whether an importer's SCMS has improved over time with reduced numbers of pests being intercepted.
- If the assessment finds that the performance of an importer's SCMS has not improved over a period, we will:
    - request the importer revise their SCMS to ensure the number of pests arriving at the border can be reduced over the next period, or
    - refuse to issue a permit.

  Only when we are satisfied that a revised SCMS can be effective in managing biosecurity risk will a permit be issued.
- If the assessment finds that an importer's SCMS has resulted in reduced numbers of pest interceptions over a period, we will issue another permit.

Permits to import cut flowers and foliage have been in place for over one year. During this time, we have refined our assessment process as we gather more data to better inform our decision-making around issuing permits.

We continue to monitor the performance of an importer's SCMS and will continue to issue permits if the SCMS works to prevent pests of biosecurity concern arriving at the Australian border on cut flowers and foliage.

A 'pest of biosecurity concern' is a pest that is regulated at the border by the department. This includes quarantine pests, regulated articles, potential regulated articles, and contaminants.

Comment 3: Concern was raised that Phytosanitary Certificates issued by exporting country National Plant Protection Organisations are not correctly certifying that shipments of cut flowers and foliage are free of pests.

Exporting country National Plant Protection Organisations (NPPOs) are required to certify that each consignment is free from pests of biosecurity concern for Australia. If NPPOs find pests of biosecurity concern for Australia on cut flowers and foliage that are ready for export, they must apply management actions and undertake another inspection to ensure there are no pests of biosecurity concern remaining on the cut flowers and foliage.

Previously, it was difficult for NPPOs to certify cut flowers and foliage as being free from pests of biosecurity concern because we had not defined the identities of pests of biosecurity concern for Australia. Now that we have conducted a pest risk analysis for the cut flower and foliage import pathway, we are in a better position to provide NPPOs with evidence about the pests that are of biosecurity concern for Australia.

As such, NPPOs can confidently certify consignments based on the evidence we have given them. Furthermore, we provide NPPOs with regular reports with information about pests that have been identified at the Australian border on their cut flower and foliage shipments. The information in these reports assists the NPPOs to take appropriate action to ensure that pests of biosecurity concern are not present on future shipments of cut flowers and foliage.

We continue to work with NPPOs to ensure cut flowers and foliage are free of pests of biosecurity concern when they arrive at the Australian border.

Comment 4: It was suggested that Australia's Appropriate Level of Protection (ALOP) should be based on a country's performance, e.g., a country achieves ALOP if their cut flower exports are no more than 5 per cent non-compliant.

Under the Sanitary and Phytosanitary Measures (SPS) Agreement, Australia is entitled to maintain a level of protection it considers appropriate to protect life or health within its territory. This is called the Appropriate Level of Protection (ALOP).

The Australian Government, with the agreement of all state and territory governments, has defined Australia's ALOP in qualitative terms. That is, Australia's ALOP is not expressed as a numerical value. Australia's ALOP is expressed as reducing risk to a very low level, but not to zero.

We undertake a risk analysis to determine the level of biosecurity risk that is associated with importing a good (e.g. a plant or plant product) into Australia. If that level of biosecurity risk does not achieve Australia's ALOP, we will seek to identify if there are any risk management actions that can be carried out to reduce the level of biosecurity risk so that it does achieve Australia's ALOP. That is, the risk is reduced to 'very low'.

If there are no risk management actions available to adequately reduce the biosecurity risk, goods will not be allowed to enter Australia until suitable actions are identified.

If the risk analysis finds that pests associated with any good, could cause significant economic and environmental consequences if they were to enter, establish and spread in Australia, then they are a biosecurity risk (see Chapter 6 of the Pest Risk Analysis). As such, risk management actions are required to ensure the level of risks associated with them is reduced to 'very low'.

The Australian border is a point of verification along the import pathway that acts to confirm that imported goods meet our import conditions. Where imported goods do not meet our import conditions, we have various options available, including applying management actions at the border to ensure that imports are free from pests before they are released from biosecurity control.

Where suitable management options are not available to us, imported goods are disposed or exported.

The cut flower and foliage pest risk analysis has assessed the biosecurity risks associated with the import of these goods and has provided options for the department such as remedial treatment, export or disposal, to manage the risks. As such, the department can manage the pathway to meet Australia's ALOP.

Should pests be found on imported cut flowers and foliage during inspection at the Australian border, the department contacts the exporting country and the importer to ensure pre-export

management actions are further strengthened to reduce the number of pests on future consignments.

Comment 5: Stakeholders requested more information about the department's process at the Australian border when allowing imported cut flowers and foliage to enter the Australian market.

When imported cut flowers and foliage arrive at the Australian border, we undertake several activities before they can enter Australia.

The activities undertaken include:

1. Reviewing the documentation

   Our biosecurity officers will review the phytosanitary certificate and other required documentation (e.g. import permit) that accompanies a shipment of cut flowers and foliage. All documentation must be complete and correct for it to meet Australia's import requirements.

   If cut flowers arrive with an incomplete phytosanitary certificate, the shipment will be held under biosecurity control until a complete certificate is provided by the NPPO. Where a complete certificate cannot be provided, the shipment will be exported or disposed.

   If cut flowers arrive without an import permit, where it is required, the shipment will be exported or disposed.

2. Securing the shipment of cut flowers and foliage

   All shipments of cut flowers and foliage that arrive at the Australian border are held under biosecurity control within an approved arrangement until we are satisfied that Australia's import requirements have been met.

   An approved arrangement is a department-approved arrangement within commercial, private and government sites registered for the purposes of handling, storing, inspecting, and treating perishable plant products that are subject to biosecurity control.

3. Inspecting the shipment of cut flowers and foliage

   All shipments of cut flowers and foliage are inspected. When our biosecurity officers inspect cut flowers and foliage, they will look for arthropod pests, disease symptoms, weed seeds and other biosecurity risk material.

   Our biosecurity officers will select 600 units of cut flowers and foliage for inspection (i.e. 600 stems). The 600 units must include a representative sample of all flower and foliage types from each farm/grower.

   When our officers inspect the 600 units they will:

   - Visually inspect the sample of cut flowers and foliage.
     - Visual inspection involves examining all 600 units using low magnification. Visual inspection occurs before the samples are shaken or tapped. This helps minimise the risk of spreading any arthropod pests, diseases (e.g. pathogen spores) or weed seeds.

- When the flowers and foliage have been visually inspected, half of the sample (i.e. 300 units) will be gently shaken or tapped to dislodge materials from hard-to-inspect areas of the flowers. All dislodged materials are then examined under a microscope with 10x magnification.

- Examine the cut flowers and foliage under a microscope.
  - When the flowers and foliage have been shaken or tapped, around 30 units will be selected for examination under a microscope with 10x magnification. The purpose of examining flowers and foliage under a microscope is to detect any arthropod pests or seeds that may not have dislodged when shaken or tapped, or to closely examine any disease symptoms.

When examining cut flowers and foliage for pests, our officers will pay attention to:

a) Bunched leaves by pulling them open to check within.

b) Pests that may not have been removed by shaking or tapping, e.g., scale insects and leaf miner flies.

c) Flower heads or buds that are complex in structure or deep-throated, e.g., orchids.

If no arthropod pests, disease symptoms or weed seeds are found, and the accompanying documentation is complete, the cut flowers and foliage will be released from biosecurity control and allowed to enter Australia.

If arthropod pests, disease symptoms or weed seeds are found, the cut flowers and foliage will remain under biosecurity control and the risk materials will be collected and sent to our laboratories for identification and advice.

4. Identifying pests and other risk material

When our laboratories receive samples for diagnostic analysis, they will be prioritised according to the biosecurity risk of the arthropod pest, pathogen or weed seed, as well as the perishability of the imported goods. Diagnostic analyses for imported cut flowers and foliage are generally prioritised.

The time it takes to identify an arthropod pest, pathogen or weed seed to a taxonomic level (e.g. genus or species) that is sufficient to determine the biosecurity risk can take anywhere from minutes to days. For example, several factors can influence the time including the type of pest, the sex or life stage of the pest (e.g. adult or larva) and the complexity of the diagnostic method required.

Preliminary diagnostics

Arthropod pests, pathogens and weed seeds can often be identified quickly to family or genus, and sometimes species, using microscopes and other diagnostic tools (e.g. identification keys). The preliminary diagnostics are generally completed and reported back to the biosecurity officer within two hours of the laboratory receiving the sample. The diagnostic report will also provide advice to the biosecurity officer on the best course of action to be undertaken to manage the biosecurity risk posed by the identified arthropod pest, pathogen or weed seed.

Further diagnostics

If required, our laboratories will undertake further diagnostic work to identify the arthropod pest, pathogen or weed seed, which can include:

a) Mounting small arthropod pests, such as mites, thrips, scale insects or mealybugs, onto slides for viewing under high-power microscopes. This process can take up to two days to complete.

b) Growing a culture of bacteria or fungi to isolate a pure sample of the organism. This process can take between days and weeks to complete, depending on the growth rate of the organism.

c) Matching the DNA of the pest specimen to a DNA sequence that is unique to a single genus or single species of pest using rapid tests, such as qPCR or LAMP. A limited number of these tests are available. These tests are relatively rapid but only confirm whether the specimen is the genus or species the test is designed for and cannot identify related genera or species.

   'qPCR' stands for quantitative polymerase chain reaction and is a laboratory technique used for measuring DNA using PCR.

   LAMP stands for loop-mediated isothermal amplification and is a laboratory technique used to amplify DNA.

d) Sequencing the DNA of one or more gene regions of the specimen for comparison to known species in global sequence databases. This method may provide a species identification but depends on i) preliminary identification to determine which gene regions should be sequenced, ii) previous sequences of validated specimens being lodged in the database, and iii) sufficient variation in those gene regions to differentiate species. Results from sequencing may take up to 10 working days or longer if additional genes need to be sequenced after the first round.

If an arthropod pest, pathogen or weed seed cannot be identified to species level, we may take management action at the border because the possibility of it being a pest of biosecurity concern cannot be ruled out.

5. Directing shipment of cut flowers and foliage for management action

   If the arthropod pest, pathogen or weed seed identified is found to pose a biosecurity risk for Australia, our laboratories will notify the biosecurity officer of the results and advise what management actions are needed to manage the biosecurity risk. The biosecurity officer will direct the shipment to undergo an appropriate management action, e.g. methyl bromide fumigation, if one exists.

   Methyl bromide fumigation is undertaken at an approved arrangement facility (agriculture.gov.au/import/arrival/arrangements/sites). When the treatment has been undertaken, the results are reported to our biosecurity officers.

   If the officer is satisfied the treatment has been effective, the officer will direct the shipment for release. Otherwise, the shipment may undergo another treatment, be exported, or disposed.

   Only cut flowers and foliage that are free from pests will be released from biosecurity control and allowed to enter Australia.

Australia's inspection and sampling procedures are consistent with International Standards for Phytosanitary Measures (ISPMs) 23: *Guidelines for inspection* and ISPM 31: *Methodologies for sampling of consignments*.

Comment 6: It was suggested that the department cap the volume of imported cut flowers and foliage or impose further regulation to reduce the commercial impact on domestic flower production.

We acknowledge that imports of agricultural goods can provide direct competition to Australian producers. However, under our international obligations, we cannot consider the potential economic impact of matters such as the effect on market competition caused by importing goods or the net national benefit resulting from the importation of goods.

Our trading partners are subject to the same international obligations when assessing Australia's market access requests.

The decision to import goods into Australia is a commercial decision between an importer in Australia and a supplier in the exporting country who can meet the import conditions. If trade occurs, the success ultimately depends on Australian consumers.

As a member of the World Trade Organization, we need to balance Australia's role as a global trading nation with protecting Australia's biosecurity to ensure safe trade. It is important that we get this balance right. Also, it is important that Australia continues to be recognised as a country that abides by, and champions, the global trade rules.

Comment 7: Some stakeholders commented that there should be effective protocols in place at every step of the biosecurity continuum.

Australia has adopted a risk-based approach to managing biosecurity risk to a very low level.

A risk-based approach highlights that biosecurity is managed along a continuum of pre-border, border, and post-border activities, with actions directed to where they are most effective at managing risk. The biosecurity continuum also highlights that multiple parties are involved in managing risk. Australia, its trading partner countries, state and territory governments, and Australian agricultural and importing industries must work collaboratively to enable management actions to be implemented consistently and efficiently, and to ensure Australia's biosecurity status is maintained.

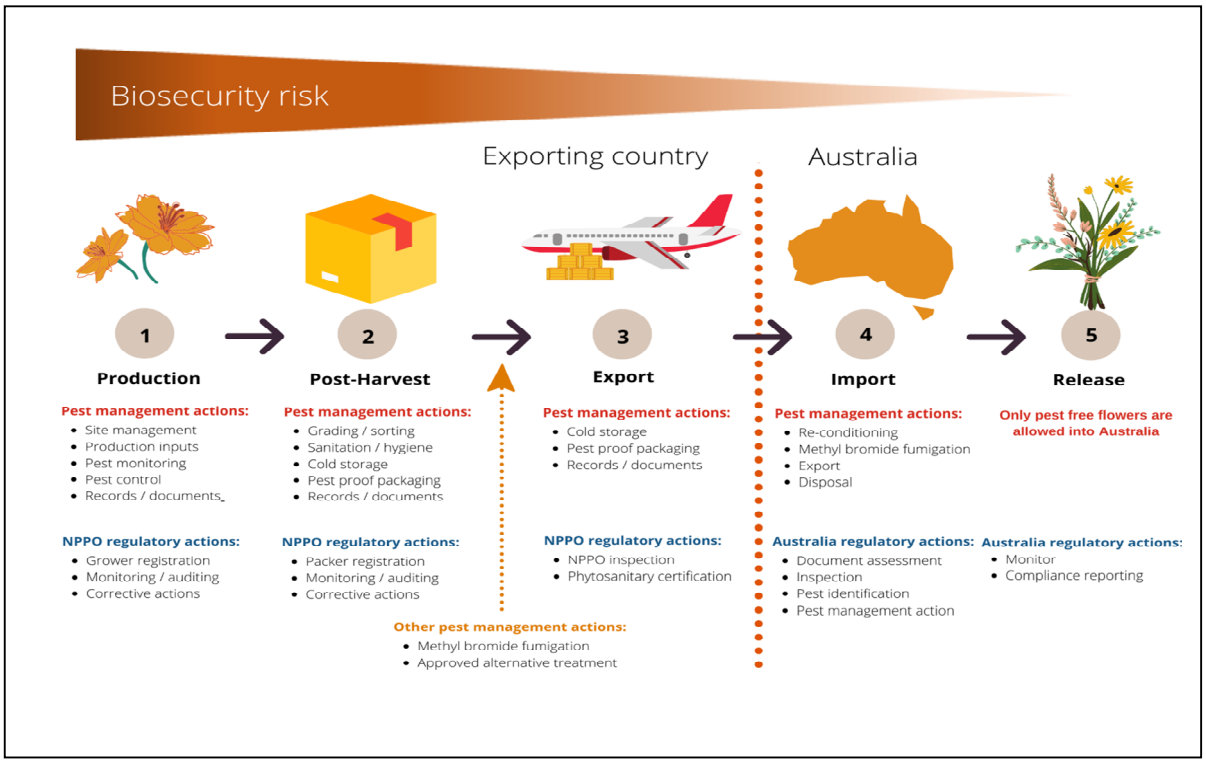
Pre-border processes are activities required to ensure cut flowers and foliage meet Australia's import conditions before they leave the exporting country. Pre-border activities are the responsibility of the exporting country's NPPO and agricultural industries. Australian importers may also work with their suppliers in the exporting country to ensure they are importing goods that comply with Australia's import requirements.

Border processes are activities at the Australian border that manage biosecurity risk, including document assessment, inspection, treatment, removal of biosecurity risk material (re-conditioning), partial or full destruction, export, and post-entry quarantine. These activities are the responsibility of the Australian Government, with the support of Approved Arrangements.

Post-border processes include a range of activities undertaken within Australia such as surveillance, preparedness, and response functions. These activities are the responsibility of

state and territory governments with support from the Australian Government and Australian agricultural industries, where required. When applied correctly, the systems in place along the biosecurity continuum are effective in managing biosecurity risk for Australia.

These various processes and actions are shown diagrammatically in the figure 'Biosecurity risk', below.



Comment 8: Some stakeholders requested that the department take a 'zero tolerance' approach toward non-compliance.

On 11 February 2019, Minister Littleproud issued a media release in which he referred to a 'zero-tolerance to risk material coming into Australia'. This statement referred to instances where international air travellers fail to declare animal and plant products they bring into Australia. Commercial imports of plant products are subject to different conditions.

For commercial imports, the department manages biosecurity risk with the aim of getting pest interceptions on imported goods to as close to zero as possible. We manage risk to a very low level. No biosecurity system can achieve a zero risk.

As stated in Comment 1, we are committed to protecting Australia's biosecurity and managing the risk of exotic and unwanted pests from entering Australia. If implemented correctly, the controls in place along the biosecurity continuum are effective in reducing the risk to a very low level. If cut flowers or foliage arrive at the Australian border carrying pests, we will take action to manage any potential risk. If the risk is considered too high, for example, the intercepted pest is identified to be a National Priority Plant Pest, we will take the most appropriate regulatory

action, such as implementing permit requirements or suspending the import of a flower type and/or a country pathway.

The actions we take to manage risk on imported goods are dependent on the level of risk posed by pests associated with that good, as well as how those goods will be used when they enter Australia. Stakeholders have commented that we are strict with how we manage imports of nursery stock but are lenient with imported cut flowers, and we should manage all import pathways in the same manner. It is important to note that we do manage risk in the same manner across all imported goods, that is, to achieve the appropriate level of protection for Australia. The activities undertaken to manage the risk can differ due to the level and type of biosecurity risk associated with the imported good. More information is provided in Appendix H (Comment 9) of the final report.

Managing biosecurity does not end at the Australian border. Everyone in Australia is responsible for managing Australia's biosecurity. To report a pest or disease concern, call 1800 084 881. To report a biosecurity breach, call our Redline, 1800 803 006.

Comment 9: Stakeholders asked the department to consider mandatory country of origin labelling.

Australia introduced mandatory country of origin labelling requirements for imported food on 1 July 2018. These requirements do not apply to non-food items, such as cut flowers.

The Australian Government Department of Industry, Science, Energy and Resources is the responsible agency for implementing country of origin labelling. The decision to apply country of origin labelling to cut flowers is a commercial decision for industry.

Stakeholders who would like more information about mandatory country of origin labelling and how it could be applied to cut flowers or other non-food items are encouraged to contact the Department of Industry, Science, Energy and Resources (www.industry.gov.au/).

The Department of Industry, Science, Energy and Resources is undertaking a review of the country of origin labelling regulations that came into effect in 2018.