

INDUSTRY CONSULTATION OF ENTRY CONDITIONS RELATING TO GRAPE PHYLLOXERA IN SOUTH AUSTRALIA'S PLANT QUARANTINE STANDARD – FREQUENTLY ASKED QUESTIONS

1. Why the need for a PQS review now?

Our grape and wine industries are operating in a heightened biosecurity landscape, with ever-increasing use of contract labour and machinery combined with greater movement of grapes, grape products, machinery, equipment and people between our states and regions. This landscape means that the risk of a pest, disease or weed that we currently don't have being introduced into SA is more likely than ever before. We have also not undertaken a full review of the conditions relating to grape phylloxera since the release of the National Phylloxera Management Protocol in 2009.

It's therefore timely that the grape and wine industries review our regulations and take action. The first step is undertaking a complete review of the potential entry pathways for pests and diseases, particularly grape phylloxera, into South Australia.

The next step is updating our state regulatory document – our SA Plant Quarantine Standard (PQS), to plug any gaps in regulated movement, apply new science to our disinfestation procedures and ensure we use language that industry can understand.

We acknowledge that regulation alone does not eliminate the risk of grape phylloxera and other pests and diseases from entering our state. Therefore, to support these changes to the PQS, we will undertake education programs to communicate the conditions that industry must comply with.

2. How are you proposing to change the SA PQS?

We have three main focus areas for the changes we're recommending to strengthen SA's PQS, to minimise the risk of phylloxera being introduced into SA. These areas are:

- i. Readability: Improving industry's ability to understand the entry conditions and how to comply with them.
- ii. Completeness: Ensuring entry conditions have been outlined for all risk pathways that can be regulated.
- iii. Science: Integrating new science on phylloxera disinfestation treatments into practice.

3. What background work have you done before proposing changes?

Vinehealth Australia has been working over the past year on documents underpinning these proposed changes to the SA PQS and biosecurity more broadly, to ensure a rigorous, considered process. We've had numerous meetings with Biosecurity SA to discuss a set of 85 proposed changes to the SA PQS. Our background work prior to industry consultation covered the following:

- a. We produced a set of flowcharts for vintage 2018 for the conditions relating to the grape and wine industries for phylloxera, based on the current V13 of the SA PQS, as a means of:

- (i) Better communicating the current import requirements to industry.
 - (ii) Facilitating a gap analysis of the PQS to identify the list of proposed changes.
- b. We undertook a full State Pest Risk Analysis for phylloxera to identify the import pathways for which the current conditional entry requirements in the PQS were rated above a 'very low' risk level and therefore warranted strengthening.
- c. We undertook analysis of recent scientific research on the effectiveness of the disinfestation procedures in the phylloxera-related conditions in the SA PQS, to:
 - (i) Identify which current disinfestation procedures, based on science, were found not to cause 100% mortality of key phylloxera strains and identify what changes need to be made to the disinfestation procedures accordingly.
 - (ii) Identify which current disinfestation procedures are impractical to be undertaken effectively on all machinery and equipment and therefore should only be approved disinfestation procedures in the PQS for some equipment.
 - (iii) Identify if there is a chance to review time and temperature specifications for disinfestation procedures to optimise efficiency without compromising efficacy.
- d. We instigated a tri-state meeting between SA, VIC and NSW regulators and phylloxera researchers to:
 - (i) Jointly review this science and agree on a set of changes to some disinfestation procedures to reflect this new science.
 - (ii) Agree that these state regulators would undertake industry consultation in their respective states to gauge industry acceptance of these proposed changes to disinfestation procedures.
 - (iii) Agree that, post the industry consultation, the three states would develop a joint paper for the Subcommittee for Domestic Quarantine Market Access (SDQMA) to ensure national adoption of these changed disinfestation procedures into all state and territory regulations.
- e. We developed a list of 85 proposed changes to strengthen the SA PQS, focused on science, completeness and readability.

4. Has Biosecurity SA approved the changes you are proposing?

Vinehealth Australia has had a significant number of meetings with Biosecurity SA to work through proposed changes pending industry consultation.

5. What feedback did you get from Biosecurity SA about the proposed changes?

Biosecurity SA have welcomed the proposed changes and agree that a full review of the conditions relating to the wine and grape industries has not been undertaken for a considerable length of time and is warranted.

Biosecurity SA also sees merit in the proposed new consolidated condition assisting their market access staff in their compliance activities and communications with the wine and grape industries and that the proposed consolidated condition may become a model for other commodities to follow in future.

6. Does the Minister know you're undertaking a review of the PQS and industry consultation?

Yes, Vinehealth Australia and Biosecurity SA have advised the Minister of the SA PQS review, including planned industry consultation and a proposed timeline. The Minister will be kept informed during the process.

7. Are you weakening entry conditions into SA?

This SA PQS review was undertaken with the intention of reviewing and strengthening where valid, the entry conditions into SA. Our organisation exists to help protect SA vineyards from grape phylloxera and other pests and diseases, and our aim with the review of the PQS is to improve our state regulations to strengthen this protection.

We've adopted a risk-based approach to examine current conditional entry for each importation pathway of phylloxera risk vectors into SA, and then considered which pathways we strongly believe to be above an acceptable risk level, and then we've suggested changes to the state regulations to reduce these risks. These changes are based around three areas:

- I. Readability: Improving industry's ability to understand what entry conditions they need to comply with.
- II. Completeness: Ensuring entry conditions have been outlined for all risk pathways that are regulated.
- III. Science: Integrating new scientific knowledge on disinfestation treatments for phylloxera into practice.

8. What are the biggest individual changes you're proposing?

Vinehealth Australia is proposing a set of 85 changes to strengthen the SA PQS, aimed at increasing SA's protection from grape phylloxera. These changes are centred around three key areas:

- i. Readability: Improving industry's ability to understand what entry conditions they need to comply with [40 changes].
- ii. Completeness: Ensuring entry conditions have been outlined for all risk pathways that are regulated [37 changes].
- iii. Science: Integrating new scientific knowledge on disinfestation treatments for phylloxera into practice [8 changes].

For a complete list of changes, including highlighted key changes, refer to "Full list of proposed changes to South Australia's Plant Quarantine Standard" document.

9. What are the objectives of the consultation process?

Vinehealth Australia recognises that industry consultation is a critical step. The objectives of this industry consultation process are to:

- a. Seek feedback on the list of proposed changes, aimed to strengthen SA's protection from the regulated pest, grape phylloxera.

- b. Improve the industry's capacity to contribute to the decision-making process of evaluating the proposed changes to the SA PQS.
- c. Demonstrate Vinehealth Australia's commitment to helping to protect the SA wine industry from grape phylloxera and other pests and diseases.
- d. Demonstrate Vinehealth Australia's investment and considered approach in developing proposed changes to the PQS and how these changes form one step in protecting the state but are underpinned by other important work.
- e. Increase knowledge of South Australian entry requirements for phylloxera risk vectors of wine grapes, table grapes, wine grape products, machinery and equipment, diagnostic samples and propagation material.

10. Is the National Phylloxera Management Protocol (NPMP) still important?

The NPMP was completed in 2009 and was the base document from which state import regulations relating to phylloxera risk vector movement originated. However, this document has not been reviewed and updated since 2009 and is in need of review. This sentiment has been agreed upon by industry and state regulators.

While there is a plan to review and update this document in the short-medium term, scope for this review is still being discussed and it could take a couple of years for an outcome. In the interim, Vinehealth Australia feels that South Australia cannot wait for the national document to review what changes to the SA PQS are required. Rather, given the heightened biosecurity landscape we are now operating in, it is timely to make proposed changes now as a first step. New science on the efficacy of current disinfestation procedures is also a key driver for this current review.

Vinehealth Australia will continue to advocate strongly for investment in a new national strategy for the management of grape phylloxera. This is critical to maintaining our strong state borders.

11. Why are entry conditions for phylloxera risk vectors from Phylloxera Risk Zones usually combined with those from Phylloxera Infested Zones in the proposed changes to the SA PQS?

While phylloxera has not been detected in a phylloxera risk zone, these zones by name are zones in which the phylloxera status is unknown because insufficient surveillance has been undertaken to confirm presence or absence of phylloxera. Often these zones abut phylloxera infested zones and commonly there has been historical or current movement of phylloxera risk vectors between PIZs and PRZs and therefore movement of phylloxera out of a PIZ into a PRZ is a real possibility.

Taking a risk-based approach then, it seems logical to consider movement of phylloxera risk vectors from a PRZ as they are considered for a PIZ.

12. Are the changes you're proposing benefiting certain importers into the state?

Vinehealth Australia is proposing a set of changes to strengthen the SA's PQS, aimed at increasing the state's protection from grape phylloxera. These changes are not driven by which businesses undertake imports into SA, rather, these changes are underpinned by a comprehensive risk assessment, looking at and assessing each movement pathway into SA individually. If large businesses undertake the bulk of the

imports, they will have to comply with any endorsed changes, as would small to medium sized businesses.

13. Where has this requirement for registering as an importer and requiring direct inspection of consignments come from?

Importer registration and direct inspection has always been a part of the SA PQS, however finding the detail has been difficult as it has been outlined away from the grape and wine related conditions at the front of the PQS, so sometimes it has been missed as a requirement by importers. The new proposed consolidated chapter clearly outlines requirements for importer registration and direct inspection through the use of a flowchart.

14. There are way too many factors to importing consignments into SA now. Why does it have to be so complicated?

The process for importing phylloxera risk vectors into SA has not changed with this review, rather, the steps to importing have been brought together in a single chapter. This was done to make the process for importing clearer.

We've proposed changes to the layout of the PQS for the grape and wine industries to create a one stop consolidated condition of entry requirements which we believe will be easier to follow. This new layout has also highlighted entry requirements many people were unaware of in the current layout.

We feel the use of consistent layout and flowcharts will help importers better understand conditional entry requirements and, therefore, comply with them.

15. How long will the changes take to come into play?

Vinehealth Australia acknowledges the importance of industry consultation and the complexity of the documents we are asking industry to review. We're leaving the consultation process open until 30 June 2019, to ensure industry has sufficient time to consider and reflect on the proposed changes properly. Following consultation and consideration of all feedback, recommendations will be made to the Minister for approval.

16. Why is the focus of the proposed changes only on phylloxera not fruit fly?

Vinehealth Australia has instigated the PQS review primarily on the conditions for the grape and wine industries relating to entry of grape phylloxera. Despite the conditions for fruit fly also being very pertinent to these industries, no fundamental changes to fruit fly controls are being proposed as they are considered to adequately address the current risk.

17. Will these changes prevent me from using a grape harvester that has worked in another state?

Changes have been proposed to requirements for importing machinery, including grape harvesters, into SA. Depending on which state or phylloxera management zone you want to import a harvester from, you will need to assess the proposed changes and how they affect your importation.

18. It's great to have regulated movements but how do you plan to change behavior to ensure compliance?

Vinehealth Australia understands that having strong state quarantine regulations alone will not completely mitigate the risk of grape phylloxera for our state, it is only one part.

Despite compliance with state quarantine regulations being mandatory, importers need to know that the regulations exist and that they can easily understand what the entry requirements are.

Once Vinehealth Australia has completed industry consultation on the proposed changes and these changes have been approved by the Minister, we will ensure a comprehensive communications package is enacted via various means to let industry know about the changes.

These specific communications will be underpinned by continued general communications relating to such areas as the importance of farm-gate hygiene, advising industry on import breaches to the state where we can, and advising on penalties for non-compliance.

19. It's great to have regulated movements but what are the penalties for importers who don't comply?

A breach to the state regulations for importing regulated products is enforceable under the Plant Health Act. Penalties vary depending on the type of offence but range from expiations (up to \$500 per offence) to a maximum penalty of \$20,000 per offence in the case of a natural person or \$100,000 per offence in the case of a body corporate.

There are also significant financial costs that can apply as a result of holding or redirecting non-compliant material and/or suspending accreditations to import material.

20. Why can't the SA PQS disallow all movements from a PRZ/PIZ?

Australia's domestic biosecurity arrangements are described under the Intergovernmental agreement on Biosecurity (IGAB – last reviewed in 2017) and mirror our international trade/biosecurity obligations. International obligations are described by the World Trade Organization's (WTO) Sanitary and Phytosanitary (SPS) measures, which require that measures are based on technical assessment and are no more trade restrictive than necessary. They also recognise that it's not possible to obtain zero risk.

To apply official control at our border, we need to show that the measures are technically justified and non-discriminatory. With this in mind, if there's a proven methodology for treatment that works, we can't enforce a barrier to trade.

What we've done is assess the risk of each movement pathway from a PRZ or PIZ. Where technical data is available to address this risk, conditional entry conditions have been drafted which are well considered and laid out so that the requirements are simple to understand.

21. The new consolidated condition you've proposed seems a lot longer than the original conditions in the current PQS - isn't what you've proposed more complicated now?

The layout for the proposed consolidated condition does increase the overall number of pages, however there are good reasons for this. The new proposed chapter has been designed as a one stop shop, to ensure all the information you need as an importer is easily accessible, so you don't have to go looking through the whole PQS to find different requirements as you do in the current version. In addition, the new consolidated condition is laid out a logical way for entry requirements – generally starting with the item you want to import and then with the instructions by phylloxera management zone. This layout results in the proposed consolidated condition which will be practical to use.

22. What about the importance of farm-gate hygiene – how does that fit into this review?

While the core of this industry consultation is focused on strengthening state border quarantine, Vinehealth Australia acknowledges that farm-gate hygiene is another vital component of a strong biosecurity system and hence our ongoing work and general communications about the importance of farm-gate hygiene.

In addition, importation of phylloxera risk vectors into SA commonly requires the checking of documentation at the farm gate to ensure cleaning and disinfestation procedures have been undertaken correctly according to state quarantine requirements, so farm-gate hygiene is an important aspect that can act as a checking mechanism to ensure state quarantine regulations have been met.

23. Who are you consulting as part of industry consultation for the SA PQS review?

As part of the industry consultation process for the proposed changes to the SA PQS, Vinehealth Australia is consulting broadly with:

- SA vineyard owners
- SA wineries
- VINA/AVIA/AGFPS/other vine improvements/nurseries
- Tablegrapes and dried fruit
- SA state bodies
- SA regional wine industry associations
- National wine bodies
- Advise other state wine industry associations
- CA12 accredited laboratories
- Contractors
- Carriers