

# SOUTH AFRICAN PLANT HEALTH REGULATORY FRAMEWORK

## MINOR CROPS STAKEHOLDERS WORKSHOP

ARC VOPI  
GAUTENG

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agriculture,  
forestry & fisheries

Department  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

# Outline

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- International context
- Institutional framework: NPPOZA
- Overview of the Plant health regulatory framework
- Agricultural Pests Act: Relevant sections
- Regulations R.111
- Government Notice R.1013
- Control Measures R.110
- Control measures relating to fall armyworm
- Importance of Phytosanitary measures: Benefits
- Conclusions



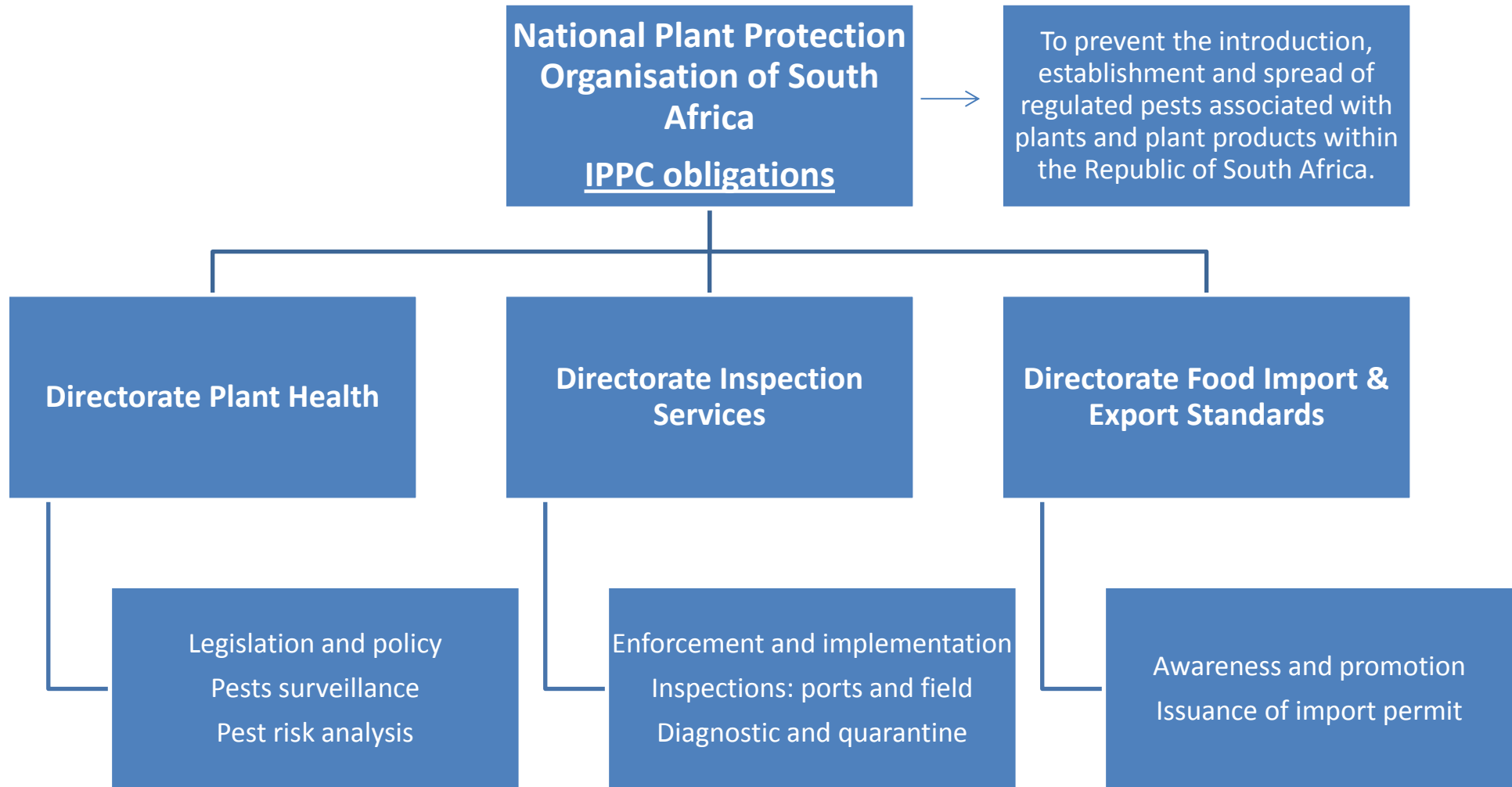
## Background: International Context

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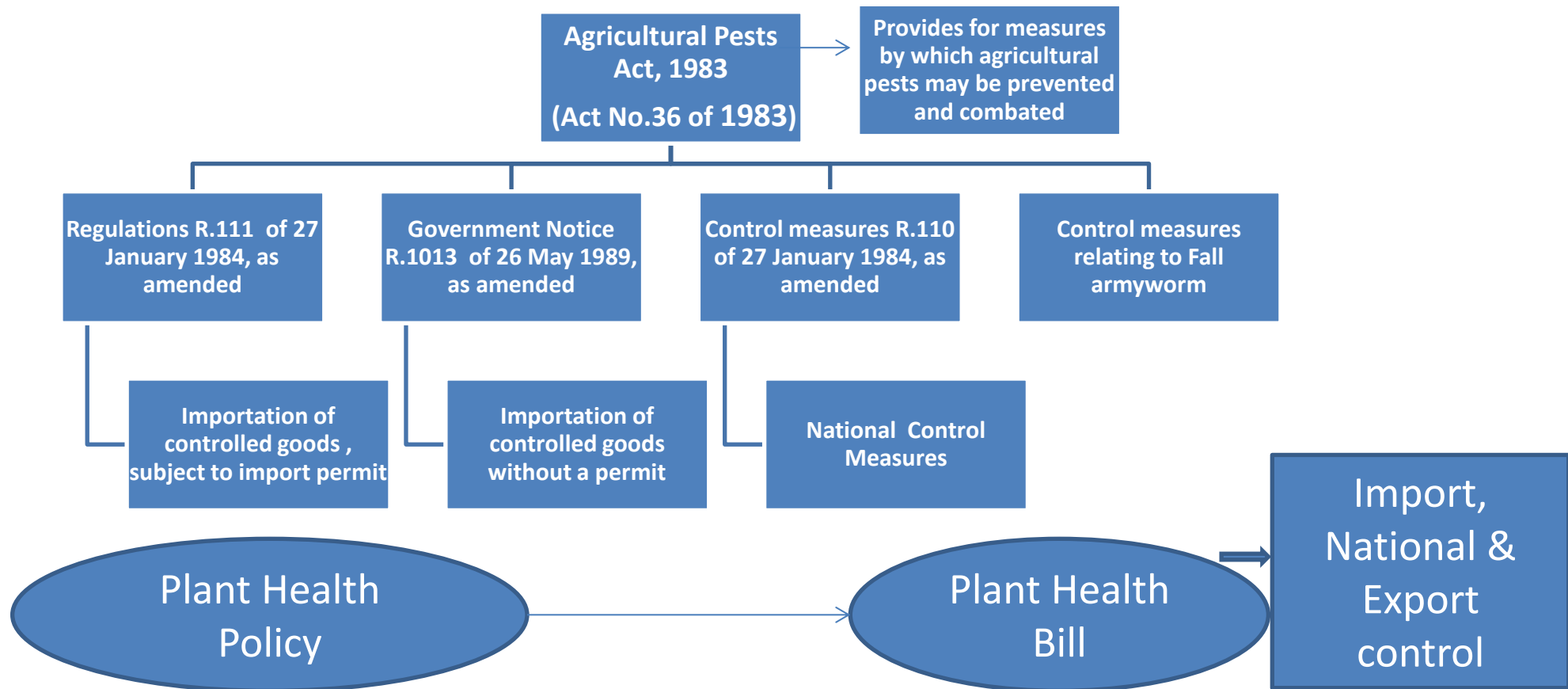
- ❑ South Africa is a signatory member of:
  - ✓ The WTO Agreement on the Application of Sanitary & Phytosanitary Measures (WTO-SPS Agreement) and
  - ✓ The International Plant Protection Convention (IPPC).
- ❑ The South African phytosanitary regulatory system is based on science:
  - ✓ Scientific justification and principles
  - ✓ International standards (e. g. ISPMs of IPPC).
- ❑ SA needs to align its phytosanitary legislation and regulations with relevant obligations in terms of the WTO-SPS Agreement and IPPC.



# Overview of the Institutional framework



# Plant health regulatory framework: overview



# Important definitions

Definitions	Meaning
Executive officer	Means an officer designated in terms of section 2(1) of the APA. DPH & DIS Directors.
User of land	Farmer, grower, producer, exporter, traders & smallholder, etc.
Permit	A permit issued in terms of section 3(1) & 6(3): Import permit and Removal permit.
Regulated pest	<ul style="list-style-type: none"><li>✓ Quarantine pests</li><li>✓ Regulated non-quarantine pests</li></ul>
Controlled goods	Plants, insects, pathogens...
Phytosanitary procedures	Inspections, tests, surveillance or treatment in connection with regulated pests



## Agricultural Pests Act: Relevant sections *cont.*

Sec.	Description
3	<ul style="list-style-type: none"><li data-bbox="443 416 1189 464">❑ Importation of controlled goods:</li><li data-bbox="443 501 1973 639">✓ Subsection 3 (1) requires that any person importing into the Republic shall do on the authority of a permit.</li><li data-bbox="443 676 1995 895">✓ No person shall import into the Republic any plant, <u>pathogen</u>, <u>insects</u>, <u>exotic animal</u>, <u>growth medium</u>, <u>infectious thing</u>, <u>honey</u>,...except on the authority of a permit.</li><li data-bbox="443 932 2018 1150">✓ Subsection 3(4) provides that the Minister may by notice in the Gazette determine that any controlled goods be imported without a permit, subject to conditions or requirements set out in that notice.</li></ul>



## Agricultural Pests Act: Relevant sections cont.

Sec.	Description
3	<ul style="list-style-type: none"><li><input type="checkbox"/> Subsection 3(5) states that the Minister may import into the Republic ...any insects or pathogens which is not indigenous to the Republic, if he is of the opinion that the presence thereof in the Republic-<ul style="list-style-type: none"><li>✓ Is desirable in order to combat the occurrence of plants, pathogens, insects</li><li>✓ Is in the interest of a specified branch of agriculture.</li></ul></li></ul>
4	<ul style="list-style-type: none"><li><input type="checkbox"/> Power of the executive officer<ul style="list-style-type: none"><li>✓ Subsection 4(1) states that if any thing has been imported contrary to the provision of this Act, the Executive Officer may:<ul style="list-style-type: none"><li>✓ <u>Destroy and/or refuse entry, confiscate and/or remove from the Republic and treat.</u></li></ul></li></ul></li></ul>





## Agricultural Pests Act: Relevant sections *cont.*

Sec.	Description
6	<ul style="list-style-type: none"><li><input type="checkbox"/> Prescribing of control measures by the Minister</li></ul> <p>Control measures may relate to:</p> <ul style="list-style-type: none"><li>✓ Destruction of plants,</li><li>✓ Notification of the occurrence of the specified pests,</li><li>✓ Provision of prohibition or obligation.</li></ul>
7	<ul style="list-style-type: none"><li><input type="checkbox"/> Order with regard to land</li></ul> <ul style="list-style-type: none"><li>✓ The executive officer may issue an order to any user of land with respect to any quarantine areas/infested areas by regulated pest/s.</li></ul>



## Agricultural Pests Act: Relevant sections

Sec.	Description
9	<ul style="list-style-type: none"><li><input type="checkbox"/> Power of entry and investigation</li><li>✓ An authorized person/executive officer may enter and inspect any land for a regulated pest.</li><li>✓ Enter any land to monitor the compliance to the control measures.</li></ul>
11	<ul style="list-style-type: none"><li><input type="checkbox"/> Appeal to the Minister</li></ul>
13	<ul style="list-style-type: none"><li><input type="checkbox"/> Offence and penalties</li><li>✓ Any contravention of the APA and associated regulation is an offence and punishable.</li></ul>
16	<ul style="list-style-type: none"><li><input type="checkbox"/> Regulations: Minister</li></ul>



# Regulations R.111 of 27 January 1984, as amended

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## □ Important provisions regarding R.111:

- ✓ Why? Prevention of SA agriculture sector from exotic and quarantine pests
- ✓ Importation of controlled goods with a permit
- ✓ Apply for an import permit from the DAFF: DFIES
- ✓ Comply import conditions which also include quarantine pests list
- ✓ Application for an import permit must be submitted to the EO at least 30 days prior to the date of arrival at the ports of entry
- ✓ Fees payable in terms of application for import permit: R176.00
- ✓ Designated ports of entry
- ✓ Presentation of controlled goods for inspection.



# Government Notice R.1013 of 26 May 1989, as amended

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## □ Important provisions regarding R.1013:

- ✓ Importation of class of controlled goods without a permit.
- ✓ List of quarantine pests
- ✓ Comply with the requirements of class of controlled goods.
- ✓ Class of controlled goods includes: certain seeds for planting, unrooted vegetables, rooted green house plants, tissue culture in vitro, vegetables gums and resins, certain herbs and spices for medicinal, human and animal consumption.
- ✓ Presentation of class of controlled goods for inspection.
- ✓ Designated ports of entry.



## Control Measures R.110 of 27 January 1984, as amended *cont.*

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- ❑ Why R.110: To prevent the spread of regulated pests within the Republic.
- ❑ List of regulated pests subject to official control and /or prohibition include:
  - ✓ *Bactrocera dorsalis*
  - ✓ Karnal bunt of wheat
  - ✓ Citrus black spot
  - ✓ Citrus greening
  - ✓ Bacterial wilt of potatoes
  - ✓ Wart disease of potatoes
  - ✓ Aster yellow phytoplasmas (grapevine yellows)
  - ✓ Bacterial blight of potatoes
  - ✓ Panama disease of banana
  - ✓ Banana bunchy top virus (BBTV)
  - ✓ Golden cyst nematode.



## Control Measures R.110: Relevant provisions *cont.*

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- ❑ **Control measure 2:** Prohibition relating to the occurrence and removal of certain pathogens and insects:
  - ✓ No user of land shall remove any plant or plant product from any demarcated area or quarantine area due to regulated pest to any pest free area (e.g. mangoes, *capsicum* and *cucurbita* due to *Bactrocera dorsalis*).



## Control Measures R.110: Relevant provisions *cont.*

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- ❑ **Control measure 4:** Prohibition relating removal of certain plants
  - ✓ No user of land shall remove any plant or plant products from specified infested areas by regulated pests to any specified pests free areas e.g. (citrus plants and related ornamental plants, potatoes & wheat: drum and bread).



## Control Measures R.110: Relevant provisions *cont.*

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- ❑ **Control measure 4A:** Exemption from prohibition or any obligation under these control measures ,
  - ✓ Sub control measure 4A(1) states that executive officer may, by means of a removal permit, exempt a user of a land from a prohibition under R.110,
    - Only if phytosanitary measures and procedures have been taken to reduce the risk on introduction.
    - Applications for a removal permit is done, 30 days prior to the date on which such permit is required.





## Control Measures R.110: Relevant provisions *cont.*

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### ❑ Control measure 7: Compulsory notification

- ✓ (1) Every user of land shall report and/or notify to the executive officer (EO) of any occurrence or suspected occurrence of any regulated pests in terms of R.110, in any pest free area,
- ✓ (2) Any individual or organisation or institution that has for the first time identified or recorded a new pests shall immediately report to the EO,
- ✓ (3) Upon national pest reporting, the executive officer shall immediately undertake necessary phytosanitary procedures to prevent the establishment and further spread regulated pests.



## Control Measures R.110: Relevant provisions

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### ❑ Control Measure 8: Destruction of plants & plant products

✓ If the executive officer has established that plants or plant products have been kept or cultivated, removed or conveyed contrary to these control measures, he/she may:

- Destroy such plants or plant products;
- Sent back to a specified quarantine area;
- Subject such person in question to an offence in terms of section 13 of this Act.



## Control Measures relating to Fall armyworm

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- ❑ Important provision of R.449
  - ✓ Compulsory reporting to the EO of any occurrence.
  - ✓ Responsibility of the executive officer to take necessary phytosanitary procedures or action to Identify and confirm the presence of FAW in an area.
  - ✓ Responsibility of the user of land to take all reasonable measures as prescribed or specified in terms of relevant guidelines.



## Who is affected with these measures?

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- Fruits industry
- Vegetables industry
- Plants ornamental industry
- Grains industry
- Research institutes
- Importers and travellers
- Exporters
- Farmers, growers, producers & traders
- Government authorities (all spheres of government)
- etc.



# What are the benefits?

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## Economic benefits

- ✓ **Sustainable agricultural production at all levels contributing to:**
  - Food production and security.
  - Income generation and stability (commercial, small-scale farmers and households).
  - Job creation.
  - Maintenance of current export markets, entering into new markets.
  - Rural and economic development.
  - Protection of plant natural resources from harmful pests.



## What Now?

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- Compliance with the provision of the Act
- Collaboration and alignment of relevant legislation
- Provision of inputs on regulatory issues e.g. policies, legislation, regulations
- Awareness and promotion regarding the phytosanitary measures
- Removal/movement control through enforcement and roadblocks
- New Act have been developed to improve SA plant health regulatory Framework: Plant Health “Phytosanitary” Bill
- New regulations to be developed under new Act.



## Contact details

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**END!**

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**THANK YOU**



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