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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 662

12 JUNE 2020

**AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)****INVITATION FOR PUBLIC COMMENTS****Draft: Control Measures relating to Asian citrus psyllid (*Diaphorina citri*)****and****Citrus greening: Asian and American strains (*Candidatus Liberbacter asiaticus*
and *Candidatus Liberbacter americanus*)**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby invite all interested institutions, organisations and individuals to submit written comments and inputs on the proposed Control Measures.

Comments must be submitted in writing within 30 days from date of publication of this notice. They must be sent to:

The Executive Officer of the Agricultural Pests Act, 1983 (Act No. 36 of 1983)
Maanda Rambauli (Mr)
Directorate Plant Health
Department of Agriculture, Land Reform and Rural Development
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AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)

**Draft: Control Measures relating to Asian citrus psyllid (*Diaphorina citri*)
and
Citrus greening: Asian and American strains (*Candidatus Liberbacter asiaticus*
and *Candidatus Liberbacter americanus*)**

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby prescribe the Control Measures set out in the Schedule.



A.T. DIDIZA

Minister of Agriculture, Land Reform and Rural Development

SCHEDULE

Definitions

1. In these Control Measures any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

“authority” means any officer of the Department Agriculture, Land Reform and Rural Development in the national, provincial or local sphere of government or any person authorized by the Department Agriculture, Land Reform and Rural Development;

“official control” means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;

“phytosanitary actions” means an official operation, such as inspection, testing, surveillance or treatment, undertaken to implement phytosanitary measures;

“phytosanitary measure” means any legislation, regulation or official procedure as provided for under this regulation having the purpose to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated non-quarantine pests;

“phytosanitary procedure” means any official method for implementing phytosanitary measures including the performance of inspections, tests, surveillance or treatments in connection with regulated pests;

“phytosanitary regulation” means an official rule to prevent the introduction or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests, including establishment of procedures for phytosanitary certification;

“**quarantine area**” means an area within which a quarantine pest is present and is being officially controlled;

“**quarantine pest**” means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

“**regulated article**” means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures;

“**regulated pest**” means a quarantine pest or a regulated non-quarantine pest;

“**regulated non-quarantine pest**” means a pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated;

“**the Act**” means the Agricultural Pests Act, 1983 (Act No. 36 of 1983).

Compulsory notification

2. (1) Every user of land within the Republic shall immediately notify the authority of any occurrence or suspected occurrence of regulated pests listed in Table 1.

(2) Any individual or organization or institution that has for the first time identified or recorded regulated pests listed in Table 1 to be present in a pest free area shall immediately report it to the authority.

Responsibilities of the authority

3. (1) Upon notification of the occurrence or suspected occurrence of regulated pests listed in Table 1, the authority shall immediately within 6 days take the necessary phytosanitary measures and/or phytosanitary actions to identify and confirm the presence of regulated pests specified in Table 1 in an area and to prevent the spread.

(2) The authority may at any time if deems necessary revoke the phytosanitary measures and/or phytosanitary actions taken to manage or control regulated pests specified in Table 1.

Issuance of an official order

4. (1) The authority shall issue an official order which shall be complied with in terms of section 7 of the Act in any area infested or suspected infested with regulated pests specified in Table 1.

(2) Official orders may relate to:

(a) demarcate a quarantine area;

(b) destroy host plants listed in Table 2 that tested positive for regulated pests listed in Table 1;

(c) prohibit the movement of any plant material or products of host plants listed in Table 2 from a quarantine area;

(d) treat all host plants listed in Table 2 occurring in the quarantine area to prevent spread of the regulated pests listed in Table 1.

(3) Official order must remain in force until the phytosanitary measures have been implemented successfully or eradication has been declared successful.

Quarantine area

5. (1) Any area infected or suspected infected with regulated pests specified in Table 1 will be quarantined;

(2) A quarantine area may be removed from quarantined status

(i) after the regulated pests specified in Table 1 has been declared eradicated;

(ii) when no detection of regulated pests specified in Table 1 in such area for six maximum life cycle of the specified pests;

(iii) when no infected host plants specified in Table 2 were detected for a period of at least 3 years.

Prohibition relating to the removal and the keeping of infected plants

6. (1) No user of land shall remove any infected or suspected infected host plant or plant product or propagation material or nursery stock from infected or suspected infected host plants specified in Table 2 within the Republic from:

- (a) any quarantined area;
- (b) an area where order has been issued.

(2) No user of land shall keep or plant or cultivate any infected host plant listed in Table 2.

Movement of plants, plant products and other regulated articles

7. (1) No user of land shall move any host plants, plant products of the host plants (including propagation material and nursery stock but excluding harvested and treated rootstock seed) as specified in Table 2 and other regulated articles, from a quarantined area to any other area within the Republic without authorisation.

(2) The movement of any host plants, plant products of the host plants (including propagation material and nursery stock but excluding harvested and treated rootstock seed) as specified in Table 2 and any regulated article from the quarantined area may be authorised by means of a permit when the host plants, plant products of the host plants (including propagation material and nursery stock but excluding harvested and treated rootstock seed) and any other regulated article is certified by the authority to be free from the regulated pests specified in Table 1.

Destruction of plants, plant products and other regulated articles

8. (1) If the authority has suspected on reasonable grounds or established that plants or plant products or any other regulated articles have been kept or cultivated, removed or conveyed contrary to the provisions of these Control Measures, may-

- (a) destroy such plants, plant products and other regulated articles;
- (b) order that the user of land or owner of land destroy such infected plants, plant products or other regulated articles;

(c) subject a person in question to an offence in terms of section 13 of this Act.

Responsibility of user of land or owner of land or organization or institution

9. (1) Any user of land or owner of land or organization or institution must take all reasonable measures as prescribed or specified in the relevant guidelines or action plans to manage, eradicate and control the regulated pests specified in Table 1.

Issuance of guideline or action plan

10. (1) The authority may where deems appropriate, issue action plans or guidelines, reasonable measures or operational procedures for the implementation of this regulation and for the management, eradication and control of regulated pests specified in Table 1.

Application for a removal permit

11. (1) An application for a removal permit which may be issued by the authority under a control measure in order to exempt a user of land or owner of land or organization or institution from the prohibition or obligation contained in such control measure shall be made on a form which is obtainable from the authority for this purpose.

(2) Such application form shall-

- (a) be completed by the user of land or owner of land or organization or institution requiring such permit;
- (b) after having been thus completed, be submitted to the authority ; and
- (c) be thus submitted so as to reach the authority at least 30 days prior to the date on which such permit will be required;
- (d) a removal permit will be valid for 30 days.

Exemption from a prohibition

12. (1) The authority may by means of a removal permit, exempt a user of a land from a prohibition of these control measures-

- (a) If the authority is satisfied that the necessary phytosanitary procedures and phytosanitary actions have been taken to reduce the risk of introduction and spread of regulated pests specified in Table 1;
- (b) If the authority is satisfied that the plant material (including propagation material and nursery stock but excluding harvested and treated rootstock seed) for which the removal permit is required is obtained from a mother plant grown in a structure which prevents infection or infestation by the regulated pests specified in Table 1; and
- (c) If the authority is satisfied that the host plants or plant products of the host plants (including propagation material and nursery stock but excluding harvested and treated rootstock seed) listed in Table 2 is originating from a specified or demarcated area managed to be free from regulated pests specified in Table 1 and necessary phytosanitary procedures and phytosanitary actions have been taken.

TABLE 1

Regulated pests

Scientific name	Common name
<i>Diaphorina citri</i>	Asian citrus psyllid
<i>Candidatus Liberbacter asiaticus</i>	Citrus greening (Asian strain)
<i>Candidatus Liberbacter americanus</i>	Citrus greening (American strain)

TABLE 2

Host plants

Scientific name	Common name
<i>Citrus</i>	All types
<i>Fortunella</i>	Kumquat
<i>Poncirus</i>	Trifoliolate
<i>Murraya</i>	
<i>Choisya</i>	
Species and hybrids of the above genera	