



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11144

Regulasiekoerant

Vol. 661

3 July
3 Julie 2020

No. 43496

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 742

03 JULY 2020

**AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)****INVITATION FOR PUBLIC COMMENTS****DRAFT CONTROL MEASURES RELATING TO
THE POLYPHAGOUS SHOT HOLE BORER**

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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0031

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND
RURAL DEVELOPMENT**

**AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)**

**DRAFT CONTROL MEASURES RELATING TO
THE POLYPHAGOUS SHOT HOLE BORER**

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 Regulations 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;

“**infested plant**” means the presence in a plant, a living pest of the plant or plant product concerned;

“**non-reproductive host tree**” means the trees where the pest attacks, penetrates and inoculates the fungus that then starts growing in the sapwood;

“**notifiable insect**” means the insect as designated in Table 1 of these Control Measures;

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

“**Polyphagous shot hole borer**” means the insect known scientifically as *Euwallacea fornicatus*, previously referred to as *Euwallacea nr. fornicatus* and *Euwallacea whitfordiodendrus* in literature and any of its fungal symbionts including *Fusarium euwallaceae*, *Graphium euwallaceae* and *Paracremonium pembeum*;

"quarantine area" means an area within which a quarantine pest is present and is being officially controlled;

"the Act" means the Agricultural Pests Act, 1983 (Act No. 36 of 1983);

"reproductive host tree" means the tree that the beetle infests and where it successfully establishes a breeding gallery in which the fungus grows, where eggs are laid, and larvae develop into mature adults, thus completing its life cycle.

Compulsory notification

2. (1) Every user of land within the Republic shall immediately notify the executive officer and/or authority of any occurrence or suspected occurrence of the polyphagous shot hole borer.

(2) Any individual or organization or institution that has for the first time identified or recorded the polyphagous shot hole borer to be present in a pest free area shall immediately report it to the executive officer.

Responsibilities of executive officer

3. (1) Upon national pest reporting, the executive officer shall immediately –

- (a) take necessary phytosanitary procedures or action to identify and confirm the presence of the polyphagous shot hole borer in an area; and
- (b) prescribe or specify phytosanitary measures to be complied with by the user of land and/or land owner.

(2) The executive officer may at any time if he/she deems necessary revoke the measures taken to manage or control the polyphagous shot hole borer

(3) Where the user of land and/or owner of land cannot meet the obligations on these measures, the executive officer may-

- (a) implement reasonable measures to manage polyphagous shot hole borer.

Prohibition relating to the removal, keeping, planting or cultivation of infested plants

4. (1) No user of land shall remove any specified plant in Table 2 from any area within the Republic demarcated by the authority where a notifiable insect listed in Table 1 occurs, unless the movement is authorized by means of a permit or the plant or plant product is certified by the authority as free from the insect or unless such plant or plant product does not act as a pathway or vector to transmit or spread a prohibited insect in Table 1.

(2) No user of land shall remove any plants or plant products specified in Table 2 and 3 from any quarantine area within the Republic without authorization by the executive officer

(3) No user of land shall keep plant or cultivate any infested plant listed in Table 2 to any land within the Republic.

Issuance of an official order to the user of land

5. The executive officer and/or an authorised person shall issue an official order which shall be complied with in terms of section 7 of the Act to any area infested with notifiable insect specified in Table 1.

Destruction of plants, plant products and other regulated articles

6. If the executive officer has suspects on reasonable grounds or established that plants, plant products and 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 infested plants;
- (c) subject a person in question to an offence in terms of section 13 of this Act.

Responsibility of user of land

7. Any user of land must take all reasonable measures as prescribed or specified in the relevant guidelines or action plans to manage and control the polyphagous shot hole borer.

Issuance of guideline or action plan

8. The executive officer may, where he/she deems appropriate, issue action plans or guidelines, reasonable measures or operational procedures for the implementation of this regulation to manage and control the polyphagous shot hole borer.

Application for a removal permit

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

(2) Such application form shall -

- (a) be completed by the user of land requiring such permit;
- (b) after having been thus completed, be submitted to the executive officer; and
- (c) be thus submitted so as to reach the executive officer at least 30 days prior to the date on which such permit will be required.

Exemption from a prohibition

10. The executive officer may, by means of a removal permit, exempt a user of a land from a prohibition of these control measures -

- (a) if the executive officer or authorised person is satisfied that the necessary phytosanitary procedures have been taken to reduce the risk of introduction and spread of prohibited pests which include the killing and cleansing of plants from the notifiable insect specified in Table 1;

- (b) if the executive officer or authorised person is satisfied that the plant material for which the permit is required is only obtained from a mother plant grown in a structure which prevents infection or infestation by the notifiable insect specified in Table 1; and
- (c) if the executive officer or authorised person is satisfied that the plants or plant products are originating from a specified or demarcated area of low pest prevalence or area is free from the notifiable insect specified in Table 1 and necessary phytosanitary procedures have been taken.

TABLE 1
NOTIFIABLE INSECT

Scientific Name	Common Name
<i>Euwallacea fornicatus</i>	Polyphagous shot hole borer

TABLE 2
REPRODUCTIVE HOST TREE

Scientific name	Common name
<i>Persea americana</i>	Avocado

TABLE 3
NON-REPRODUCTIVE HOST TREES

Scientific name	Common name
<i>Carya illinoensis</i>	Pecan nut
<i>Citrus limon</i>	Lemon
<i>Citrus sinensis</i>	Orange
<i>Macadamia spp</i>	Macadamia
<i>Prunus armeniaca</i>	Apricot
<i>Prunus persica</i>	Peach
<i>Psidium quajava</i>	Guava
<i>Vitis vinifera</i>	Grapevine