



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government



Scottish Government
Riaghaltas na h-Alba
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Date: 11 October 2021

Dear Sir/Madam,

Response to UK Consultation on a Method for Determining the Frequency of Risk Targeted Plant Health Import Inspections.

Thank you for submitting views on the above consultation. This letter is to notify you of the outcome.

Recommendations

The UK Plant Health Risk Group (UK PHRG) recommended that the GB Plant Health Service should amend the frequency of checks on specific import trade pathways depending on the level of plant health risk posed and the history of compliance. Following the UK's exit from the EU the recommendation was to retain the risk targeted approach, used in the EU, to import inspections and adapt it to better align with the particular risk that imported consignments pose to GB. The level of checks would be reviewed annually and amended upwards or downwards as necessary to reflect any changes in the level of risk particular trades pose. Any evidence of a serious plant health risk could lead to more urgent action being taken outside of the annual review process (e.g. immediately increasing inspection levels).

Background

GB Plant Health Services carry out inspections on consignments of imported plants, plant products and other objects to prevent the introduction and spread of organisms harmful to plants or plant products. They are crucial in protecting GB against risks arising from trade in plants and plant material. They protect our nation's crops, produce, trees and other plants from the threat of pests and diseases and help support the government's goal of leaving the natural environment in a better state than we found it.

The general principle is that all consignments of regulated plants and plant products (i.e. those which could pose a risk to plant health and which must be accompanied by a phytosanitary certificate) are inspected on arrival, or shortly thereafter. However, when the UK was part of the European Union, import trade pathways (i.e. a commodity type from a specific country) which were judged to pose a low plant health risk and which could demonstrate a good history of compliance could be inspected at a reduced frequency. Higher risk material, such as plants for planting and potatoes, were excluded from consideration for any reduction in inspection level. Certain criteria, including an adequate level of consignments imported and inspections carried out, had to be met for trades to be considered for any reduction in inspection frequency. The level of checks required was calculated using a matrix, based on the number of imported consignments, the level of inspections carried out and the history of past compliance.

Summary of Responses

Four responses were received, these were from:

- Fresh Produce Consortium (FPC)
- Horticultural Trades Association (HTA)
- National Farmers' Union (NFU)
- Private Nursery

Key Concerns and Government Response

Firstly, HTA requested clarity on certain definitions within the proposal and these are provided below.

- Commodity: In the risk-targeted system, commodity types are considered to be individual commodities (e.g. cut roses, apples, aubergines etc.).
- Geographic Scope: This proposal would extend to all Third Countries (including EU and Rest of World).
- Application to EU Member States: If risk significantly differs between EU Member States then inspection frequencies will be altered accordingly in response to the biosecurity risk.
- Non-compliance: Non-compliance can occur either as a documentary issue or as non-compliance with entry requirements. Non-compliance is the correct legal wording which the competent authority must use. Potential offences (i.e. non-compliances) are detailed in the following pieces of legislation:
 - England: [Schedule 3 of the Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019](#)
 - Scotland: [Schedule 3 of the Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019](#)
 - Wales: [Schedule 3 of the Plant Health \(Official Controls and Miscellaneous Provisions\) \(Wales\) Regulations 2019](#)

Key concerns focussed on the exclusion of plants for planting from the proposed risk targeted method and the delay before goods from the EU could benefit from this proposal (due to the need to collate three years of data).

- Plants for planting pose a higher risk to biosecurity than other regulated commodity types. For example, imported fresh produce will be consumed or destroyed unlike imported plants for planting. While the latter are not necessarily more likely to be infected, in cases where pests or diseases are present, there is greater potential for them to spread, multiply and then establish. This is a well-established principle^{1,2,3,4,5} in relation to plant health risks, with controls focused accordingly.

¹ Eschen R, Douma JC, Grégoire JC, Mayer F, Rigaux L, Potting RP. 2017. A risk categorisation and analysis of the geographic and temporal dynamics of the European import of plants for planting. *Biological Invasions*, 19 (11),3243-3257.

² Kenis, M, Rabitsch W, Auger-Rozenberg MA and Roques A. 2007. How can alien species inventories and interception data help us prevent insect invasions? *Bulletin of Entomological Research* 97,489-502.

³ Liebhold AM, Brockerhoff EG, Garrett LJ, Parke JL and Britton KO. 2012. Live plant imports: the major pathway for forest insect and pathogen invasions of the US. *Frontiers in Ecology and the Environment*, 10 (3), 135-143.

⁴ Smith, R.M., R.H. A. Baker, D.W. Collins, A Korycinska, C. Malumphy, J. Ostojá-Starzewski, T. Prior, D. Pye, and
⁵ Reid. 2018. "Recent trends in non-native, invertebrate, plant pest establishments in Great Britain, accounting for time lags in reporting." *Agricultural and Forest Entomology* 20 (4):496-504. doi: 10.1111/afe.12282.

⁵ Smith, R.M., R.H. A. Baker, C.P. Malumphy, S. Hockland, R.P. Hammon, J.C. Ostojá-Starzewski, and D.W. Collins. 2007. "Recent non-native invertebrate plant pest establishments in Great Britain: origins, pathways, and trends." *Agricultural and Forest Entomology* 9 (4):307-326. doi: 10.1111/j.1461-9563.2007.00349.x.

- However, these points will be further considered before the method to calculate frequency of checks is finalised. Any developments to the consulted on proposal will be discussed with the Plant Health Advisory Forum.

FPC and HTA asked that Plant Health Advisory Forum/industry representation is included in the annual review of frequencies with HTA requesting that the frequency of these reviews be published.

- Amendments to the frequencies as a result of this risk targeted system will be discussed with the Plant Health Advisory Forum.
- These reviews will take place annually and will be coordinated by the UK Plant Health Risk Group.

The private nursery commented that consideration of biosecurity practices at individual businesses was absent from the method. They highlight that those businesses with better biosecurity practices often face higher costs leaving them open to competition from businesses with lower biosecurity standards. They raised the suggestion of a traffic light system for suppliers that would allow a further risk-based targeting of checks.

- The system is focused on evidence which is readily available to the GB plant health authorities and is under their control. Practices and procedures by individual businesses prior to export fall outside the scope of the methodology for this reason. However, there is still benefit in sourcing carefully as, apart from the prospects of agreeing a reduced frequency level for the trade in question, careful sourcing means there is less likelihood of an interception being made, with resulting costs of re-export or destruction. As the system is focused on trades from particular countries, it is not possible to take account of biosecurity practices of the receiving business in GB, as this is unrelated to the risk profile of the trade before and during the export/import process.

The private nursery and NFU also raised concerns of increased risk of contamination during transport due to the greater use of third-party transport. They suggest that the proposed method could be extended to offer reduced checks on goods which move direct from nursery to nursery (not via third-party transport).

- There are several factors which could affect whether a commodity will be infected during transport (a few examples of these factors are: packaging; conditions during transport; size of vehicle used for transportation; duration of journey), and these are not restricted to whether third party transport is used, hence it is not possible to take this into account.

Concerns were raised by the private nursery about the ability for GB to act pro-actively to perceived risks rather than waiting for an issue to arise before increasing inspection levels.

- The UK intends to ensure that its phytosanitary regime remains appropriate to address the risks it faces. Defra has a dedicated team of specialist plant health risk assessors and risk managers, working with the Devolved Administrations, monitoring emerging and revised threats, supporting the work of the UK Plant Health Risk Group. Much of this work will focus on GB priorities and broader international work associated with identifying and managing plant health risks.
- The UK Plant Health Service will take action to address emerging risks as needed and will act proactively in response to intelligence and findings and by taking other actions, such as new regulatory controls or audits.

HTA questioned the systems used to support data collection and the sharing of such data.

- GB equivalent of Europhyt and data sharing with EU; Data on interceptions and sharing with trade: There is a UK replacement for EUROPHYT called UKPHINS which collates data on interceptions of non-compliant consignments intercepted from Rest of World and EU. Weekly summaries are published on the UK plant health portal [here](#) and they are also presented to the Plant Health Advisory Forum at each meeting. Data from UKPHINS is used by the PHRG, and by risk analysts as part of horizon scanning, risk assessment activities and policy decision making. Notification of any non-compliance is sent to the National Plant Protection Organisation (NPPO) of the exporting country
- Mobility list and sharing with trade: The mobility list will be shared with trade and is expected to be published with the proposed legislation.

Finally, the private nursery raised concerns about the fees associated with import inspections and the lack of discount for smaller importers.

- Plant health controls apply equally to all businesses importing regulated plant health material, including small businesses. The risk of introducing harmful organisms is not mitigated by the size of the business.
- Charging for plant health services is consistent with the principle that businesses using these services should bear the costs of any measures to prevent harm that they might otherwise cause by their actions or non-actions.

Next steps

The responses received were generally supportive of a GB focused risk-based frequency of checks regime and were helpful in raising wider points around the inclusion of plants for planting and further consideration of EU goods. The UK Plant Health Risk Group is considering these specific points in more detail and will engage with the Plant Health Advisory Forum to finalise the proposal, seeking to find a solution which reflects the objectives for the proposed new system as well as taking account of the views expressed from different stakeholders.

I would like to thank those responding for taking the time to submit views on the consultation. Your comments have been very valuable in working to develop a policy position.

If you have any views about how this review was handled, or its outcome, please let me know.

Yours sincerely,



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