



**Australian Seed Federation**  
SOWING SEEDS

ABN 66 003 160 638

**Submission to Department of Agriculture**

**Comments on the Discussion Paper -  
Examination of the Import Risk Analysis Process**

**September 2014**

## Summary

A discussion paper on examination of the Import Risk Analysis (IRA) process was released for consultation on the Department of Agriculture's (DoA's) website in July 2014 ([www.daff.gov.au/ba/ira/iraexamination](http://www.daff.gov.au/ba/ira/iraexamination)). The IRA process was reviewed by the ASF and the international seed industry through the ASF's links with the International Seed Federation (ISF).

The ASF is the peak national body representing the interests of Australia's sowing seed industry at the state, national and international level. The membership of the ASF can be located at [www.asf.asn.au](http://www.asf.asn.au) and comprises stakeholders from all sectors of the total seed supply chain including plant breeders, seed growers, seed processors, and covers a diversity of geography, climate, crops, and cultivars.

The ASF's main concerns relate to

- Transparency in the science used to determine risk and how economic effect is determined.
- Stakeholder consultation needing to be an integral part of both the Standard and of the Expanded IRA processes, and commenced early in the process.
- For seed for sowing it is critical that the science behind the import risk analysis has significant international support.
- How conflicts in science are dealt with.
- The ASF would like to see the analysis expanded to include the process for implementing non-regulated risk assessment measures as well as Emergency Measures, and the PRAs associated with them.

## **Specific comments (as per the discussion paper) regarding consultation with stakeholders during the import risk analysis process**

### *1. What extra information would you like to see in the IRA Handbook?*

The main focus of the process is on the 'biosecurity risk' of a pest entering, emerging, establishing or spreading in Australia. Assessment of biosecurity risk is dealt with on page 37, but the process is still not clearly explained.

Assessment of the likelihood of entry, establishment and spread is defined into entry – importation or trade of goods, with the viable pest/disease transferred to a host; establishment - the perpetuation of the pest; and spread - the expansion into other areas. However, the seed industry believes that the key is the science behind the ability of the pest/disease to successfully enter AND to determine if the pest is clearly not already present in Australia. This is a better example of how a risk estimation matrix should be implemented.

The second part of the definition (see page 8) of 'biosecurity risk', namely that the pest causes harm to the environment, the economy or to community activities, is not evident from the framework (page 13 of discussion paper). In terms of consequences the definition deals with economic effect, but it is not clear how this is determined or dealt with. Direct pest effects are looked at in terms of their effect on the environment and living creatures (biological), but there is no reference to the economy. Indirect pest effects seem to deal more with geographical levels and to some degree with trade, but again not directly with the economy. More specifically, there is a need to consider how Australia remains protected but still competitive.

A clear section is also needed on dealing with conflicts in science and how the process moves from a standard IRA to an expanded IRA process – or remains as a non-regulated risk assessment pathway -and who is responsible and accountable for making these decisions. Can these decisions be challenged at all as well? Similarly, there needs to be a clear timeline and consultation pathway for moving emergency measures into the IRA process. There seems to be a lot of opportunity for implementing new phytosanitary measures without having to go through a formal IRA process.

## *2. Does the IRA Handbook make clear how and when stakeholder consultation occurs during an IRA?*

At this point in time the draft IRA Handbook is not clear enough in this regard. Consultation is split into regulated and non-regulated, can these be clearly defined? What is "non-regulated consultation" (see Figure 2 on page 27)? Does this mean that it is at the discretion of the department? If that is so, it is possible that in the **Standard IRA**, no stakeholder consultation could take place. (this seems to be also the case for the **non-regulated risk assessment in Figure 1 on page 13** but this process is not under review).

*a. If not, what changes would you suggest?*

Stakeholder consultation should be an integral part of both the Standard and Expanded IRA processes. In case of an expanded IRA it is up to the department to decide if 'significant issues need to be formally explored with stakeholders through an issues paper' (schedule, page 13). It is important for a broader scientific input to be involved in the IRA process. However, the experience and knowledge that stakeholders have with the good or class of goods to be (or already being) imported may provide a different perspective on the decision to explore significant issues through an issues paper.

The Department should actively solicit information/feedback from known importers of the product category for which an IRA is (to be) performed, either directly or via the appropriate industry association.

*3. At what point in the IRA process would you like to be able to provide input?*

Initially a major point of decision is: is an IRA to be undertaken - yes/no? Stakeholders may be asked to provide information on risks and risk management measures in the country of sourcing; information which may be weighed into the decision to (or not to) undertake an IRA.

Following the announcement of an IRA, which should include the main elements of risk assessment that will be considered during the IRA, stakeholders should already be able to provide input, which may have impact on the scope and approach of the IRA for the commodity/origin in scope.

*4. How can the department improve consultation during IRAs?*

One element that is missing is the input from stakeholders and NPPOs in exporting countries. It is unclear if following the WTO-SPS notification process the input of those stakeholders and NPPOs will still be considered before implementing the final decisions on import requirements following the IRA. It is important that key industry bodies are notified, as early in the process as possible.

### *The science behind the import risk analysis process*

#### *5. How can the department provide greater assurance of technical expertise?*

The department may consider inviting respected technical experts from industry/importers to join the “Eminent Scientists Group”. The ESG should have experts in all areas of biosecurity risk assessment, including environmental and economic experts.

Another suggestion is that in the case of seed related IRAs, the Department makes use of the ISF pest lists and especially the literature references in these pest lists. See:

[http://www.worldseed.org/isf/pest\\_lists.html](http://www.worldseed.org/isf/pest_lists.html). It is important that there is recognition of the international work that is going on in the seed space.

One of the key questions in biosecurity risk assessment is the question of if and when a pest may enter a country or pest free region ‘in a viable state’ (see page 36 of discussion paper). This requires an assessment of the effectiveness of treatments and test protocols that are able to detect viable pests after treatment - thereby estimating the likelihood of the pest establishing. It is also key that the science behind the import risk analysis has significant international support or further difficulties will be faced by the Department and industry in the implementation phase. These practicalities need to be taken into account.

#### *6. How can the department improve transparency in the scientific elements of the IRA process?*

As ALOP is expressed in qualitative terms. The actual procedure used to establish the “very low level” of risk is unclear. A better explanation of the risk matrix is required, with clear references to scientific papers and protocols.

#### *7. If the ESG model were to be reconsidered, what type of model would you like to see used?*

The ESG model is now only used for an Expanded IRA. A suggestion may be to make this a standard step in all 3 flowcharts in Figure 1. The composition of the group should be expanded to include additional expertise where required, to include international, local university and industry experts.

#### *8. How else would you like to see the department utilise external expertise when undertaking IRAs?*

The department may find it useful to explore if PRAs were already performed for the good or class of goods concerned. Closer consultation with other NPPO’s on PRA trends would assist in this regard.

### Consideration of regional differences during the import risk analysis process

9. Noting Australia's international obligations, and the way in which regional differences are currently considered, how would you like to see regional differences further integrated into Australia's import risk assessment framework?

How are 'regional pests' assessed to determine if they are under "official control"? Regional differences should be highlighted in the final IRA report.

### **Other comments**

#### Introduction of Emergency Measures.

Many of the comments relating to the IRA process are also relevant for the process of introducing Emergency Measures. These include; transparency in the science used to determine risk, how economic effect is determined, stakeholder consultation, the science behind the import risk analysis has significant international support and how conflicts in science are dealt with.

For these reasons the ASF would request that the process regarding the introduction of emergency measures be included in this examination of the Import Risk Analysis.

#### Handling of the PRA process after emergency measures.

As the PRA process in part of the IRA process can we get included in the IRA handbook an explanation on when and how emergency measures are actioned and communicated?

Within the emergency measure process as set out by IPPC it indicates that a PRA is to be completed (refer box below). Once again, can we get a clear timeline for this process? The seed industry would like to see some formal communication as to what constitutes a 'reasonable period' for an emergency measure and how such decisions can be reviewed.

Can we also get an understanding of when a pest/disease is moved from an emergency measure to a controlled measure and of how this process can occur without the completion of a PRA?

INTERNATIONAL STANDARDS FOR  
PHYTOSANITARY MEASURES

ISPM 1

PHYTOSANITARY PRINCIPLES FOR THE  
PROTECTION OF PLANTS AND THE APPLICATION  
OF PHYTOSANITARY MEASURES IN  
INTERNATIONAL TRADE

(2006)

2.11 Emergency measures

Contracting parties may adopt and/or implement emergency actions, including emergency measures, when a new or unexpected phytosanitary risk is identified<sup>1</sup>

Relevant Article in the IPPC: VII.6.

Emergency measures should be temporary

in their application. The continuance of the measures should be evaluated by pest risk analysis or other comparable examination as soon as possible, to ensure that the continuance of the measure is technically justified.

Relevant ISPM: ISPM 13

ISPM 2

FRAMEWORK FOR PEST RISK ANALYSIS

(2007)

“Avoidance of undue delay

Where other contracting parties are directly affected, the NPPO should, on request, supply information about the completion of individual analyses, and if possible the anticipated time frame, taking into account avoidance of undue delay (section 2.14 of ISPM 1:2006).”

2.14 Avoidance of undue delays

When a contracting party requests another contracting party to establish, modify or remove phytosanitary measures, when conditions have changed or new facts have become available, this request should be considered without undue delay. Associated procedures, which include, but are not limited to, pest risk analysis, recognition of pest free areas or recognition of equivalence, should also be performed promptly.

Relevant Article in the IPPC: VII.2(h).

Relevant ISPM: ISPM 24 (section 2.7 and Annex 1, step 7)

*ends*

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