

To: Defra Plant Health Team

Date: 26.8.21

Ref: Plant Import Inspections  
Methodology Consultation

Circulation: NFU Staff and Members

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The NFU represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business. In addition we have 55,000 countryside members with an interest in farming and the country.

## Consultation on Method for Determining the Frequency of Risk Targeted Plant Health Import Inspections

The NFU welcomes the opportunity to respond to this consultation. Import controls on plants and plant products will affect a broad range of our membership, including those importing young plants for edible and ornamental production, seed for arable and field vegetable production, and a broad range of agricultural importers bringing in related goods such as used agricultural machinery and wood packaging material.

The NFU has long called for a risk-based import inspection regime for plants and plant products. We support a regime which maintains our domestic biosecurity while also facilitating smooth trade, particularly for those key inputs on which domestic producers rely on imports. This should be based in science and the probability of a pest or disease being found.

The key objective of any border controls is to detect and intercept pests that are present. This requires the use of a range of factors and will be affected by not only the frequency of the inspection, but also the extent and timing of the inspection.

Using data to show inspection and interception rates to determine inspection frequency is a logical process, particularly when reducing inspection rates based on a history of good compliance and low risk. It has been stated that the challenge for determining the inspection frequency for EU imports is a lack of sufficient data, as prior to 2021 these goods were not inspected as third country imports. This, however, means that EU imports are subject to an inspection regime which appears to ignore the history of plant movements between the EU and the UK.

The NFU recognises that these movements do carry a risk and interceptions have been found, both since the new regime came into force and prior to that. This suggests that there is at least some data available showing the interception rates on EU plants and plant products entering the UK over the last few years. While this data may not be as complete as that for rest of world imports, in order to develop a more nuanced approach to assessing risk on EU imports this data could be used as an interim measure.

The NFU would also argue that the risks basis should also consider other factors, such as intended use, market impacts and implications of any outbreak. Industry has raised significant concerns about the current risk matrix, under which plants for planting intended for further production are subject to 100% inspections, but plants for planting intended for the final user are subject to 5-10% inspections. The explanation for this has been that plants which will be grown on will be in a site comprising of similar host plants, and therefore there is a greater risk that any pest or disease will multiply further. This approach fails to recognise several factors, including:

- Controls and expertise that commercial businesses have in place to prevent, identify and remove any pest or disease risks, significantly reduces the likelihood that a pest or disease could spread into the external environment. These controls include: regular site inspections,

including from APHA inspectors; grower expertise in identifying pest and disease risks; individual biosecurity measures including quarantine on site; long term trading relationships built on a history of biosecure plant supply. In relation to this, it is not in a commercial growers interest to miss or avoid tackling an outbreak as it is them who will bear the costs of any biosecurity breaches, both through managing the costs of an outbreak and crop losses.

- These controls described above are not generally replicated for plants intended for the final user, which are often still held alongside complimentary hosts (e.g. in a garden centre) before being moved to the external environment (e.g. a private garden), leaving any pest or disease free to spread into the natural environment unchecked. Furthermore, the general public are significantly less likely to be able to identify pests or diseases, unlike a professional grower. This means the implications of a pest or disease outbreak could be greater than in a commercial business, as the pest or disease could spread uncontrolled into the wider environment. Related to this, the NFU notes that the supporting material for this consultation acknowledges the mobility of the pest as a factor for determining risk. It must be recognised that, should a pest fail to be intercepted at the border, it will inevitably be far more mobile in an insecure private household or retailer than in a more biosecure nursery greenhouse environment.
- In many commercial edible horticultural businesses, such as in the glasshouse sectors, the plants are contained throughout production and then securely disposed of at the end of their productive life. Firstly, it can be argued that these plants are intended for the final user (i.e. the grower), but secondly it also means that the risk of any pest or disease risk being spread into the external environment is extremely low.
- In terms of market impacts, while the NFU recognises that these controls are not developed based on market requirements, they do have market impacts which can then impact domestic biosecurity. For instance, the significantly higher costs associated with 100% inspections compared to 10% inspections, due to the pro rata application of fees, means that this regime could encourage businesses to import young plants and fresh produce direct for sale, as opposed to sourcing British grown goods. This increases the risk of importing a pest or disease into the UK. As the UK's domestic horticulture sector, and in some cases arable sector, rely on imported young plants and seeds due to a lack of domestic supply, there is no alternative for domestic producers. As outlined above, however, there are controls to ensure domestic growers operate in a biosecure manner. If the market shifts towards a greater reliance on imports for final sale, this not only threatens domestic biosecurity, but also the viability and competitiveness of domestic growers. This is not only an economic risk, but also risks losing that very expertise which upholds domestic biosecurity and could lead to greater domestic production and reduced reliance on imports of young plants for growing on (e.g. the development of a UK propagation and plug sector).

The NFU would therefore argue that the methodology for determining risk and inspection rates needs to include further considerations in order to develop a truly nuanced, risk-based approach, expanding on the 'other relevant factors' element of article 4.2 of the annex to the consultation. This includes the factors outlined above, such as implications of an outbreak, intended use and any controls the UK importer may have in place to ensure biosecurity, and wider market impacts and possible implications for domestic biosecurity. This can be done in conjunction with existing data (including more recent EU trade data as an interim measure), as well as close engagement with industry to understand existing controls and measures to manage biosecurity. It will also depend on the nature of the inspections themselves, including the sampling rates and point in the supply chains in which inspections take place (including any post-border controls).

Further steps should also be taken to engage with EU stakeholders, both at a member state level and individual businesses, in order to understand EU controls to manage risk and identify secure supply chains. This should be coupled with ensuring EU suppliers are aware of UK requirements and

inspection regimes. This can build on the UK and EU's long history of free trade and regulatory alignment of SPS controls, as well as other forms of ensuring biosecurity such as the Phytosanitary Certificate inspections. Ultimately, the NFU would welcome some form of SPS agreement between the UK and either the EU as a whole, or individual member states (as proposed to allow the import of seed potatoes) which would smooth trade between the EU and UK and reduce inspection frequencies.

The NFU would welcome the opportunity to discuss this further with Defra colleagues. It must also be stated that concerns have been raised from industry about the publicity of this consultation, with many raising concerns about a lack of engagement from Defra across the entire horticultural sector and insufficient promotion of this consultation to growers. The NFU believes Defra should take further steps to engage with the whole of the industry in detail on the methodology behind the inspection frequencies, as well as the inspection process and fees themselves.