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The NFU represents 55,000 members across England and Wales. In addition, we have 20,000 NFU Countryside members with an interest in farming and rural life.

Follow-up Consultation: Method for Determining the Frequency of Risk Targeted Plant Health Import Inspections

- **The NFU supports the method for determining inspection frequencies being based on increasing data sets and evidence, and these inspection frequencies being dynamic in response to changes in risk**
- **The NFU believes GB growers should be given biosecurity ‘credit’ not just for the processes they have undertaken in producing a finished plant, but also for the processes they will undertake in growing-on imported propagation material – all of which is carried out under the regulatory umbrella of GB Plant Health Services. The frequency of risk targeted plant health import inspection must consider and reflect this GB regulatory control, and the long-term relationships between GB growers and GB Plant Health Services.**
- **The NFU believes that where imported plants for planting never leave a commercial premises (e.g. young plants for the greenhouse production of edible fruit) the business should be regarded as the final user and the frequency of checks should be the same as if those plants were going directly to retail.**

The NFU welcomes the opportunity to respond to this follow-up consultation. However, we are disappointed the majority of plants for planting proposals continue to remain at 100% frequency, which hinders British growers disproportionately, placing domestic businesses at a competitive disadvantage against their EU competitors. A consequence of the current inspection methodology, without change to the fee structure, is that it will also encourage the importation of finished plants, as it is more cost efficient than buying British grown.

We would like to take this opportunity to reiterate some of the key points around the risk factors that should be considered when determining the inspection frequencies that would allow further modifications to the rates for plants for planting.

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 on data and evidence 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.

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In this respect, we welcome the flexible nature of the proposed methodology which should adjust the frequency of inspections in response to data results, amongst other factors.

Defra has previously indicated 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, to develop a more nuanced approach to assessing risk on EU imports this data could be used as an interim measure.

In the consultation document “Proposed Frequency Rates for Import Inspections on Plants, Plant Products and Other Objects from 1st July 2022”, we acknowledge that for some sub-categories inspection rates have significantly changed, with one category of plants for retail, named “*Herbaceous perennials for that are labelled or packaged for retail*” increasing from 10% to 50% inspection frequency for plants from the EU. This is signalling Defra have information to suggest a higher risk associated with imports from the EU of this category, and so increased the frequency rate. Therefore, we argue data is available and can be used to assess the risk profile of the rest of the plants for planting category which hasn’t being changed. Defra should be clear with industry on which categories of plants for planting there is available data, and clearly lay out reasoning for the inspection frequency. This will help industry to better understand where the known risks are, and to take proportionate steps to manage them.

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 generally 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 crop walking and site inspections, by business staff, advisors and APHA inspectors
 - grower expertise in identifying pest and disease risks, with regular staff training to ensure knowledge of pest and disease risks is up to date
 - crop monitoring using technologies such as pheromone and sticky traps; and industry surveillance of pest activity
 - individual biosecurity measures including quarantine on site and biosecure disposal methods for any contaminated stock
 - long term trading relationships built on a history of biosecure plant supply.

It is not in a commercial grower’s 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.

Indeed, point 18 of the Defra ‘methods’ document accompanying this consultation recognises that processing (as would happen at a GB grower premises) and the high quality of finished plants (as would be produced by GB growers) and industry assurance schemes can all be reasons for reducing inspections. GB growers appear to be given little credit for applying these processes (including to the growing-on of imported propagation material), while credit for these processes is apparently given to non-GB growers, whose production facilities are beyond the jurisdiction and check of GB Plant Health Services. This is about GB growers being given biosecurity ‘credit’ not just for the processes they have undertaken in producing a finished plant, but also for the processes they will undertake in growing-on

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imported propagation material – all of which will be carried out under the regulatory umbrella of GB Plant Health Services.

- These controls described above are not generally replicated for plants intended for the final user while being held in retail premises, often 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 undetected and unchecked. Furthermore, the 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. 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 or greenhouse environment.
- In many commercial protected edible horticultural businesses, such as the glasshouse sector, imported young plants are contained and grown-on throughout fruit production and then securely disposed of at the end of their productive life. Biosecurity in such businesses is of paramount importance, as any crop failure will have very significant cost implications. The burden of risk and cost of any breakdown in biosecurity in such situations lies almost entirely with the businesses. The risk of any pest or disease risk being spread into the external environment is extremely low because the plants are contained throughout their life and the only living plant material that leaves the site is fruit for the final user. Consequently, the NFU believes that where imported plants for planting never leave a commercial premises (e.g. young plants for the greenhouse production of edible fruit) the business should be regarded as the final user and the frequency of checks should be the same as if those plants were going directly to retail.
- It is important to note that inspection fees and the frequency of inspections are intrinsically linked and must work together if the UK is to have ambitions to maintain a high plant health status. Within the NFU response to the short-term fee changes, we welcome the temporary flat rate fee proposal as we consider the current inspection fee methodology unfairly disadvantages domestic production over EU imports of finished plants. The current situation also risks increasing the proportion of imported plant material for retail sale in the UK, due to the cheaper fee rates that finished plants attract compared to non-finished plants. 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 believes that the methodology for determining risk and inspection rates needs to include further considerations to develop a truly nuanced, risk-based approach. 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, 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.

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Ultimately, the NFU would welcome some form of SPS agreement between the UK and either the EU as a whole, or if negotiations efforts are considered exhausted at the EU level, with 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.

Grower case study

An NFU member has run a successful small ornamental family business since 1959, growing lilies, hydrangeas, echeveria and poinsettia indoors, and alliums, hellebores and paniculata outdoors. The business is OHAS Packhouse and Grower accredited. In 2015, the business moved to a state-of-the-art 2 hectare greenhouse, with production being largely mechanised and over 90% of products grown on ebb and flow tables. The business also is conscious of its own environmental footprint, therefore water is recycled, energy to heat the glasshouse is from a virgin chip biomass and they also have 31Kw of solar PV.

The member imports hydrangeas to grow on as ornamental house and garden plants. The same product that the member buys in, is sold by garden centres for their customers to plant directly in their gardens in the early part of the year. When the member receives delivery of their plants for planting, the plants have been in a fridge for a minimum of 10 weeks and just only buds established. Any remaining leaves have been removed before shipping by the producer in the EU, yet the plants are being checked by a UK inspector for whitefly, leaf miner and phytophthora. This, despite the deliveries arriving with a phytosanitary certificate from the French Inspectorate, still requires the member to pay £150 per delivery, for a British inspectorate to check every delivery again. This duplicates resources and is a double expense on both sides of the border.

Plant health and biosecurity is critical to the success of the business. There are a number of protocols the business has in place to manage stock and minimize any pest or disease risk. Every week, at least twice, an expert member of staff will conduct a recorded crop walk, looking at the crop and inspecting it for pest and disease, growth progress and irrigation requirements. In addition, the business has a regular reported visit from their expert independent entomologist, who plans and monitors the business' Integrated Pest Management controls. Over and above this, owners walk the nursery at least once a week, again checking crop quality, and growth progress. Finally, before a consignment leaves the site for delivery to their customer, the plants are checked for pests and disease as customers specifications do not allow the presence of pests. All staff have regular training on specific pest and disease species, for any problems to be quickly and accurately identified and dealt with, before spreading across the crop.

Since Brexit every delivery that is sent to the nursery from abroad comes with a phytosanitary certificate. The business has to pay for this, which was not the case before the UK left the EU. Of the products the business imports, most have a good track record of being completely clean over many years. For example, the business has been growing lilies for nearly 30 years with no issues to date. One exception is the poinsettia crop. But here the member worked very closely with the local plant inspector, having always provided the inspectors with their program of expected deliveries so that they know what is coming and when. There has been no increase in the risk to the UK's biosecurity from the nursery's activities post Brexit.