

# AMERICAN FOULBROOD PEST MANAGEMENT STRATEGY

## DIGEST OF FINAL PROPOSAL DOCUMENT

This pamphlet has been prepared by the National Beekeepers' Association (NBA) as a digest of the final version of its proposed American Foulbrood Pest Management Strategy (AFB PMS).

It provides a summary of the information contained in the NBA's full AFB PMS document, which was officially submitted to the Minister of Agriculture in February, 1996.

The MAF Regulatory Authority (MAFRA) has informed the NBA that the AFB PMS will be officially notified in July, 1997. Once that happens, a public consultation process will begin, and the Minister will give interested persons the opportunity to make written submissions on the proposal.

The NBA has therefore prepared this pamphlet to hopefully answer questions beekeepers may have about the final version of the strategy proposal, and to provide interested persons with a digest of the strategy which they may find useful in making submissions.

This pamphlet combines 1) the information contained in a previous digest of the strategy ("The American Foulbrood Pest Management Strategy and You"), which appeared in the February 1995 issue of *The New Zealand Beekeeper*, and 2) a second digest ("Recommended Changes to the AFB Pest Management Strategy"), which explained changes to the strategy which were made as a result of the Industry Consultation Meetings held in 1995. The second digest appeared in the June 1995 issue of *The New Zealand Beekeeper*.

This current pamphlet also includes some changes which were made to the final version of the strategy document in order that it could gain the necessary approval by the MAFRA prior to official notification. As well, there is new information regarding deadlines and the formal notification process. For the convenience of readers already familiar with the AFB PMS, notes regarding recent changes and new information are *italicised* in the text.

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### WHY DO WE NEED AN AFB PMS?

The short answer is that thanks to the Biosecurity Act, unless there is an AFB PMS in place beforehand, the remaining sections of the Apiaries Act pertaining to AFB will expire on October 1, 1998. If this happened, beekeepers would no longer have any legal obligation to control the disease in their hives.

*(Note: Previously, the Biosecurity Act set this expiry deadline as June 30, 1996. However, because of drafting inadequacies in the Act, Parliament extended that deadline until October 1, 1998, the latest date that any provision in the Act can be extended by transitional regulation. The NBA has now been told by government that if it wants an AFB PMS, it must be in place by this new deadline.)*

The Apiaries Act has been a significant factor in achieving a relatively low incidence of AFB in New Zealand. The NBA is therefore proposing an AFB PMS because it does not want to see the disease control provisions of the Apiaries Act lost as a result of parliamentary actions.

While our industry has to create a PMS just to continue with the current AFB control programme, the Biosecurity Act also provides us with a significant opportunity to deal more effectively with AFB. The Act allows industries affected by animal and plant



diseases to determine their own goals and strategies for disease control, and to use statutory powers to ensure that the strategy is carried out. The Act therefore puts the beekeeping industry squarely in the driver's seat when it comes to determining how legal and financial resources can be directed to deal with AFB.

### WHAT IS THE BIOSECURITY ACT?

The Biosecurity Act (passed in October, 1993) incorporates a number of existing Acts of Parliament (including the Apiaries Act), and represents a radical change in government policy regarding the control of pests and diseases of animals and plants.

The Act outlines the legal powers which can be used to exclude, look for, and control unwanted organisms (whether exotic or endemic). However, unlike previous disease control legislation, the Biosecurity Act does not require that most organisms must be controlled.

Instead, the decision to have a pest or disease control programme is now up to central or regional government (in the case of "public good" criteria), or directly affected agricultural industries (in the case of widely distributed diseases such as AFB).

Parliament believed that by placing the onus for disease control directly on affected industries, there would be a greater commitment by those who benefited from the control of the disease, and that greater efficiency and effectiveness in pest management would therefore be achieved.

### WHY IS THE BIOSECURITY ACT BEING AMENDED?

*(Note: The information in this section provides an update on the current status of the Biosecurity Act.)*

Unfortunately for agricultural industries like beekeeping which have been affected by the Biosecurity Act, government policy makers have now come to the conclusion that the original Act was seriously flawed. In analysing PMS proposals submitted by the NBA, the Animal Health Board and the Regional Councils, the MAFRA realised that without significant changes, the Act would not be enforceable in a number of areas.

The changes which have to be made are contained in the Biosecurity Amendment Bill Number 4, which is currently before Parliament. The Amendment will have to be passed before the AFB PMS (or any other PMS, for that matter) can be implemented. However, government has agreed to notify the AFB PMS in the meantime, and begin the official consideration process, in anticipation of the Amendment being passed in the next few months.

### WHAT IS A PEST MANAGEMENT STRATEGY (PMS)?

A "Pest Management Strategy" is the disease control programme either government or an affected industry develops under the Biosecurity Act. The control methods to be used are up to the party proposing the strategy, and the Act allows the use of strong legal powers to ensure the programme is effectively carried out. Once the PMS is approved by Cabinet, it becomes an Order-in-Council and has the same legal status as a regulation under the Act.

However, the Biosecurity Act also specifies a number of requirements which first must be met in order to get any PMS approved. High on this list is the need to set an achievable disease control objective, and to justify the objective with supporting evidence. The Act also stipulates that the benefits of the PMS must outweigh the costs attributed to the disease or pest, especially if no control strategy was put in place. And needless to say (in this era of "user pays"), the Act dictates that the beneficiaries of any disease control programme must pay the full costs of the PMS.

### HOW BIG A PROBLEM IS AFB IN NEW ZEALAND?

*Bacillus larvae*, the causative organism of AFB, is widely distributed in managed and feral honey bee colonies throughout New Zealand. Clinical cases of AFB (colonies showing visual symptoms) are reported in approximately 1% of the nation's beehives and 5% of apiaries annually. However, the true incidence of the disease is higher, since not all cases are found, and not all cases found are reported.

The necessity to control AFB is a major cost to the New Zealand beekeeping industry. The cost can be divided into two parts: the cost of the hives that have to be destroyed, and the cost of inspecting colonies. The combined cost is estimated to be \$2.90 million per annum (minimum estimate: \$1.74 million; maximum estimate: \$4.07 million), or roughly 6% of the annual gross returns of the New Zealand industry.

### WHAT WOULD HAPPEN IF THERE WAS NO ORGANISED AFB CONTROL PROGRAMME?

Without a control programme for AFB, and the powers to enforce disease inspection and eradication, the incidence of AFB would rise significantly. For every 1% increase in the incidence of the disease in managed colonies, the resultant loss to the beekeeping industry is estimated to be \$854,500 (loss of hives, disposal cost and loss of production), or approximately 1.8% of the annual gross returns of the industry in New Zealand.

*(Note: The cost and loss figures have been revised in the final version of the PMS document in light of changes to production costs and changes in the gross income of the beekeeping industry.)*

Increases in the incidence of AFB would result in decreased profitability for beekeeping enterprises and the eventual inability of beekeepers to safely move their hives to many areas for pollination and honey production purposes. Costs for pollination of horticultural crops would likely rise, and there would be a reduced availability of beehives for such pollination, with beekeepers avoiding areas of known high disease risk. Some beekeepers would probably demand the right to feed drugs to their hives in an attempt to control the disease.

Failure to control AFB would also have an adverse effect on the beekeeping industry's ability to export honey, bee products and live bees. A number of countries require certification of these products for area freedom from AFB. With the finalisation of GATT agreements, and the resulting increased emphasis on phyto and zoosanitary requirements for export commodities, the presence of AFB is likely to restrict exports of bees and bee products even further in the future.

### HOW DID THE AFB PMS COME ABOUT?

In 1993, a Disease Control Committee was appointed by the NBA Executive to determine goals and objectives for AFB control leading into the next century. The committee, chaired by Ian Berry, produced a report which recommended the use of new control and educational measures to achieve the goal of eradication of AFB in New Zealand.

Following adoption of these recommendations at the 1993 NBA Annual Conference, the committee was asked by the NBA Executive to prepare a draft AFB PMS incorporating the report's goals and objectives. The committee, chaired by Terry Gavin, held a series of conference calls, and then met in April, 1994, to put together an initial document.

The draft was then submitted to the NBA Executive, who sent it on to be reviewed by a select group of industry members and government officials. In November, 1994, a further draft was prepared, incorporating changes suggested by the reviewers. This draft was used as the basis for a series of Industry Consultation Meetings held throughout New Zealand in February and March 1995. The meetings were attended by 60% of the membership of the NBA.



The Disease Control Committee was greatly impressed with the many worthwhile comments made by beekeepers during the Consultation Meetings and in written submissions, and as a result made a number of significant changes to the strategy proposal. In July, 1995, this revised strategy document was approved by the NBA Executive as the official PMS document, and was also approved by the Conference of Delegates at the 1995 NBA Annual Conference (poll vote: 81% of votes in favour).

The approved strategy was then issued as a "Public Discussion Document" to all individuals, organisations and groups who had made previous submissions on the strategy, as well as 51 other interested groups and organisations. Written submissions were received by 19 individuals or groups, and as a result of those submissions, further changes were made to the PMS document.

This document was once again approved by the NBA Executive, and in February, 1996, was officially submitted to the Minister of Agriculture, along with a letter asking that the proposal be notified as a National Pest Management Strategy under section 62 of the Biosecurity Act.

*(Note: The following paragraphs provide an up-date on what has happened to the AFB PMS since the NBA's official approach to the Minister in 1996.)*

Unfortunately, the NBA had to wait for a further 8 months to receive an official response from the Director-General of Agriculture. During that time, a vote of support for the Disease Control Committee and the PMS was once again passed by the Conference of Delegates at the 1996 NBA Annual Conference (poll vote: 80% of votes in favour).

In March 1997, the NBA Executive prepared a final version of the PMS document, incorporating changes requested by the Director-General of Agriculture in his official submission, and sent it back to the Minister of Agriculture once again requesting that it be officially notified.

### WHAT IS THE GOAL OF THE AFB PMS?

The goal of the AFB PMS is to eliminate the occurrence of American foulbrood in managed beehives in New Zealand. The plan is to reduce the reported incidence of AFB annually by an average of 10% of the first year reported incidence, over the first five year period of the strategy, and to 0.1% by the end of the second five year period to the end of the current strategy (2008).

The AFB PMS seeks to achieve this goal by meeting the following objectives:

- To ensure, by the use of Disease Elimination Conformity Agreements, Certificates of Inspection, inspection audits, and default inspections, that beginning in 1998 all beehives receive an adequate, baseline level of inspection for the presence of clinical cases of AFB;
- To ensure, by the use of a disease recognition and destruction competency test, an audited course on AFB recognition and destruction, and audits of Disease Elimination Conformity Agreements and Certificates of Inspection, that by 2001 all beekeepers carrying out approved inspections under the strategy have a demonstrated ability to diagnose the clinical symptoms of the disease;
- Following the achievement of 0.1% incidence of the disease by or before 2008, to review the strategy and put in place measures to achieve the final elimination of AFB in all beehives in New Zealand.

*(Note: The wording of the objectives of the strategy has been changed somewhat as a result of consultation with interested parties. However, the goal and proposed techniques of the PMS (the "nuts and bolts") remain unchanged. Dates have also been altered because of delays in the notification and possible implementation of the strategy.)*

### IS THE GOAL OF AFB ELIMINATION ACHIEVABLE?

There is no doubt that the beekeeping industry in New Zealand is breaking new ground in setting a goal of AFB elimination. Elimination of AFB has never been achieved on a national scale before, although there are certainly examples of other animal diseases being eradicated within a country's boundaries (brucellosis in New Zealand is one good example).

Elimination of AFB is possible in a geographic area such as New Zealand which receives no natural introductions of honey bees from elsewhere, and whose beekeepers destroy colonies with clinical infections of the disease rather than attempting to suppress or eliminate infections with antibiotics.

As well, some New Zealand beekeepers have already successfully eliminated the disease from their own hives. This, along with the relatively small number of colonies in New Zealand (estimated to be 350,000 - 400,000 including feral colonies), the current low incidence of the disease, and the low infectivity of *Bacillus larvae*, all support the idea of elimination.

The goal of eradication of AFB from New Zealand was the unanimous recommendation of the Disease Control Committee in its report to the NBA Executive in 1993, and was carried as a motion at the Association's Annual Conference of Delegates in July, 1993.

### WHAT ABOUT FERAL COLONIES?

The proposed strategy does not include detailed plans for eliminating AFB in feral colonies. A decision has been made to focus this particular strategy on beehives, since in most circumstances beehives have a higher incidence of AFB. They are also the honey bee colonies which beekeepers can effectively manage to eliminate clinical infections of the disease.

Because of these factors, the NBA believes that the greatest reduction in AFB incidence will come by concentrating on beehive management. It also believes that as the incidence of the disease in beehives drops, so too will the incidence in feral colonies, since research has shown that feral colonies are usually at a greater risk of becoming infected with AFB from beehives than beehives are from ferals.

This doesn't mean that feral colonies aren't a factor in spreading AFB, however. So when the objective of 0.1% incidence is achieved, and all managed honey bee colonies are free of the disease, the proposed strategy will be reviewed, and a further strategy will be developed which includes techniques for the elimination of feral colonies with infective levels of *Bacillus larvae* spores.

As well, a rule has been included in the strategy to deal with situations where it is determined that feral colonies in a particular area are likely to be a source of AFB infection. No costs for the destruction of such colonies will be borne by land owners, however.

### HOW IS THE AFB PMS DIFFERENT FROM THE CURRENT AFB CONTROL PROGRAMME?

The AFB PMS recognises that almost all control of American foulbrood is performed by beekeepers. What the strategy seeks to ensure is that all beekeepers are carrying out effective disease control.

While the AFB PMS incorporates the essential components of the Apiaries Act which the Biosecurity Act will repeal, it also includes several new components. These components are a) Disease Elimination Conformity Agreements, b) Certificates of Inspection, and c) the use of cost recovery for disease control and eradication from those beekeepers who do not comply with their legal obligations under the strategy. These components are designed to ensure a uniformity in inspection and eradication of AFB in all managed colonies.



For almost a century, organised control measures have been employed in New Zealand to eliminate AFB, with varying degrees of success. However, the industry has never before had the power to ensure this uniformity in approach. For some time it has been apparent that one of the main obstacles to reducing the incidence of AFB even further in New Zealand is beekeepers who fail to carry out their required disease control responsibilities under the Apiaries Act.

The strategy also includes a substantial education component, which the 1993 NBA Disease Control Committee report identified as a key to achieving the goal of AFB eradication. For the AFB PMS to succeed it is essential that every beekeeper in New Zealand is able to recognize the clinical symptoms of AFB and knows how to deal promptly and effectively with hives showing these symptoms.

### **WHAT POWERS FROM THE APIARIES ACT WILL BE RETAINED IN THE AFB PMS?**

Most of the powers in the Apiaries Act relating to disease control will be retained in the AFB PMS. These powers include the authority to inspect apiaries, the use of warrants, the seizure and destruction of diseased hives, the issuing of notices to destroy hives, the power to direct sterilisation of beehive components, and the ability to act on default of a destruction or inspection notice.

New powers in the AFB PMS not currently in the Apiaries Act include the ability to take samples for testing for *Bacillus larvae* spores, and the charging of penalties on unpaid accounts for default inspection and eradication work.

### **WHAT DISEASE CONTROL DUTIES WILL I BE REQUIRED TO PERFORM UNDER THE AFB PMS?**

Beekeepers will be required by law to carry out several duties previously listed in the Apiaries Act which were repealed when the Biosecurity Act was passed. These include the requirement to a) keep bees in frame hives, b) keep access to hives clear, and c) notify the change of location of hives.

Beekeepers will also be required to carry out various duties currently contained in the Apiaries Act which will be repealed by the Biosecurity Act in 1998. These include a) the duty not to expose bees, bee products or appliances from AFB infected hives, b) the duty not to sell bees or bee products taken from AFB infected hives, c) the duty to report cases of AFB found in beehives, and d) the duty to destroy such hives.

The AFB PMS will require the reporting of disease cases by beekeepers to be made within 7 days of detection. The Apiaries Act uses the word "forthwith", but this term has always been subject to a wide range of interpretations, so a definite time period has been set in this strategy.

*(Note: The time period has now been changed from 5 working days to 7 days. Provision has also been made for killing AFB hives and storing them in a bee-proof shed in situations where a total fire ban has been imposed in an area. Both changes were made following comments by beekeepers at Industry Consultation meetings in 1995.)*

### **WILL THERE BE AN APIARY REGISTER?**

Yes, there will be a register of apiary locations and disease status in the AFB PMS which will be similar to the register currently provided under the Apiaries Act. For the purposes of the strategy, an apiary is defined as any place where beehives are kept for a period of more than 30 days. If the apiary is seasonal, the registration will have to indicate the months of the year that the apiary is normally occupied with beehives. Beekeepers will also be required to identify their apiaries with a beekeeper registration number, as is currently the case.

To avoid any potential Privacy Act violations regarding apiary register information, the following uses of the register are specified in the PMS document:

- to eliminate clinical cases of AFB in managed beehives
- to identify beekeeper registration codes to landowners and members of the public by providing the beekeeper's name and address
- to determine a levy for the funding of the NBA's activities under the Commodity Levies (Bee Products) Order 1996
- to be used by pest management strategies developed or supported by the NBA for other bee pests and diseases (eg, exotics)
- to be used for other purposes related to the control of bee diseases, such as for export certification purposes, if it is deemed by the NBA that these would not be detrimental to the purposes of the strategy

*(Notes: Funding for the apiary register is still under negotiation between the NBA, the MAFRA and MAF Quality Management. The current register is paid for by an appropriation from government, since it is used for exotic bee disease surveillance and outbreak response preparedness. However, the PMS includes a budget item for the NBA to run its own apiary register for AFB PMS purposes should government decide to no longer fund the current register.)*

*The Disease Control Committee decided to change the length of time bees need to be on a site before registering from 21 days to 30 days following comments made by beekeepers at the Industry Consultation meetings in 1995. The change will reduce the administrative burden which would have been caused by having to register short-term pollination sites.*

*Export certification, and pest management strategies supported by the NBA for other bee pests and diseases, were added to the final version of the strategy document at the direction of the MAFRA.)*

### **WHAT WILL HAPPEN TO UNREGISTERED APIARIES?**

*(Note: The following paragraphs report on a change in the PMS document regarding unregistered apiaries which was made as a result of submissions to the Public Discussion Document.)*

This issue has been a major bone of contention between the NBA and the MAFRA. The NBA would like to include in the AFB PMS current provisions of the Apiaries Act relating to abandoned or neglected bees and beehives (Section 10). This would allow the Management Agency to destroy hives immediately when they were found on an unregistered site.

Unfortunately, the MAFRA has obtained a legal opinion which says that under the Biosecurity Act, beehives on unregistered sites could only be destroyed if they were likely to be infected with the AFB. The NBA has therefore reluctantly had to alter the PMS provisions for dealing with unregistered hives.

If the owner of such hives can be found, an Authorised Person (ie, an Inspector) will serve a notice on the owner directing that the apiary be registered. If the owner still fails to register the site, the apiary will be registered on the owner's behalf, and the Authorised Person will recommend that the owner is prosecuted under section 154 of the Act.

If the owner of such hives cannot be found, an Authorised Person will serve the registration notice by a) fixing it to a beehive in the apiary, b) placing a copy of the notice in the public notices section of a daily newspaper, and c) also placing a copy of the notice in *The New Zealand Beekeeper*.

If, after 60 days, the apiary remains unregistered, the Authorised Person will regard the apiary as abandoned, and with the consultation and permission of the land occupier where the apiary is situated, will destroy the apiary (since possession has legally been transferred to the landowner).



## WILL BEEKEEPERS STILL HAVE TO FILL OUT AN ANNUAL STATEMENT OF INSPECTION?

Under the AFB PMS, beekeepers will be required to fill out an annual statutory declaration, confirming and updating all apiary details and declaring all AFB found in the proceeding twelve months. However, the form will be an "Annual Disease Declaration", not a statement of inspection. Beekeeper requirements regarding beehive inspections will be covered in Individual Disease Elimination Conformity Agreements or Certificates of Inspection (see below).

Another significant change in this annual declaration is the due date, which has been shifted from December 7 to June 1. This change is based on recommendations made by the NBA Disease Control Committee in their 1993 report. June is the time of year when the location of beehives is most stable, and is generally regarded as the end of the beekeeping year in New Zealand.

## WHAT IS A DISEASE ERADICATION CONFORMITY AGREEMENT?

A "Disease Elimination Conformity Agreement" (DECA) is a document in which a beekeeper details a personal plan for eliminating AFB within his/her own hives. Certain details of the DECA will be required of all beekeepers, while other details will be agreed upon in consultation with the Management Agency.

The use of conformity agreements will ensure that there is uniformity in approach to the eradication of AFB by beekeepers throughout the country, and will allow for a modification in approach for those beekeepers who have disease levels in their hives which are not decreasing.

Conformity agreements are now routinely used throughout New Zealand agriculture, especially in export certification. They are in effect a contract where an individual agrees to do something in a certain way. For most beekeepers, the contract will simply formalise the disease control management system they currently use (in fact, the DECA is likely to be nothing more than a multiple-choice document which can easily be completed by most beekeepers).

For those beekeepers who have an AFB problem and want to do something about it, the contract will be a means of making a strong commitment to altering management practices so that the incidence of the disease is reduced.

All beekeepers who have a current DECA will be known as "Approved Beekeepers" under the AFB PMS. Provision has also been made for enterprises or partnerships wishing to enter into a DECA. In this case, one person in the enterprise will be designated as the person in charge of disease control standards, and will be responsible for ensuring that all components of the DECA are met by the enterprise. This person will be known as an "Approved Beekeeper" for the enterprise, and enterprises with current DECA's will be known as "Approved Beekeeping Enterprises" under the AFB PMS.

*(Note: Once again, as a result of the Industry Consultation meetings in 1995, the distinction between "Approved Hobbyist Beekeeper" and "Approved Commercial Beekeeper" was removed from the strategy document. DECA's will be available to any beekeeper, no matter how many hives he/she owns. The committee also took on board recommendations made by beekeepers regarding enterprises and partnerships, and so added the "Approved Beekeeping Enterprise" category to the strategy.)*

## WHAT ARE THE MANDATORY COMPONENTS OF THE DECA?

- agreement to attend a course on AFB disease recognition and destruction, or agreement to take a competency test in AFB recognition and destruction issued by the Management Agency, or provision of a certificate showing successful completion of that competency test

- agreement to supply samples of bees/honey for *Bacillus larvae* spore testing when requested by the Management Agency (at no charge to the beekeeper)
- agreement to sign Certificates of Inspection for other beekeepers only when an inspection for AFB has been performed in an approved manner

*(Note: Changes have been made regarding the mandatory education component. See Will There Be a Disease Recognition Competency Test? on page 7.)*

## WHAT ARE THE NEGOTIATED COMPONENTS OF THE DECA?

- methods used to inspect beehives
- number of disease inspections required per year
- timing of inspections
- systems used to record inspections, disease found and action taken (ie, a diary)
- beehive movement control systems and records (disease control and elimination purposes only)
- beehive equipment traceback system in storage (disease control and elimination purposes only)
- method used to destroy diseased beehives (including shifting of such hives away from site)
- salvaged hive woodenware sterilisation methods
- method used to sterilise and disinfect equipment used in beehive inspections
- sampling rates for bee/honey *Bacillus larvae* spore testing
- attendance at an annual NBA branch AFB elimination field day

## WHAT HAPPENS IF I AM AN APPROVED BEEKEEPER AND I HAVE AN OUTBREAK OF AFB?

Provided the beekeeper has a genuine commitment to eradicate the AFB infection, Approved Beekeeper status will not be rescinded. The beekeeper will instead be counselled by Management Agency personnel, and together they will revise the beekeeper's DECA to ensure that the required beekeeping management changes are made. Sampling rates of bees/honey for *Bacillus larvae* spore testing may also be increased to assist the beekeeper in determining further potential cases of AFB.

If, however, the beekeeper does not show a commitment to dealing with the AFB infection, and/or does not agree to revise the DECA, the Approved Beekeeper status may be removed by the Management Agency.

## WHAT CAN I DO IF I LOSE MY APPROVED BEEKEEPER STATUS?

An arbitration process will be available to handle disputes regarding loss of Approved Beekeeper status under the AFB PMS. The process will use the normal arbitration procedures set out in the Arbitration Act, with the beekeeper/enterprise and Management Agency supplying one representative each, and a third representative agreed upon by both parties. Costs for the arbitration will be borne by the individuals for their representatives, and jointly for the mutual third representative. Decisions arising from the arbitration will be final and binding on the Management Agency.

*(Note: Following comments from the 1995 Industry Consultation meetings, it was decided for cost reasons to do away with a formalised Disputes Committee, and instead go directly to arbitration.)*

## AM I REQUIRED TO HAVE A DISEASE ERADICATION CONFORMITY AGREEMENT?

No one is required to have a DECA under the AFB PMS. Seeking Approved Beekeeper status and entering into a conformity agreement with the Management Agency are both strictly



voluntary, and can also be cancelled by the beekeeper at any time.

However, because the legal commitment and proof of competency to inspect hives for AFB is only included in a DECA, and because it is essential that all beehives are inspected periodically for the disease, beekeepers without a conformity agreement will be required (by a notice from the Management Agency) to furnish an annual Certificate of Inspection for all the hives they own.

### WHAT IS A CERTIFICATE OF INSPECTION?

A "Certificate of Inspection" is an annual statutory declaration that the hives owned by a person without a current DECA have been inspected for AFB.

Under the strategy, only Approved Beekeepers can sign such a certificate. It is therefore the responsibility of hive owners without a DECA to contact an Approved Beekeeper, and employ that beekeeper, if necessary, to carry out the inspections required to sign the certificate.

The certificate must be received by the PMS Management Agency no later than December 15 each year, with the inspections carried out between the months of September and December. The certificate must also be furnished no later than 14 days after the completion of the inspections to ensure that the statements made in the certificate are timely when received by the agency. The Certificate of Inspection does not take the place of the Annual Disease Declaration, which must be furnished by all owners of beehives on June 1 each year.

*(Note: Again, based on comments from the Industry Consultation meetings in 1995, the due date for Certificates of Inspection was changed from after Christmas to before Christmas. The 14 day return period following the completion of inspections was also added.)*

### WILL THERE BE USER-PAYS CHARGES IN THE PMS?

In the event of a Certificate of Inspection not being received by the due date, the Management Agency will employ Inspectors or "Accredited Persons" (under the Biosecurity Act) to carry out these inspections, with all costs paid for by the hive owner. Such inspections will begin immediately after the December 15 deadline.

As well, beekeepers will be required to pay all expenses incurred by Management Agency personnel when acting in default of legal notices to carry out other specified activities under the strategy. These activities include:

- inspection of beehives belonging to beekeepers who fail to supply an Annual Disease Declaration by the deadline of June 1
- destruction of contaminated materials associated with a clinical case of AFB
- inspection work carried out in apiaries under movement control to ensure that further clinical cases of AFB are found

### WHAT POWERS WILL THERE BE TO ENSURE USER-PAY CHARGES ARE COLLECTED?

The Biosecurity Act contains strong powers which can be used to recover charges for work carried out in default of notices made under a PMS. These powers include the charging of a 10% penalty on unpaid debts, and the use of liens on real property if the debt remains unpaid.

### HOW WILL BEE/HONEY SPORE TESTING BE USED?

Testing bees/honey for the presence of *Bacillus larvae* spores is an important new tool in our efforts to eliminate AFB. The test provides beekeepers with the ability to determine both the existence of clinical cases of AFB in their hives, and the possible development of such cases in the future.

It is important to emphasise, however, that the presence of *B. larvae* spores in a beehive does not necessarily mean that the hive has a clinical case of AFB. So while this testing will be used in the AFB PMS to enhance disease elimination, no beehive will be ordered to be destroyed without visual confirmation of a clinical case of the disease.

Spore testing will be used as a routine screening tool in audits of Approved Beekeepers who have a declared disease incidence significantly below the national average. Honey samples will be used with large-scale beekeepers because honey taken at extraction or packing can provide at least a basic level of information about the disease situation in bigger beekeeping outfits. Bee samples will be collected from smaller scale beekeepers and/or those who do not produce surplus honey. If abnormally high spore levels are found in samples, further investigation, and possibly visual inspections, will be carried out by Management Agency personnel.

*(Note: Following recommendations from the Industry Consultation meetings in 1995, a service has also been included to test a budgeted number of honey/bee samples sent in voluntarily by beekeepers. This will help beekeepers who are unsure about whether or not they have a case of AFB in a hive. The costs of such a service will be borne by the strategy, provided the results are made available to the Management Agency.)*

### WILL THERE STILL BE DISEASEATHONS?

Concern was expressed during a number of Industry Consultation meetings at the way the current diseaseathon (NBA volunteer) inspection programme is being run. Many beekeepers who take part in these inspections believe that the costs in time and travel are shared unequally both between NBA members and between NBA branches. There was also the feeling that the requirement in the PMS draft of up to 8 hours inspection from Approved Beekeepers, no matter how many hives they have, was inequitable.

The committee considered these comments carefully, and decided to remove voluntary (diseaseathon) inspections from the PMS. An annual inspection programme to audit DECA's and Certificates of Inspection will still be carried out under the PMS. However, all work carried out under the programme will be on a paid basis (time and mileage).

All Approved Beekeepers will be considered for appointment as "Accredited Persons" under the Biosecurity Act to do this work, and will do so in all cases under the direction of an Inspector/Authorised Person under the Act. The actual appointment of Accredited Persons, however, will remain in the hands of the Chief Veterinary Officer of MAF, as required by the Biosecurity Act. The final version of the AFB PMS document makes provision to pay for the inspection of 2% of the nation's apiaries, using Approved Beekeepers and Management Agency personnel.

Persons carrying out this work will also be instructed to collect a sample of diseased larvae from any hive showing clinical symptoms of AFB. The sample will be retained by the Management Agency and analysed for *Bacillus larvae* spores if there is any dispute regarding the validity of the visual diagnosis.

### HOW WILL THE EDUCATION PROGRAMME WORK?

The Management Agency will contract the production of three important pieces of AFB eradication educational material: a) a re-write of the "Brood Diseases in Honey Bees" AgLink, b) a "Starting with Bees" booklet, to be distributed along with the AgLink to every new registered beekeeper, and c) an "AFB Elimination Manual", including details of successful AFB eradication programmes used by beekeepers and other worthwhile management techniques.

The Management Agency will also offer an instructors' course to train individuals who wish to offer courses on AFB identification and destruction. People who successfully complete the course



will then be able to make their courses available, on a fee-paying basis, to all beekeepers in the country. It will be the job of the Management Agency to approve these courses, and audit the instructors' performance to ensure uniformity and competence in the material presented. Attendance at such a course will not be compulsory.

NBA branches will also be asked to hold an annual AFB eradication workshop for beekeepers in their area. The workshop will use an education kit prepared by a Management Agency contractor.

*(Note: Following comments from Industry Consultation meetings in 1995 and written submissions, it was decided not to make course attendance mandatory.)*

## **WILL THERE BE A DISEASE RECOGNITION COMPETENCY TEST?**

*(Note: The following paragraphs outline changes which have been made to mandatory education components of the PMS. The changes were made following the receipt of submissions to the Public Discussion document.)*

Because there was industry opposition to attendance at a course on AFB recognition, the committee decided instead to require the Management Agency to develop and offer to beekeepers and beekeeping employees an examination to determine competency in AFB recognition and destruction. The exam will test an individual's ability to identify the visual symptoms of the disease, properly inspect beehives for those symptoms, properly collect bee/honey samples for spore testing, and properly destroy diseased beehives and sterilise beehive components. The Management Agency will employ a contractor to develop a standardised examination paper.

Persons may decide to take the examination either as part of an approved course on AFB recognition and destruction (see above), or if they feel they already have sufficient competency in the skills to be tested, they may choose to sit the examination without this prior study. For those persons wishing to take the examination outside of an approved course, the Management Agency will furnish a copy of the exam paper to a testing centre arranged by that person (council office, public school, etc.) where the sitting of the examination can be supervised.

Marking of the examination paper will be carried out by a central authority acting on behalf of the Management Agency. The Management Agency will be responsible for determining the pass mark for the examination. Individuals who achieve the pass mark will be issued with a competency certificate by the Management Agency.

## **WILL QUARANTINES BE USED TO CONTROL THE MOVEMENT OF POTENTIALLY DISEASED HIVES?**

Prior to the 1995 Industry Consultation Meetings, the PMS required the imposition of mandatory quarantines on any apiary found to have AFB when the owner didn't have a DECA, with quarantines at the discretion of the Inspector for those beekeepers with a DECA.

Concern was expressed that the mandatory imposition of quarantines could be seen as a punishment for not taking part in the PMS programme, rather than because the AFB needed to be controlled. The committee therefore removed this mandatory provision for beekeepers without DECA's. These beekeepers will now be treated in the same way as Approved Beekeepers when it comes to movement controls.

The term "movement controls" has also now replaced "quarantines" in the PMS. A number of beekeepers attending Industry Consultation meetings suggested that movement of hives from an apiary with AFB should be allowed provided the shift is approved by an Inspector and the hives are marked to show that they are under movement control. Beekeepers felt this provision should be available in circumstances where the hives need to be moved for pollination or honey production purposes.

## **WILL COMPENSATION BE PAYABLE FOR DISEASED HIVES?**

No compensation will be payable for any diseased hives, products or beekeeping equipment destroyed under terms of the AFB PMS.

## **WHO WILL BE THE MANAGEMENT AGENCY FOR THE AFB PMS?**

The National Beekeepers' Association (NBA) will be the "Management Agency" for the AFB PMS. The NBA is the oldest and largest beekeeping association in New Zealand, and is the single organisation representing the interests of all beekeepers in the country.

The NBA currently collects a levy under a Commodity Levy Order, part of which funds an AFB Control Programme, and provides administrative support for a contract with MAF Quality Management, the contract supplier of disease control services. As such, the NBA has demonstrated the capacity, competence and expertise necessary to manage this PMS, along with specialist services provided by contract suppliers.

## **WHAT FUNCTIONS WILL THE NBA PERFORM?**

The NBA will prepare and oversee the operational plan of the AFB PMS, as well as providing financial accounting, supervision of PMS committees, and appointment and supervision of contractors. The Biosecurity Act requires the NBA, as Management Agency, to prepare a report for the Minister of Agriculture at the end of each financial year outlining the performance of the AFB PMS in meeting its goal and objectives. The NBA must make the report available to the public.

## **WHAT FUNCTIONS WILL CONTRACTORS PERFORM?**

The following AFB PMS services are likely to be performed by individuals or organisations contracted by the NBA:

- management of Disease Elimination Conformity Agreements
- supervision of inspection audit programme
- counselling of Approved Beekeepers in disease eradication management
- maintenance of the apiary register and processing of annual disease declarations
- bee/honey *Bacillus larvæ* spore testing
- production of educational materials and resources
- organisation and running of annual NBA branch AFB elimination workshops
- production and marking of an examination to determine AFB recognition and elimination competency
- approval and auditing of courses on AFB disease recognition and eradication
- legal services
- financial audit of PMS annual accounts

The contracts will be made by way of a public tender, and will be open to any and all potential service providers.

## **WILL THE NBA BE ABLE TO CHANGE THE PMS ONCE IT IS UNDER WAY?**

Yes; in fact the Biosecurity Act would require the NBA, as Management Agency, to review its PMS operational plan on an annual basis, amend it where it sees fit, and send a copy of that amended plan to the Minister of Agriculture so that government is aware of the changes.

The PMS document includes provision for the establishment of an on-going PMS review committee, made up of individuals representing a cross-section of NBA membership from throughout the country. It will be this committee's responsibility to oversee the management of the AFB PMS (including



contractors), and make recommendations to the NBA Executive for changes to any and all aspects of the strategy.

### HOW WILL THE AFB PMS BE FUNDED?

Although the Biosecurity Act contains provisions for the striking of levies or rates to fund a PMS, in the case of the AFB PMS these provisions will not be used. Instead, funding will come from an annual payment made by the NBA. Income for this payment will be generated by a levy struck under the Commodity Levies Act for the purposes of running the NBA. The Commodity Levies Act specifically identifies disease control as an approved activity for such a levy.

The AFB PMS will also retain all monies recovered from work carried out by the Management Agency when taking action in cases of individuals defaulting on notices issued under the strategy. However, this money will not be regarded as a source of funding for the strategy. Such recovered costs will only be used to ensure that the funds made available to implement the strategy will not be used to pay for works or measures which all beekeepers are legally required to perform at their own cost under the rules of the strategy.

*(Note: Prior to the 1996 notification version of the strategy document, money recovered from default work was listed as a source of funding under the strategy. However, it was decided that since this source of money could not be estimated with any degree of accuracy, it would be unfair to expect the money to be used to offset the normal running costs of the programme being undertaken. The decision was based on a submission by the MAFRA.)*

### HOW MUCH WILL THE PMS COST?

The budget submitted in the March 1997 notification version of the PMS document calls for expenditure of \$155,330 in year 1 of the PMS, and \$138,420 per year in years 2-5. Of this figure, \$10,450 will be spent on NBA administration of the strategy, with the remainder allocated to operational functions. The NBA's current AFB control programme budget is \$115,000 per annum.

### WHAT DOES NOTIFICATION MEAN?

*(Note: The following three sections provide additional information on the official PMS approval process. The process was discussed in less detail in the previous two AFB PMS digests.)*

Although the NBA has been involved with the development of the AFB PMS for at least 4 years, unfortunately "notification" under the terms of the Biosecurity Act does not mean that the strategy has been approved by government, nor that it will necessarily be implemented.

Notification simply means that the Minister officially recognises the strategy document as a proposal for a National Pest Management Strategy under the Act. Once it has been officially recognised, a process set out in the Act is used which gives the public a certain period of time to make official submissions regarding the proposal. The notification includes publishing a notice in the official government *Gazette*, and in such other places (eg., *The New Zealand Beekeeper* magazine) as the minister considers appropriate in light of the organism to be controlled and the people to be affected.

The notice also gives a brief description of the strategy, a closing date for submissions (no less than 20 working days after notification), a statement that every submission should state whether the author wishes to make a verbal submission if an inquiry is held, a list of places where a copy of the proposal document can be obtained or inspected, and an address for submissions.

### WILL THERE BE A BOARD OF INQUIRY?

The original version of the Biosecurity Act said that the Minister would appoint a Board of Inquiry to inquire and report on a notified National Pest Management Strategy "unless satisfied on reasonable grounds that there is no significant opposition to the strategy from persons likely to be affected by its implementation."

Amendment Bill Number 4 would change this test somewhat, so that the Minister would have to appoint a Board of Inquiry unless, after having read the submissions made in relation to official notification, the Minister believes "there is no significant body of persons who a) would be affected by the implementation of the proposed strategy, and b) are opposed to a significant element of the proposed strategy."

The NBA carried out full and comprehensive consultation on the PMS with the beekeeping industry because it was concerned that it would have to pay further, substantial costs if a Board of Inquiry was called. However, when the Amendment Bill is passed, the Minister will only be able to take recognition of the notification submissions. It is therefore very important that anyone with an interest in the strategy takes the time to write a submission once the notification appears.

### WHAT DOES A BOARD OF INQUIRY DO? WHO PAYS?

The Board of Inquiry is appointed by the Minister, and consists of no fewer than 3 people, who will meet to consider the impact of the strategy on affected persons. It is a paid committee. There is no limit in the Act as to where the board will meet and for how long. The board will begin by making a public notice of the inquiry (in the *Gazette*, and probably in *The New Zealand Beekeeper*), and asking for submissions on the strategy again. Under the Amendment Bill, the Minister would also be required to forward a copy of all the previous submissions made at the time of the original notification.

The board will consider all written submissions, any verbal submissions, all relevant provisions of the Act, and "any other matters it thinks fit", and on the completion of the inquiry, make a written report to the Minister, making "such recommendations to the Minister as it determines are appropriate in the circumstances." The report will be published, and copies will be sent to all those who made submissions.

There is still some confusion about who will be responsible for paying for the Board of Inquiry. Under the Amendment Bill, Section 58(3) says that the proposer (the NBA) will be responsible. However, the president of the NBA has been assured by the Chief Veterinary Officer of MAF that the government will pay the costs of the inquiry.

### WHAT HAPPENS NEXT?

Once the Board of Inquiry has issued its report, it will be up to the Minister to decide whether or not the AFB PMS will be approved. The Minister will be required to consider the report, and the requirements of Pest Management Strategies outlined in the Act.

If the Minister decides to approve the strategy, the NBA understands that the next step will be for the Parliamentary Counsel to take the AFB PMS document and draft it into the form of an Order in Council. This will likely take a number of months. Once the drafting is completed, the Governor-General will give assent to the Order in Council on recommendation of the Minister.

At this point, the NBA will have 3 months to prepare an operational plan and submit it for approval by the Minister. The AFB PMS already includes a detailed set of rules to be used in running the strategy. As well, the Disease Control Committee is in the process of drafting a set of specifications for PMS contractors. The NBA is therefore already well-placed to implement the PMS by the October 1, 1998 deadline, provided all the legislative requirements are completed in good time.





## MAKING A SUBMISSION REGARDING THE AMERICAN FOULBROOD PEST MANAGEMENT STRATEGY.

As you will no doubt have seen elsewhere in this issue of *The New Zealand Beekeeper*, the NBA's American Foulbrood Pest Management Strategy (AFB PMS) has finally been "notified" by John Luxton, the Associate Minister of Agriculture. The Minister now wants people who are likely to be affected by the Strategy to make submissions.

### **Why Submissions Should Be Made**

According to the current version of the Biosecurity Act (Section 63), the Minister is required to appoint a Board of Inquiry to look into the proposed Strategy unless he is "satisfied on reasonable grounds that there is no significant opposition to the strategy from persons likely to be affected by its implementation."

Unfortunately, in any submission process negative submissions are usually over-represented. Human nature being what it is, people are more likely to generate the energy to write a submission if they are against a proposition, rather than if they are in favour. This tends to skew any submission process to the negative.

In the case of the AFB PMS, however, it is important that submissions actually reflect the diversity of opinion in the industry. The last two votes at NBA Annual Conferences have been in favour of the PMS (81% in 1995; 80% in 1996). It is therefore very important that everyone who is in favour of the AFB PMS makes a submission, as well as those who wish to make a negative submission.

### **How to Make a Submission**

1) Firstly, you need to say who you are and explain your involvement with beekeeping so that the Minister will know that you are likely to be affected by the AFB PMS. Obviously you can also make a submission if you are not a beekeeper, but according to the Act, the Minister will make his determination about the need for a Board of Inquiry based on submissions from those likely to be affected by the Strategy.

2) Indicate whether you are in favour of, or opposed to, the AFB PMS. It is important, however, that you do not stop at that point. If you do, the impact of your submission will be limited. The Minister has already been given the conference votes, so if you just tell him that you are for or against the Strategy, you are not telling him much that he doesn't already know.

3) To get the attention of the Minister, the most important thing is to explain in your own words why you believe the AFB PMS would have either a positive or negative effect on you and your business or hobby. Well-reasoned, clear, factually correct arguments carry the most weight.

**Please turn over**

4) If you wish to oppose the AFB PMS in your submission, it is also a good idea to indicate what your proposed alternative is. If you wish to oppose the Strategy, but can't think of anything better, this will have less impact than if you can suggest a better approach.

5) Although it is not essential, typing your submission is always a good idea.

Send your submission to:

Minister of Agriculture  
Parliament Buildings  
WELLINGTON

Closing date for submissions is August 14, 1997.