

Biosecurity (Tomato Potato Psyllid) Control Order 2022

under the

Biosecurity Act 2015

I, SATENDRA KUMAR, Director Plant Biosecurity & Product Integrity, NSW Chief Plant Protection Officer, with the authorisation of the Minister administering the *Biosecurity Act 2015* and under section 62 of that Act make the following control order.

Dated 29th day of June 2022



SATENDRA KUMAR

Director Plant Biosecurity & Product Integrity, NSW Chief Plant Protection Officer
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of Control Order

This Control Order is the *Biosecurity (Tomato Potato Psyllid) Control Order 2022*.

2 Commencement and duration

This control order commences on 1 July 2022 and has effect until 30 June 2027.

Note. Notice of this control order will be given by publishing it in the Gazette and on the Department's website.

3 Definitions

(1) In this Control Order:

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

area freedom certificate means a biosecurity certificate or interstate biosecurity certificate currently in force certifying that a State or Territory is free of the pest, tomato potato psyllid.

CA-14 means the certification assurance scheme procedure with number CA-14 and titled *Pest Free Production Site – TPP/CLso (Trandos Hydroponic Growers)*, version 1.0 and dated 7 February 2018.

CA-15 means the certification assurance scheme procedure with number CA-15 and titled *Pack-House Washing and Inspection of Tomatoes without leaves, calyx or other attached green material for Tomato-Potato Psyllid*, version 1.1 and dated 15 February 2019.

certification assurance arrangement means a Certification Assurance or Interstate Certification Assurance Scheme that enables a biosecurity certifier or a person authorised under a corresponding law to issue a plant health assurance certificate that meets certain plant health quarantine conditions for trade within the State, or between the State and other States or Territories.

Convolvulaceae host material means any plant belonging to the Convolvulaceae family.

cut flowers means any cut flower or foliage from the Plantae kingdom excluding from the Convolvulaceae and Solanaceae families.

excluded material means:

- (a) fruit or vegetables that do not have any leaves, green calyx or other green plant material attached to them,
- (b) harvested grain, and
- (c) seeds.

Note. Strawberry fruit are not excluded material because they have a large green calyx.

ICA-60 means the Interstate Certification Assurance Scheme procedure with the number ICA-60 and titled *Inspection of Strawberry Fruit for Tomato-Potato Psyllid*, version 1.0 and dated 21 July 2017.

ICA-61 means the Interstate Certification Assurance Scheme procedure with the number ICA-61 and titled *Pack-House Washing and Inspection of Tomato-Potato Psyllid Carrier Produce*, version 1.3 and dated 27 February 2020.

ICA-62 means the Interstate Certification Assurance Scheme procedure with the number ICA-62 and titled *Treatment and Inspection of Carrier Nursery Stock for Tomato-Potato Psyllid*, version 1.0 and dated 21 September 2017.

ICA-64 means the Interstate Certification Assurance Scheme procedure with the number ICA-64 and titled *Post-Harvest Treatment of Cut Flowers for Tomato-Potato Psyllid*, version 1.0 and dated 10 May 2018.

ICA-65 means the Interstate Certification Assurance Scheme procedure with the number ICA-65 and titled *Fumigation of Cut Flowers with Ethyl Formate for Tomato-Potato Psyllid*, version 1.0 and dated 2 June 2021.

ICA-66 means the Interstate Certification Assurance Scheme procedure with the number ICA-66 and titled *Cleaning and Inspection of Used Agricultural and Horticultural Machinery and Equipment for Specified Pests*, version 1.0 and dated 1 April 2021.

methyl bromide rate means any of the rates set out in the first column of the table to this definition determined by the temperature set out in the corresponding column, where the reference to temperature is to the temperature inside the chamber where the treatment is carried out and is at normal atmospheric pressure.

Rate	Temperature
32g/m ³	At or above 21°C
40g/m ³	16°C to 20.9°C

48g/m ³	11°C to 15.9°C
56g/m ³	10°C to 10.9°C

nursery stock means any plant or planting material from the Plantae kingdom excluding from the *Convolvulaceae* and *Solanaceae* plant families.

packhouse means a building in which a TPP carrier that is a fruit or vegetable is sorted and packaged, and that is separate from the place where the TPP carrier was grown.

plant health assurance certificate means a biosecurity certificate or interstate biosecurity certificate issued in accordance with the requirements of a certification assurance arrangement.

plant health certificate means a biosecurity certificate or interstate biosecurity certificate that relates to plant biosecurity issued by an authorised officer under the Act or a corresponding law.

processed material means any TPP host material or TPP carrier that is a plant that has been processed in a manner that alters the form of the TPP host material or TPP carrier so that it is incapable of introducing tomato potato psyllid into the TPP Control Zone, including being processed by way of:

- (a) canning,
- (b) chopping,
- (c) cooking,
- (d) drying,
- (e) freezing,
- (f) juicing,
- (g) shredding, or
- (h) slicing.

Solanaceae host material means any plant belonging to the Solanaceae family.

tomato potato psyllid means all life stages of the pest insect *Bactericera cockerelli*, including egg, nymph and adult.

TPP carrier means:

- (a) any plant except for TPP host material, excluded material or processed material,
- (b) used equipment, or
- (c) a used covering.

TPP carrier produce means packhouse washed and packed fruit and vegetables with leaves, calyx or other attached green material excluding fruit and vegetables from the *Convolvulaceae* and *Solanaceae* plant families.

TPP host material means the following:

- (a) Convolvulaceae host material,
- (b) Solanaceae host material,

but does not include processed material or seeds.

TPP host nursery stock means any plant or planting material from the *Convolvulaceae* and *Solanaceae* plant families but does not include seeds, tubers or fruit.

the Act means the *Biosecurity Act 2015*.

the Regulation means the *Biosecurity Regulation 2017*.

used covering means a covering or packaging that has been in contact with TPP host material or a TPP carrier.

used equipment means any machinery or equipment that has been used in the cultivation, handling, harvesting, processing or packaging of TPP host material or a TPP carrier.

washing measure means any of the measures described in the first column of the table to this definition and that are carried out for the minimum time specified in the corresponding column of the table:

Washing measures	Minimum time
Hydro-cooled with continuously agitated water	20 minutes
Dipped in continuously agitated water containing a food grade surfactant at the quantities specified on the label for the surfactant	3 minutes
Washed with water on rotating roller bushes	30 seconds
Pressure washed in water under water nozzles with a water pressure above 200kPa (29 psi)	20 seconds

- (2) Words and expressions that occur in this Control Order have the same meaning as they have in the Regulation, unless otherwise defined in this Control Order.

Note. Pursuant to section 11 of the *Interpretation Act 1987* words or expressions used in this Control Order have the same meaning as in the *Biosecurity Act 2015*.

4 Grounds for order and biosecurity impact

The basis for concluding that it is necessary to make this Control Order is as follows:

- (a) The introduction of tomato potato psyllid (the **biosecurity matter**) has the potential to have an adverse effect on the economy, the environment, and the community of New South Wales (the **biosecurity impact**).
- (b) In March 2017, tomato potato psyllid was detected in Western Australia. Tomato potato psyllid damages plants including potato, tomato, eggplant, and other vegetables. To date, New South Wales remains free of tomato potato psyllid.
- (c) Control measures are required to prevent the introduction of tomato potato psyllid in New South Wales.

5 Control zone

The control zone in which control measures are required to be implemented under this control order is the whole of New South Wales (**TPP Control Zone**).

6 Persons to whom control measures apply

The class of persons to whom the control measures apply are all persons who move, or cause the movement of, a TPP carrier or TPP host material into the TPP Control Zone.

Part 2 Control measures – TPP host material and TPP carriers

7 Control measure – TPP host material and TPP carriers

A person must not move, or cause the movement of, a TPP carrier or TPP host material into the TPP Control Zone unless the person complies with the control measures that apply with respect to the movement of that TPP carrier or TPP host material.

Part 3 Control measures – TPP host material

8 Control measure – TPP host material

A person may move, or cause the movement of TPP host material into the TPP Control Zone if:

- (a) it was grown and packed in a State or Territory that is free from tomato potato psyllid as evidenced by an area freedom certificate, and
- (b) the consignment that contains the TPP host material has a label or identifier stating the name and postcode of the city or town nearest to the place the TPP host material was both grown and packed.
- (c) despite subclauses (a) and (b), a person may move, or cause the movement of, TPP host material into the TPP Control Zone if the person complies with clause 9 to 12 below.

Note. Under clause 112 of the Regulation a person who is required to label or identify any matter, must ensure that the label or identifier is a complying label or complying identifier.

9 Control measure – Solanaceae host material that is fruit

- (1) A person may move, or cause the movement of, Solanaceae host material that is fruit from a Solanaceae plant into the TPP Control Zone if the person complies with the requirements of this clause.
- (2) The fruit has been treated with either insecticide or methyl bromide in accordance with the following:
 - (a) **Insecticide:**
 - (i) Before the fruit was picked, the plant on which the fruit was grown was treated with insecticide that is effective against tomato potato psyllid in accordance with APVMA label directions and permit conditions, and
 - (ii) the consignment of which the fruit is part has been inspected at the greater of these quantities and found to be free of tomato potato psyllid:
 - (A) 2 percent of any consignment of fruit, or
 - (B) 600 items of fruit, or
 - (b) **Methyl bromide:** the fruit was treated by fumigation with methyl bromide for two hours at one of the methyl bromide rates.
- (3) Immediately after treatment with a method specified in subclause (2) and until the fruit arrives in the TPP Control Zone, the fruit is kept in a manner which prevents infestation of tomato potato psyllid.
- (4) The consignment containing the fruit must be accompanied by a plant health certificate certifying that the control measures in subclauses (2) to (3) have been satisfied.

10 Control measure – TPP carriers that are tomato fruit with no leaves, calyx or other attached green material

- (1) A person may move, or cause the movement of, TPP carriers that are tomato fruit with no leaves, calyx or other attached green material into the TPP Control Zone if:
 - (a) the tomato fruit has been washed using a washing measure,
 - (b) the consignment of which the tomato fruit is part has been inspected at the greater of these quantities and found to be free of tomato potato psyllid:
 - (i) 2 percent of the consignment, or
 - (ii) 600 items of tomato fruit, and
- (2) The consignment of which the tomato fruit is part must be accompanied by a:

- (a) plant health certificate certifying that subclauses (1)(a) and (b) have been met, or
- (b) plant health assurance certificate certifying that the requirements of CA-15 have been satisfied.

11 Control measure – Solanaceae and Convolvulaceae host material that is a tuber

A person may move, or cause the movement of, Solanaceae host material and Convolvulaceae host material that is a tuber into the TPP Control Zone if the tuber does not have green plant material attached to it.

Note. A person must not move any other Solanaceae host material (including tubers with green material attached) or Convolvulaceae host material into the TPP Control Zone unless it is grown in a State or Territory for which an area freedom certificate is currently in force, and the person complies with clause 8 of this Control Order.

12 Control measure – TPP host nursery stock

A business accredited under CA-14 may move, or cause the movement of, TPP host nursery stock into the TPP Control Zone if:

- (a) the TPP host nursery stock is dealt with in accordance with CA-14, and
- (b) the consignment of which the TPP host nursery stock is part is accompanied by a plant health assurance certificate certifying that the requirements of CA-14 have been satisfied.

Part 4 Control measures – TPP carriers

13 Control measure – TPP carriers

A person may move, or cause the movement of, a TPP carrier into the TPP Control Zone if:

- (a) the TPP carrier was both grown and packed or, in the case of a carrier that is used equipment or a used covering and was used, in a State or Territory that is free from tomato potato psyllid as evidenced by an area freedom certificate,
- (b) except in the case of a used covering or used equipment, the consignment that contains the TPP carrier has a label or identifier stating the name and postcode of the city or town nearest to the place the TPP carrier was both grown and packed, and
- (c) despite subclauses (a) and (b), a person may also move, or cause the movement of, a TPP carrier into the TPP Control Zone if the person complies with clauses 14 to 18 below.

14 Control measure – TPP carriers that are plants, including nursery stock

- (1) A person may move, or cause the movement of, a TPP carrier that is a plant into the TPP Control Zone if the person complies with the requirements of this clause.
- (2) The plant has been treated with either insecticide or methyl bromide in accordance with the following:
 - (a) **Insecticide:**
 - (i) the plant was treated with insecticide that is effective against adult tomato potato psyllid in accordance with APVMA label directions and permit conditions, and
 - (ii) the consignment of which the plant is part has been inspected at the greater of these quantities and found to be free of tomato potato psyllid:

- (A) 2 percent of any consignment of plants, or
- (B) 600 plants, or
- (b) **Methyl bromide:** the plant was treated by fumigation with methyl bromide for two hours at one of the methyl bromide rates.
- (3) Immediately after treatment with a method specified in subclause (2) and until the plant arrives in the TPP Control Zone, the plant is kept in a manner which prevents infestation of tomato potato psyllid.
- (4) The consignment containing the plants must be accompanied by a plant health certificate certifying that the control measures in subclauses (2) and (3) have been satisfied.
- (5) Despite subclauses (1) to (4), a business accredited under ICA-62 may move, or cause the movement of TPP carriers that are nursery stock into the TPP Control Zone if:
 - (a) the nursery stock is dealt with in accordance with ICA-62, and
 - (b) the consignment of which the nursery stock is part is accompanied by a plant health assurance certificate certifying that the requirements of ICA-62 have been satisfied.

15 Control measure – TPP carriers that are strawberry fruit

- (1) A person may move, or cause the movement of, TPP carriers that are strawberry fruit into the TPP Control Zone if:
 - (a) the strawberry fruit is packed in a packhouse, and
 - (b) the consignment of which the strawberry fruit is part has been inspected at the greater of these quantities and found to be free of tomato potato psyllid:
 - (i) 2 percent of the consignment, or
 - (ii) 600 items of strawberry fruit, and
 - (c) the strawberry fruit is packed in a manner which prevents infestation of tomato potato psyllid.
- (2) The consignment of which the strawberry fruit is part must be kept in a manner that prevents infestation of tomato potato psyllid until it is moved into the TPP Control Zone.
- (3) The consignment of which the strawberry fruit is part must be accompanied by a plant health certificate certifying that the control measures in subclauses (1) and (2) have been satisfied.
- (4) Despite subclauses (1) to (3), a business accredited under ICA-60, may move, or cause the movement of, TPP carriers that are strawberry fruit into the TPP Control Zone if:
 - (a) the strawberry fruit is dealt with in accordance with ICA-60, and
 - (b) the consignment of which the strawberry fruit is part is accompanied by a plant health assurance certificate certifying that the requirements of ICA-60 have been met.

16 Control measure – TPP carriers that are cut flowers

- (1) A person may move, or cause the movement of, TPP carriers that are cut flowers into the TPP Control Zone if the person complies with the requirements of this clause.
- (2) The cut flowers have been treated with either insecticide or methyl bromide in accordance with the following:

- (a) **Insecticide:** the cut flowers were treated with insecticide that is effective against adult tomato potato psyllid in accordance with APVMA label directions and permit conditions, and
- (b) **Methyl bromide:** the cut flowers were treated by fumigation with methyl bromide for two hours at one of the methyl bromide rates.
- (3) Immediately after treatment with a method specified in subclause (2) and until the cut flowers arrive in the TPP Control Zone, the cut flowers are kept in a manner which prevents infestation of tomato potato psyllid.
- (4) The consignment containing the cut flowers must be accompanied by a plant health certificate certifying that the control measures in subclauses (2) and (3) have been satisfied.
- (5) Despite subclauses (1) to (4), a business accredited under ICA-64 may move or cause the movement of TPP carriers that are cut flowers into the TPP Control Zone if:
 - (a) the cut flowers are dealt with in accordance with ICA-64, and
 - (b) the consignment of cut flowers must be accompanied by a plant health assurance certificate certifying that the requirements of ICA-64 have been satisfied.
- (6) Despite subclauses (1) to (5), a business accredited under ICA-65 may move or cause the movement of TPP carriers that are cut flowers into the TPP Control Zone if:
 - (a) the cut flowers are dealt with in accordance with ICA-65, and
 - (b) the consignment containing the cut flowers is accompanied by a plant health assurance certificate certifying that the requirements of ICA-65 have been satisfied.

17 Control measure – TPP carrier produce and TPP carriers that are fruit or vegetables with leaves, green calyx or other green plant material

- (1) A person may move, or cause the movement of, TPP carriers that are fruit or vegetables with leaves, green calyx or other green plant material, but not including strawberry fruit, into the TPP Control Zone if:
 - (a) the fruit or vegetables are packed in a packhouse,
 - (b) the fruit or vegetables are washed in accordance with a washing measure,
 - (c) the consignment of which the fruit or vegetables are part has been inspected at the greater of these quantities and found to be free of tomato potato psyllid:
 - (i) 2 percent of the consignment, or
 - (ii) 600 items of fruit or vegetables, and
 - (d) immediately after washing and until the fruit or vegetables arrive in the TPP Control Zone, the fruit or vegetables are kept in a manner which prevents infestation of tomato potato psyllid.
- (2) The consignment of which the fruit or vegetables are part must be accompanied by a plant health certificate certifying that the control measures in subclause (1) have been satisfied.
- (3) Despite subclauses (1) and (2), a business accredited under ICA-61 may move, or cause the movement of, TPP carrier produce into the TPP Control Zone if:
 - (a) the TPP carrier produce is dealt with in accordance with ICA-61, and
 - (b) the consignment of which the TPP carrier produce is part is accompanied by a plant health assurance certificate certifying that the requirements of ICA-61 have been satisfied.

18 Control measure – TPP carriers that are used equipment or used coverings

- (1) A person may move, or cause the movement of, a TPP carrier that is used equipment or a used covering into the TPP Control Zone if:
 - (a) the used equipment or used covering has been thoroughly cleaned and is free from all planting media, organic material, and tomato potato psyllid, and
 - (b) any used equipment or covering has been washed with high pressure water heated to a temperature of at least 70°C.
- (2) The consignment of which the used equipment or used covering is part must be accompanied by a plant health certificate certifying that subclause (1) has been satisfied.
- (3) Despite subclauses (1) and (2), a business accredited under ICA-66 may move or cause the movement of a TPP carrier that is used equipment into the TPP Control Zone if:
 - (a) the used equipment is dealt with in accordance with ICA-66, and
 - (b) the used equipment is accompanied by a plant health assurance certificate, certifying that the requirements of ICA-66 have been met.