

Biosecurity (Tomato Potato Psyllid) Control Order 2017

under the
Biosecurity Act 2015

I, BRUCE M. CHRISTIE, Deputy Director General Biosecurity and Food Safety, with the delegated authority of the Minister for Primary Industries, in pursuance of section 62 of the *Biosecurity Act 2015*, reasonably believing it is necessary to prevent the biosecurity risk associated with the pest tomato potato psyllid (*Bactericera cockerelli*) and the disease Zebra chip caused by the bacterium *Candidatus Liberibacter solanacearum* entering New South Wales, make the following Control Order.

Dated this 27th day of June 2017



**BRUCE M CHRISTIE
DEPUTY DIRECTOR GENERAL
BIOSECURITY & FOOD SAFETY NSW
DEPARTMENT OF INDUSTRY**

Explanatory note:

This Control Order is made under section 62 of the *Biosecurity Act 2015*. The object of this Control Order is to prevent the introduction of the pest tomato potato psyllid (*Bactericera cockerelli*) and the disease Zebra chip caused by the bacterium *Candidatus Liberibacter solanacearum* into New South Wales.

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1. Name of Order

This Control Order is the *Biosecurity (Tomato Potato Psyllid) Control Order 2017*.

2. Commencement and Duration

- (1) This Control Order commences on 1 July 2017.
- (2) This Control Order has effect for 5 years from the date on which the order is made.

Note: Notice of this Control Order will be given by publishing it on the Department's website and in the *NSW Government Gazette*.

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 that certifies that a State or Territory is free of the pest, tomato potato psyllid and the disease, Zebra chip.

Control Order has the same meaning as in Part 6 of the Act.

control measures has the same meaning as in Part 6 of the Act.

control zone has the same meaning as in Part 6 of the Act.

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

excluded material means:

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

Note: Strawberries are not excluded material because they have a large green calyx.

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

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

Plant Health Certificate means a biosecurity certificate or interstate biosecurity certificate issued by an authorised officer under the Act or a corresponding law in a State or Territory that relates to plant biosecurity.

processed material means any TPP host material or TPP carrier that is a plant that has been processed in a manner that alters its form, so that it is incapable of introducing tomato potato psyllid or Zebra chip into the Tomato Potato Psyllid Control Zone, including processing by cooking, drying, canning, juicing, freezing, chopping, slicing or shredding.

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

tomato potato psyllid means the pest insect *Bactericera cockerelli*.

TPP host material means the following host material, but does not include processed material or the seeds of this host material:

- (a) Convolvulaceae host material, and
- (b) Lamiaceae host material, and
- (c) Solanaceae host material.

TPP carrier means:

- (a) any plants (excluding TPP host material, excluded material and processed material), and
- (b) used equipment, and
- (c) used coverings.

used covering means any covering or packaging that has contained TPP host material or TPP carriers.

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

Zebra chip means the disease caused by the bacterium *Candidatus Liberibacter solanacearum*.

the Act means the *Biosecurity Act 2015*.

the Regulation means the *Biosecurity Regulation 2017*.

Note 1: *authorised officer, biosecurity certificate, biosecurity matter, biosecurity risk, carrier, deal, Department, plant, interstate biosecurity certificate, land, occupier, owner, and packaging*, all have the same meaning as in the Act.

Note 2: A *plant* includes any member of the Plantae, Fungi or Protista kingdoms, whether whole or in part, and whether dead or alive.

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

Note: *covering, equipment* and *production* all have the same meaning as in clause 21 of the Regulation. See clause 112(3) of the Regulation for the meaning of *complying label* and *complying identifier*.

4. Plant Diseases (Tomato Potato Psyllid) Order (No. 3) 2017

Pursuant to clause 3(4) of Schedule 7 to the Act, the *Plant Diseases (Tomato Potato Psyllid) Order (No 3) 2017* published in *NSW Government Gazette* No. 38 of 24 March 2017 at pages 784 to 788 is a superseded instrument that has no effect from the date this Control Order commences.

5. Biosecurity Risk

The biosecurity risk to which this Control Order relates is the risk of an adverse effect on the economy, the environment and the community posed or likely to be posed by the introduction of the pest tomato potato psyllid (*Bactericera cockerelli*) or the disease Zebra chip into the Tomato Potato Psyllid Control Zone.

6. Control Zone

- (1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone to which control measures are required to be implemented under this Control Order is the State of New South Wales.
- (2) The Control Zone is called the *Tomato Potato Psyllid Control Zone*.

7. Persons or class of persons to whom the Control Order applies

Pursuant to section 63(d), the class of persons to whom the control measures apply are all persons who move, or cause to be moved, a TPP carrier or TPP host material into the Tomato Potato Psyllid Control Zone.

8. Control Measures

A person must not move, or cause to be moved, a TPP carrier or TPP host material into the Tomato Potato Psyllid Control Zone, unless the person satisfies the control measures that apply for that TPP carrier or TPP host material.

9. Control Measures - TPP host material

A person may move, or cause to be moved, TPP host material into the Tomato Potato Psyllid Control Zone if these control measures are satisfied:

- (a) the TPP host material was grown and packed in a State or Territory that is free from tomato potato psyllid and Zebra chip as evidenced by an Area Freedom Certificate currently in force, and

- (b) the consignment of which the TPP host material is part has a complying label and complying identifier that states the name and postcode of the city or town nearest to the place where it was both grown and packed.

Note: A person may only move, or cause to be moved, Lamiaceae host material into the Tomato Potato Psyllid Control Zone if the Lamiaceae host material was grown and packed in a State or Territory that is free from tomato potato psyllid and Zebra chip, as evidenced by an Area Freedom Certificate currently in force.

10. Control Measures – Convolvulaceae host material

A person may move, or cause to be moved, Convolvulaceae host material that is a tuber into the Tomato Potato Psyllid Control Zone if the person undertakes the control measures in paragraphs (a) to (c) and the consignment of which the tuber forms part is accompanied by a Plant Health Certificate that certifies these measures have been satisfied:

- (a) the tuber is in a dormant state, and
- (b) the tuber has been brushed and washed free of soil whilst traversing on rollers using water and mechanical brushes or high pressure jets, and
- (c) the consignment of which the tuber forms part has been inspected at the greater of these rates and found to be free of tomato potato psyllid:
 - (i) 2 percent of any consignment of Convolvulaceae host plant material; or
 - (ii) 600 items.

Note: A person must not move any other Convolvulaceae host material into the Tomato Potato Psyllid 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 9 of this Control Order.

11. Control Measures – Solanaceae host material

- (1) A person may move, or cause to be moved, Solanaceae host material that is fruit from a Solanaceae plant into the Tomato Potato Psyllid Control Zone if the person undertakes the control measures in paragraphs (a) and (b) and the consignment of which the fruit forms part is accompanied by a Plant Health Certificate that certifies these measures have been satisfied:

- (a) either of these treatment measures have been carried out:

- (i) **Insecticide:**

- A. before the fruit was picked, the plant on which the fruit was grown was treated with an insecticide regime that is effective against all life stages of tomato potato psyllid in accordance with APVMA label directions and permit conditions, and
- B. the consignment of which the fruit is part has been inspected at the greater of these rates and found to be free of tomato potato psyllid:
 - i. 2 percent of any consignment of fruit, or
 - ii. 600 items, or

- (ii) **Methyl bromide:** the fruit was treated by fumigation with methyl bromide for two hours at these rates:

Rate	Temperature	Atmospheric Pressure
32g/m ³	At or above 21°C	Normal atmospheric pressure
40g/m ³	16°C to 20.9°C	Normal atmospheric pressure
48g/m ³	11°C to 15.9°C	Normal atmospheric pressure
56g/m ³	10°C to 10.9°C	Normal atmospheric pressure

- (b) immediately after treatment, the fruit is placed in secure conditions which prevent infestation of tomato potato psyllid.

- (2) A person must not move Solanaceae host material that is fruit from a Solanaceae plant that satisfies clause 11(1) into the Tomato Potato Psyllid Control Zone unless the consignment of which the fruit forms part remains in secure conditions which prevent infestation of tomato potato psyllid until it is moved into the Tomato Potato Psyllid Control Zone.

Note: A person must not move any other Solanaceae host material (including potatoes) into the Tomato Potato Psyllid 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 9 of this Control Order.

12. Control Measures – TPP Carriers that are plants

- (1) A person may move, or cause to be moved, a TPP carrier that is a plant into the Tomato Potato Psyllid Control Zone if person undertakes the control measures in paragraphs (a) and (b) and the consignment of which the plant forms part is accompanied by a Plant Health Certificate that certifies these measures have been satisfied:

- (a) either of these treatment measures have been carried out:

(i) **Insecticide:**

- A. the plant was treated with an insecticide regime that is effective against adult tomato potato psyllid in accordance with APVMA label directions and permit conditions, and
- B. the consignment of which the plant is part has been inspected at the greater of these rates and found to be free of tomato potato psyllid:
- i. 2 percent of any consignment of plants, or
 - ii. 600 items, or

- (ii) **Methyl bromide:** the plant was treated by fumigation with methyl bromide for two hours at these rates:

Rate	Temperature	Atmospheric Pressure
32g/m ³	At or above 21°C	Normal atmospheric pressure
40g/m ³	16°C to 20.9°C	Normal atmospheric pressure
48g/m ³	11°C to 15.9°C	Normal atmospheric pressure
56g/m ³	10°C to 10.9°C	Normal atmospheric pressure

- (b) immediately after treatment, the plant is placed in secure conditions which prevent infestation of tomato potato psyllid, and is placed in a position that is isolated from any plant that has not been treated in a manner allowed by this subclause.
- (2) A person must not move a TPP carrier that is a plant that satisfies clause 12(1) into the Tomato Potato Psyllid Control Zone unless until the plant is moved into the Tomato Potato Psyllid Control Zone the consignment of which the plant forms part:
 - (a) remains in secure conditions which prevent infestation of tomato potato psyllid, and
 - (b) remains isolated from any plant that has not been treated with a method specified in subclause 12(1).

13. TPP Carriers – TPP Carriers that are strawberries

- (1) A person may move, or cause to be moved, TPP carriers that are strawberries into the Tomato Potato Psyllid Control Zone if the person undertakes the control measures in paragraphs (a) to (c) and the consignment of which the strawberries form part is accompanied by a Plant Health Certificate that certifies these measures have been satisfied:
 - (a) the strawberries are packed in a packhouse, and
 - (b) the consignment of which the strawberries are part was inspected at the greater of these rates and found to be free of tomato potato psyllid:
 - (i) 2 percent of the consignment, or
 - (ii) 600 items, and
 - (c) the strawberries are packed in secure conditions which prevent infestation of tomato potato psyllid.
- (2) A person must not move TPP carrier that satisfies clause 13(1) into the Tomato Potato Psyllid Control Zone unless the consignment of which the strawberries form part remains in secure conditions which prevent infestation of tomato potato psyllid and until it is moved into the Tomato Potato Psyllid Control Zone.

14. Control Measures – TPP Carriers that are fruit or vegetables with leaves, green calyx or other green plant material

- (1) A person may move, or cause to be moved, TPP carriers that are fruit or vegetables with leaves, green calyx or other green plant material into the Tomato Potato Psyllid Control Zone if the person undertakes the control measures in paragraphs (a) to (d) and the consignment of which the fruit or vegetables form part is accompanied by a Plant Health Certificate that certifies these measures have been satisfied:
 - (a) the fruit or vegetables are packed in a packhouse, and

- (b) the fruit or vegetables are washed using any of these washing measures:

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

- (c) the consignment of which the fruit or vegetables are part was inspected at the greater of these rates and found to be free of tomato potato psyllid:
- (i) 2 percent of the consignment, or
 - (ii) 600 items, and
- (d) immediately after washing, the fruit or vegetables are packed in secure conditions which prevent infestation of tomato potato psyllid.
- (2) A person must not move, or cause to be moved, a TPP carrier that satisfies clause 14(1) into the Tomato Potato Psyllid Control Zone unless the consignment of which the fruit or vegetables forms part remains in secure conditions which prevent infestation of tomato potato psyllid until it arrives in the Tomato Potato Psyllid Control Zone.

15. Control Measures – TPP Carriers that are used equipment or used coverings

- (1) A person may move, or cause to be moved, a TPP Carrier that is used equipment or used coverings into the Tomato Potato Psyllid Control Zone if for the whole of the 12 month period before it was moved, the used equipment or used covering was located in a State or Territory that is free from tomato potato psyllid and Zebra chip as evidenced by an Area Freedom Certificate is currently in force.
- (2) A person may move, or cause to be moved, a TPP Carrier that is used equipment or used coverings into the Tomato Potato Psyllid Control Zone if the person undertakes the control measures in paragraphs (a) and (b) and the used equipment or used coverings is accompanied by a Plant Health Certificate that certifies these measures have been satisfied:
- (a) the used equipment or used covering has been thoroughly cleaned and is free from all planting media, organic material and tomato potato psyllids, and
 - (b) any used equipment has been washed with high pressure hot water heated to a temperature of at least 70°C.