



 THE MANAGEMENT AGENCY
NATIONAL AMERICAN FOULBROOD
PEST MANAGEMENT PLAN



OPERATIONAL PLAN

NOVEMBER 2021



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1. National American Foulbrood Pest Management Plan – OPERATIONAL PLAN

1.1 EXECUTIVE SUMMARY

This document is the operational plan for the National American Foulbrood Pest Management Plan (NPMP). It has been prepared by the Management Agency National American Foulbrood Pest Management Plan, as required under section 100B of the Biosecurity Act 1993 to give operational effect to the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 (the Order).

The pest to be managed under the NPMP is *Paenibacillus larvae* larvae, also known as *Bacillus larvae*, the cause of the disease known as American foulbrood (AFB).

The primary objective of the NPMP is to manage AFB so as to reduce the reported incidence of AFB by an average of 5% each year. The NPMP specifies the obligations of beekeepers and the Management Agency to work towards the achievement of the primary objective.

Beekeepers are responsible for eliminating AFB from their beehives. The NPMP specifies the minimum AFB elimination obligations for all beekeepers in New Zealand and these are presented in the operational plan. Beekeepers can also make a greater commitment to AFB elimination by entering into a Disease Elimination Conformity Agreement (DECA) with the Management Agency.

The Management Agency is responsible for monitoring and auditing beekeeper compliance with NPMP rules and the AFB elimination performance of beekeepers who have entered into a DECA with the Management Agency.

The Management Agency's policies for monitoring and auditing beekeeper compliance and undertaking enforcement actions are specified in this operational plan. The inclusion of these policies within the operational plan does not preclude further specification of NPMP implementation through subsidiary or related plans or operational procedures.

1.2 INTRODUCTION

AFB is the most serious disease of honey bees in New Zealand. It costs beekeepers an estimated 6% of gross returns¹ and poses a serious risk to New Zealand honey exports valued at \$425 million in 2020².

Due to the serious nature of the disease, AFB has been under legislative control since 1906. The most recent change in the legislation occurred in 2012 when the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 was amended.

This document is the Operational Plan for the National American Foulbrood Pest Management Plan (NPMP). It describes how the Management Agency will implement the NPMP. It has been prepared by the Management Agency to meet the requirements for an Operational Plan under section 100B of the Biosecurity Act 1993.

Pursuant to sections 100B(1)(b) and (c) of the Biosecurity Act 1993 the Operational Plan is subject to annual review by the Management Agency and any necessary amendments will be made as a result of the review. The review and amendment process will allow for further development and refinement of the Operational Plan towards the achievement of NPMP objectives.

This document was prepared by The Management Agency National American Foulbrood Pest Management Plan, an independent entity within Apiculture New Zealand Inc, acting as the Management Agency for the National American Foulbrood Pest Management Plan pursuant to Section 100 of the Biosecurity Act 1993.

¹ Goodwin, M. (2018). *Elimination of American foulbrood disease without the use of drugs—a practical manual for beekeepers*, Revised edition. Wellington: Apiculture New Zealand.

² Ministry for Primary Industries. (2020). *2020 Apiculture monitoring programme*. Wellington: Ministry for Primary Industries.



2. OBJECTIVES OF MANAGEMENT

2.1 STRATEGIC CONTEXT

The NPMP specifies the legal obligations and powers for the management of AFB in New Zealand.

The primary objective of the NPMP is to manage AFB so as to reduce the reported incidence of American foulbrood by an average of 5% each year.

The reported incidence of AFB in the year to 31 May 2021 was 0.31% of colonies. This represents a continuation of small reductions in the reported incidence of AFB from 0.33% of colonies in 2017.

This operational plan describes how the Management Agency will implement the NPMP.

2.1.1 National AFB Pest Management Plan

The NPMP specifies the legal obligations and powers for the management of AFB in New Zealand. The current NPMP was amended on 18 September 2012 and supersedes the original NPMP made on 7 September 1998.

The primary objective of the NPMP is to manage AFB so as to reduce the reported incidence of American foulbrood by an average of 5% each year.

The secondary objectives of the NPMP are:

- to locate all places where beehives are situated and ensure that each honey bee colony is inspected at least once each year for American foulbrood; and
- to identify American foulbrood cases in beehives; and
- to eliminate American foulbrood in beehives by destroying any American foulbrood cases and associated bee products and destroying or sterilising associated appliances.

Under the NPMP, beekeepers are responsible for eliminating AFB from their beehives. The cumulative effect of all beekeepers eliminating AFB from their beehives is the elimination of clinical AFB from managed colonies in New Zealand.

The NPMP specifies the minimum AFB elimination obligations for all beekeepers in New Zealand through NPMP rules, and provides beekeepers with the opportunity to make a greater commitment to AFB elimination through entering into a Disease Elimination Conformity Agreement with the Management Agency. In recognition of this commitment, the Management Agency provides an exemption from Certificate of Inspection obligations required under the plan, and

may also permit the salvage of appliances through sterilisation.

The Management Agency is responsible for monitoring and auditing beekeeper compliance with NPMP rules and the AFB elimination performance of beekeepers who have entered into a Disease Elimination Conformity Agreement with the Management Agency. The NPMP provides the Management Agency with legal powers to enforce the implementation of the NPMP.

2.1.2 Operational Plan

This Operational Plan describes the Management Agency's approach to the implementation of the NPMP, including its operational policies.



2.2 AFB ELIMINATION APPROACH

Under the NPMP, beekeepers are responsible for eliminating AFB from their beehives. The Management Agency provides AFB recognition and elimination training to beekeepers, and is responsible for monitoring and auditing their performance and undertaking compliance and enforcement actions where necessary.

2.2.1 Beekeepers are responsible for eliminating AFB from their beehives

2.2.1.1 Minimum AFB elimination obligations for all beekeepers

The NPMP rules specify the minimum obligations of all beekeepers to eliminate AFB from their beehives. These are summarised as follows:

2.2.1.1.1 General obligations

- Obligation to supply information required by an authorised person
- Obligation to keep bees in moveable frame hives
- Ensure the normal access to honey bees, bee products, and appliances is kept free from vegetation that would impede or prevent inspection
- Not to use any drug, substance or mixture of substances that have the effect of concealing the symptoms of AFB.

2.2.1.1.2 Notification of places as apiaries

- Ensure that beehives owned by the beekeeper are not situated in a place for more than 30 consecutive days unless that place is notified to the Management Agency as an apiary.
- Comply with notification requirements for an apiary including:
 - ↳ full name and address of the beekeeper
 - ↳ number of honey bee colonies in the apiary
 - ↳ name and initial of the occupier of the place where the apiary is situated
 - ↳ road name and address of the place where the apiary is situated
 - ↳ written description of the location of the apiary
 - ↳ GPS coordinates
 - ↳ permanent or seasonal apiary
- Mark apiaries by marking the beekeeper registration code on the outside of a beehive in the apiary or on a sign within the apiary.
- Not to remove another beekeeper's registration code from a beehive or apiary.
- Not to mark a beehive or apiary where the mark is likely to be mistaken for beekeeper identification code or had not been allocated to the person using the code.
- Notify the Management Agency within 30 days of a permanent apiary ceasing to be an apiary.
- Notify the Management Agency that a seasonal apiary ceases to be an apiary. (Note that a seasonal apiary ceases to be an apiary if no beehives are situated in that place for more than 30 consecutive days in any year beginning on 1 July. Hence a seasonal apiary that has been used for more than 30 consecutive days cannot be deregistered until the subsequent 1 July.)

2.2.1.1.3 Notification of AFB

- Notify the Management Agency of AFB within seven days of becoming aware of the case.

2.2.1.1.4 Annual Disease Return

- Complete and send an Annual Disease Return containing the following information to the Management Agency by 1 June each year:
 - ↳ the number of honey bee colonies in beehives
 - ↳ the location (apiary) and date for each AFB case found
 - ↳ the dates on which ownership of any beehives was transferred to or from the beekeeper, and in each case, the number of beehives transferred and the name and address of both parties
 - ↳ any change in apiary notification information.

2.2.1.1.5 Honey bees and materials associated with AFB

- Ensure that all honey bees, bee products and appliances associated with cases of AFB are destroyed within seven days of becoming aware of the case.
- Ensure that materials associated with AFB are not used and are not accessible to honey bees.
- Do not transfer ownership or possession or move any honey bees, bee products, or appliances associated with known or suspected cases of AFB without written permission from an authorised person.

2.2.1.1.6 Certificate of Inspection

- Ensure that every honey bee colony in every beehive owned is inspected by an authorised person or person named as a person responsible for disease management in any other beekeeper's Disease Elimination Conformity Agreement.
- Complete and forward the Certificate of Inspection form to the Management Agency within 14 days of the inspection or 15 December, whichever is earlier.
- Persons who carry out the inspection must sign and complete a statement confirming:
 - ↳ that the inspection of honey bee colonies was carried out by that person
 - ↳ the location of the honey bee colonies inspected
 - ↳ the number of colonies they inspected in each place (apiary)
 - ↳ the date of inspection
 - ↳ the location and number of AFB cases found, and dates those cases were found
 - ↳ a record of action taken (if any) in respect of each case of AFB found.
- Persons carrying out the inspection must notify the beekeeper in writing of any AFB cases found.

2.2.1.2 Obligations of Disease Elimination Conformity Agreement holders

Beekeepers who have entered into a Disease Elimination Conformity Agreement with the Management Agency have made a legal commitment to eliminating AFB from their beehives through carrying out the AFB elimination practices and procedures specified in their agreement. These agreements require beekeepers to expend more effort to eliminate AFB from their beehives than beekeepers who have not entered into these agreements, including:

- more frequent hive inspections for AFB
- keeping records of the timing and findings of AFB inspections, and actions taken in respect of AFB cases and associated bee products and appliances
- implementation of systems to record and trace movements of appliances and bee products into and out of apiaries.

In recognition of the beekeeper's commitment to eliminating AFB, the Management Agency provides the beekeeper with an exemption from the Certificate of Inspection requirements and may provide permission to move AFB cases for destruction and permit the salvage of appliances.

The Management Agency may amend the agreement at any time if it is satisfied that an amendment is required to eliminate AFB from the beekeeper's hives.

The Management Agency may cancel the agreement at any time if the beekeeper breaches agreement or if the annual rate of AFB in hives owned by the beekeeper is increasing.

2.2.2 AFB recognition training

The Management Agency offers approximately 100 AFB recognition courses to beekeepers throughout the country each year. The courses train beekeepers on how to recognise and eliminate AFB. Participants are required to sit and pass the course test as part of their prerequisites to enter into a Disease Elimination Conformity Agreement with the Management Agency.

The AFB recognition courses are funded through a \$100 registration fee paid by participants.

The Management Agency offers refresher courses in AFB recognition and elimination. These courses are funded through a \$30 registration fee paid by course participants.

2.2.3 Monitoring and Auditing Beekeepers' Elimination of AFB from their Beehives

The Management Agency is responsible for monitoring and auditing beekeepers' AFB elimination actions, notifications and statements summarised in Figure 1 to ensure that the NPMP achieves its primary and secondary objectives. The approach to monitoring and auditing beekeepers' compliance with the NPMP is to: monitor beekeeper notifications and statements, assess reports of suspected non-compliance, and schedule apiary inspections by authorised persons.

The Management Agency assesses the validity of beekeeper notifications and statements prior to acceptance and requests that the beekeeper address the outstanding requirements. Should a beekeeper fail to act on the request, the Management Agency may subsequently direct the beekeeper to comply with NPMP rules.

The Management Agency pays particular attention to the absence of beekeeper notifications and statements, including:

- notification of places as apiaries
- Annual Disease Return
- Certificate of Inspection
- notification of AFB.

2.2.3.1 Unregistered apiaries

The Management Agency will investigate suspected unregistered apiaries and take actions to ensure that they are either registered or destroyed.

2.2.3.2 Failure to complete and submit an Annual Disease Return

Beekeepers who fail to complete an Annual Disease Return by 1 June each year will be ineligible to enter into a Disease Elimination Conformity Agreement with the Management Agency for a minimum of 12 months.

The Management Agency will cancel Disease Elimination Agreements when a beekeeper fails to respond to reminders to complete their Annual Disease Return. These beekeepers will be required to complete a Certificate of Inspection and comply with all NPMP rules for a minimum of 12 months before they will be eligible to apply for a subsequent Disease Elimination Conformity Agreement.

2.2.3.3 Failure to complete a Certificate of Inspection

The Management Agency will complete default inspections of all beehives owned by the beekeeper when they fail to complete their Certificate of Inspection by 30 November each year. The cost of these inspections will be recovered from the beekeeper.

2.2.3.4 Failure to notify cases of AFB

Identification of beekeepers who are failing to notify all of their cases of AFB requires extensive use of inspection resources. The Management Agency uses information from honey surveillance and AFB notifications by other beekeepers to prioritise inspections and make more effective and efficient use of the inspection resources available.

Honey samples are collected from commercial beekeepers with a significantly lower reported incidence of AFB. Negative test results provide supporting evidence that these beekeepers are effectively eliminating AFB from their beehives. Positive test results may suggest that the beekeeper may not be notifying all cases of AFB and that follow-up apiary inspections are required.

AFB notifications are assessed to identify neighbouring apiaries that may be the source of disease. Where a cluster of notifications suggests that unmanaged disease may be present, the Management Agency will schedule inspections to identify the source apiary(s).

When inspections identify a high-risk beekeeping operation (authorised person inspection confirms clinical AFB in greater than or equal to 10% of a beekeeper's hives), the Management Agency will inspect all of the beekeeper's hives and ensure that all infected hives are destroyed. The cost of these actions is recovered from the beekeeper.

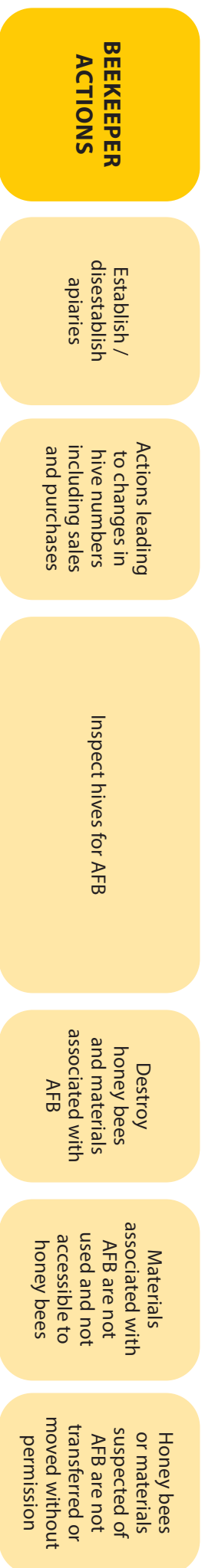
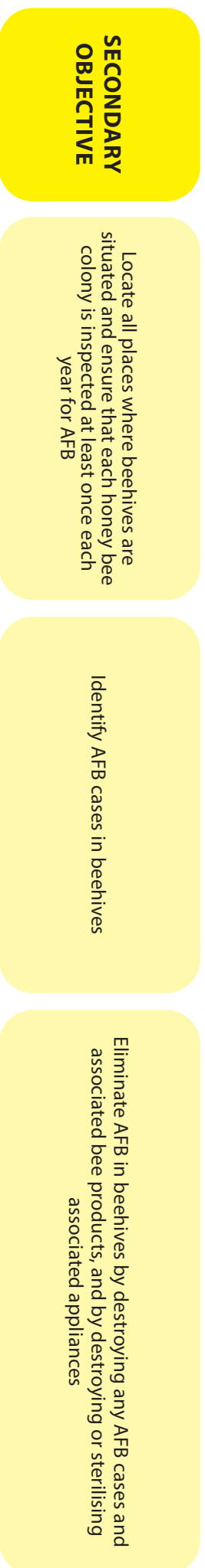
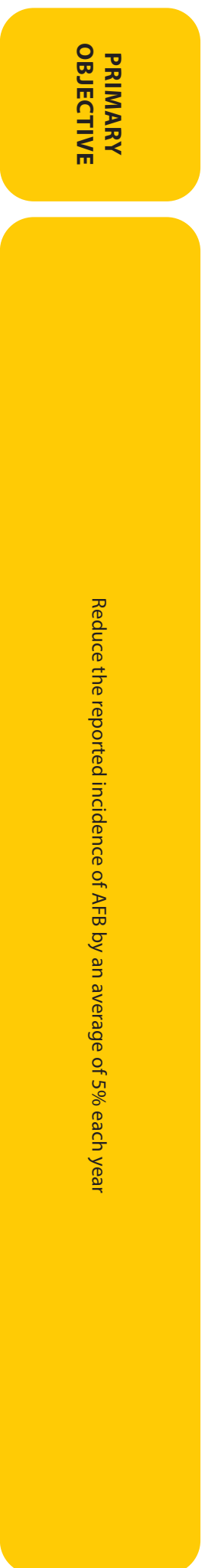


Figure 1. National American Foulbrood Pest Management Plan Elimination Framework.

3. MANAGEMENT AGENCY OPERATIONAL POLICIES

3.1 CLASSIFICATION OF BEEKEEPER COMPLIANCE STATUS

All registered beekeepers will be assigned a compliance status of either Pending, Compliant, Non-Compliant, or Suspended as follows:

Pending: The beekeeper has been continuously registered for a period of less than 12 months and no breaches of NPMP rules or Disease Elimination Conformity Agreement conditions have been identified by the Management Agency during this period.

Compliant: The beekeeper has been continuously registered for a period of greater than 12 months and no breaches of NPMP rules or Disease Elimination Conformity Agreement conditions have been identified by the Management Agency in the previous 12-month period.

Non-Compliant: The beekeeper is currently in breach of one or more NPMP rules or Disease Elimination Conformity Agreement conditions.

Suspended: The beekeeper has breached one or more NPMP rules or Disease Elimination Conformity Agreement conditions. The beekeeper resolved the breach less than 12 months ago and no breaches of NPMP rules or Disease Elimination Conformity Agreement conditions are currently outstanding.

3.2 MONITORING AND AUDITING

3.2.1 AFB notifications

The Management Agency will receive, assess and analyse beekeeper notifications of AFB to identify apiaries that may be a source of AFB infection to neighbouring apiaries. These apiaries will be prioritised for inspection.

3.2.2 Notification of suspected non-compliance

The Management Agency will receive notifications of suspected non-compliance and will prioritise reports for investigation based upon the credibility of the evidence provided, corroborating information that may be available, and the impact of the suspected non-compliance on NPMP objectives.

3.2.3 Honey surveillance

The Management Agency will use honey surveillance to confirm that beekeepers that notify significantly lower incidences of AFB have negligible levels of AFB in their beehives. Negative honey test results will provide evidence enabling the Management Agency to deprioritise apiaries owned by these beekeepers for AP2 inspection in the subsequent season. This will result in better use of AP2 resources/levy payer funds as significant levels of AFB are unlikely to be present in apiaries owned by these beekeepers.

3.2.4 Apiary surveillance

The Management Agency will use apiary surveillance to achieve the following objectives listed in priority order:

- to identify apiaries with high levels of unmanaged AFB that present a significant threat to the beehives owned by neighbouring beekeepers
- to investigate reports of suspected non-compliance with NPMP rules or Disease Elimination Conformity Agreement conditions
- to monitor the levels of American foulbrood in beehives owned by beekeepers holding a Disease Elimination Conformity Agreement.

Information received from AFB notifications, notifications of suspected non-compliance, honey surveillance, and previous apiary inspection findings will be used to prioritise apiaries for inspection.

All apiary inspection findings will be assessed to determine whether the level of AFB detected is consistent with good AFB elimination practice by Disease Elimination Conformity Agreement holders, and for compliance with NPMP rules and Disease Elimination Conformity Agreement conditions.



3.2.5 Certificate of Inspection

In August each year the Management Agency will notify all beekeepers without a Certificate of Inspection Exemption of the requirement to complete a Certificate of Inspection.

The Management Agency will assess the validity of Certificate of Inspection statements made by the beekeeper and the person inspecting honey bee colonies prior to accepting Certificates of Inspections. The Management Agency will communicate any matters of concern to the beekeeper and advise them of the outstanding requirements to complete their Certificate of Inspection.

If the beekeeper does not submit a valid Certification of Inspection by 15 December, the Management Agency will act on default to inspect their beehives under section 128 of the

Biosecurity Act 1993. The Management Agency will recover the cost of these inspections.

3.3 DESTRUCTION OF HONEY BEES AND MATERIAL ASSOCIATED WITH AFB

Management Agency Authorised Persons Level 1 (AP1s) will direct beekeepers to destroy honey bees and materials under section 122(1)(b) of the Biosecurity Act 1993 in the following circumstance:

- an authorised person has detected AFB in the beehive(s) directed to be destroyed.

Management Agency Authorised Persons Level 1 (AP1s) may direct beekeepers to destroy honey bees and materials under section 122(1)(b) of the Biosecurity Act 1993 to prevent spread of disease due to one or more of the following circumstances:

- the authorised person reasonably suspects that the beekeeper has not complied with clause 28 of the NPMP requiring them to destroy honey bees and materials associated with AFB within seven days, or sterilised materials as may be permitted by their Disease Elimination Conformity Agreement
- the authorised person reasonably suspects the beekeeper has not complied with clause 29 of the NPMP requiring them to ensure that materials associated with AFB are not accessible to honey bees
- high-risk beekeeping operations (see 3.4) where an authorised person reasonably suspects that used appliances are associated with cases of AFB
- the authorised person reasonably suspects the beekeeper has engaged in practices such as “shook swarming” that may mask the presence of AFB in the beehives directed to be destroyed
- the level of AFB in an apiary is high and the hives not showing clinical symptoms of disease are believed to harbour AFB and are expected to display clinical symptoms within the next six months.

An authorised person may, but is not required to use laboratory tests to assist their decision.

When determining the scope of the materials included in the s122(1)(b) direction to destroy, the authorised person will consider whether the traceability system operated by the beekeeper and associated records are sufficient to reliably differentiate between materials from infected and uninfected beehives.

If the beekeeper does not comply with the direction, the Management Agency will act on default to destroy the honey bees and materials subject to the direction under section 128 of the Biosecurity 1993. The Management Agency will maintain records of the honey bees and materials destroyed. The Management Agency will recover the costs of acting on default from the beekeeper.



3.4 HIGH-RISK BEEKEEPING OPERATIONS

A beekeeping operation will be classified as high risk if inspection of their beehives by an authorised person confirms clinical AFB in greater than or equal to 10% of a beekeeper's hives and at least three AFB cases are detected. Beehives owned by these beekeepers pose a high AFB risk to the hives owned by neighbouring beekeepers.

Management Agency AP1s may declare one or more apiaries in a high-risk beekeeping operation to be a Restricted Place under section 130 of the Biosecurity Act 1993.

The Management Agency will modify its approach to compliance and enforcement depending on whether the beekeeper has entered into a Disease Elimination Conformity Agreement with the Management Agency or is subject to a section 122(1)(c) Biosecurity Act 1993 direction to take steps to prevent the spread of AFB.

3.4.1 Beekeepers with a Disease Elimination Conformity Agreement

When the Management Agency reasonably suspects that a beekeeping operation meets the criteria to be classified as a high-risk beekeeping operation, the Management Agency will assess the beekeeper's compliance with their Disease Elimination Conformity Agreement. If non-compliances with their Disease Elimination Conformity Agreement are identified, the Management Agency will:

- act on default of the beekeeper's Disease Elimination Conformity Agreement under section 128 of the Biosecurity Act 1993
 - ↳ to inspect all hives owned by the beekeeper and
 - ↳ either destroy or supervise the destruction of all beehives and associated materials found to be infected with clinical AFB
- assign the beekeeper's compliance status to 'Non-Compliant'
- revoke the beekeeper's Certificate of Inspection Exemption and cancel their Disease Elimination Conformity Agreement with the Management Agency.

The Management Agency will assess the risk that beekeeping appliances and bee products in storage are associated with cases of AFB and will follow policy 3.3 Destruction of beehives and material associated with AFB.

The Management Agency will continue to act on default for a minimum of a further three inspections of all hives owned by the beekeeper for an 18-month period. At the conclusion of this period, the Management Agency will assess whether the beekeeper's AFB elimination practices have sufficiently improved such that their beehives no longer present a high AFB risk to beehives owned by neighbouring beekeepers. The Management Agency will consider:

- the incidence of AFB notified by the beekeeper
- the incidence of AFB found by authorised person inspection
- the ratio of AFB notified by beekeeper to AFB found by authorised person
- evidence of effective changes in management practices to reduce the spread of AFB.

The Management Agency will set the beekeeper compliance status to 'Suspended' should the Management Agency determine that their beehives no longer present a high AFB risk to beehives owned by neighbouring beekeepers. Management Agency actions on default will cease at this time also.

The Management Agency will continue to act on default beyond 18 months, should the beehives owned by the beekeeper continue to present a high risk to beehives owned by neighbouring beekeepers.

The Management Agency will recover the costs of acting on default from the beekeeper.

3.4.2 Beekeepers subject to a section 122(1)(c) direction to take steps to prevent the spread of AFB

The Management Agency will monitor beekeepers compliance with section 122(1)(c) Biosecurity Act 1993 directions to prevent the spread of AFB. If non-compliances with the section 122(1)(c) direction are identified, the Management Agency will:

- act on default of the section 122(1)(c) direction under section 128 of the Biosecurity Act 1993:
 - ↳ to inspect all hives owned by the beekeeper and
 - ↳ either destroy or supervise the destruction of all beehives and associated materials found to be infected with clinical AFB.

The Management Agency will assess the risk that beekeeping appliances and bee products in storage are associated with cases of AFB and will follow policy 3.3 Destruction of beehives and material associated with AFB.

The Management Agency will continue to act on default for a minimum of a further three inspections of all hives owned by the beekeeper for an 18-month period. At the conclusion of this period, the Management Agency will assess whether the beekeeper's AFB elimination practices have sufficiently improved that their beehives no longer present a high AFB risk to beehives owned by neighbouring beekeepers. The Management Agency will consider:

- the incidence of AFB notified by the beekeeper
- the incidence of AFB found by authorised person inspection
- the ratio of AFB notified by beekeeper to AFB found by authorised person
- evidence of effective changes in management practices to reduce the spread of AFB.

The Management Agency will set the beekeeper compliance status to 'Suspended' should the Management Agency determine that their beehives no longer present a high AFB risk to beehives owned by neighbouring beekeepers. Management Agency actions on default will cease at this time also.

The Management Agency will continue to act on default beyond 18 months should the beehives owned by the beekeeper continue to present a high risk to beehives owned by neighbouring beekeepers.

The Management Agency will recover the costs of acting on default from the beekeeper.

3.4.3 Other beekeepers

When the Management Agency reasonably suspects that a beekeeping operation meets the criteria to be classified as a high-risk beekeeping operation but does not have a Disease Elimination Conformity Agreement with the Management Agency and is not subject to a section 122(1)(c) Biosecurity Act 1993 direction, the Management Agency will:

- inspect all hives owned by the beekeeper and
- serve a section 122(2) Biosecurity Act 1993 direction directing the beekeeper to destroy all beehives and associated materials found to be infected with clinical AFB.
 - The Management Agency will monitor the destruction by the beekeeper and will act on default under section 128 of the Biosecurity Act should the beekeeper fail to comply with the direction. The Management Agency will recover the cost of acting on default.

The Management Agency will assess the risk that beekeeping appliances and bee products in storage are associated with cases of AFB and will follow policy 3.3 Destruction of beehives and material associated with AFB.

Should inspection of all hives confirm that the beekeeping operation meets the criteria to be classified as a high-risk beekeeping operation, the Management Agency AP1 will set their compliance status to 'Non-Compliant' and serve a section 122(1)(c) Biosecurity Act 1993 direction to take steps to prevent the spread of AFB. The direction will specify:

- the AFB inspection methods, including the timing and number of inspections
- the systems to record the time of inspections, the results of inspection and the actions to destroy AFB cases and associated bee products and materials
- the systems used to record movement of bee products and appliances in and out of an apiary, and
- methods to sterilise and disinfect appliances used to inspect beehives.

3.5 UNREGISTERED APIARIES

The Management Agency will investigate reports of suspected unregistered apiaries. When review of apiary register records fails to confirm the presence of a registered apiary at that geolocation, the Management Agency AP1 will arrange for the apiary to be inspected.

Should the Management Agency AP1 reasonably suspect that beehives or other materials in this apiary harbour AFB and no readily identifiable owner can be identified after making enquiries that are reasonable in the circumstances, the AP1 will arrange for the affected hives to be seized and destroyed under section 119 of the Biosecurity Act 1993.

Should the Management Agency AP1 not have reasonable reason to suspect that all of the beehives or other materials present in the apiary harbour AFB, then the AP1 will make reasonable attempts to identify the owner of the beehives by:

- making inquiries, including inquiries of the occupier of the place where the beehives are situated, and
- fixing one weatherproof notice to one of the beehives instructing the owner to notify the Management Agency of that place as an apiary within 30 days of the date of the notice.

Should the owner of the beehives be identified within 30 days of the date of the notice fixed to one of the beehives, they will be directed to register the apiary under section 122(2) of the Biosecurity Act.

Should the identified owner of the beehives fail to register the apiary within 30 days of the notice fixed to one of the beehives, then the Management Agency will act on default to register the apiary under section 128 of the Biosecurity Act 1993.

Should the owner of the beehives not be identified within 30 days of the date of the notice fixed to one of the beehives and the apiary is unregistered, the Management Agency AP1 may destroy the beehives and all honey bees, bee products, and appliances associated with those beehives. The AP1 will maintain records of:

- all beehives and associated matter destroyed
- the actions taken to identify the owner of the beehives and associated matter before their destruction.



3.6 EXEMPTIONS AND CONSENTS

Clauses 30 and 31 of the NPMP provide the Management Agency and its authorised persons with authority to provide exemptions and consents from the obligations of clauses 28, 29 and 31 of the NPMP (Prohibition on dealings with materials associated with AFB, Exemptions for research education and training, Dealing in products from honey bee colony with AFB).

The Management Agency and its authorised persons will not consider applications for exemptions or consents for honey bees and materials that are known or suspected to harbour AFB where the purpose of the exemption or consent is to:

- permit AFB to be in a place where honey bees are offered for sale or exhibited
- sell or offer honey bees and materials for sale
- propagate breed or multiply AFB.

Persons requiring a permit to undertake these activities require a section 53 Biosecurity Act 1993 permit from a Ministry of Primary Industries Chief Technical Officer. Persons with a section 53 permit do not require an exemption or consent from the Management Agency.

The Management Agency will consider applications for exemptions or consents other than for the purposes listed above. Persons granted an exemption or consent provided under clauses 30 and 31 NPMP are exempted from the requirements of section 52 of the Biosecurity Act 1993.

3.6.1 Exemption from obligation to keep bees in moveable frame hives

The Management Agency Authorised Person Level 1 (AP1) may exempt a person from the obligation to keep bees in moveable frame hives where that person has applied in writing for an exemption and the exemption is required for one or more of the following purposes:

- scientific research
- rearing of queen honey bees
- packages of honey bees for stocking beehives
- public display.

The exemption must be given in writing, must specify the period of time for which the exemption applies, and may specify conditions on which the exemption is granted.

3.6.2 Exemption for research education and training

The Management Agency may, by notice in writing, exempt any person from the following obligations:

- to destroy honey bees and materials associated with cases of AFB
- prohibition on dealing in materials associated with AFB
- prohibition on dealing with products from a honey bee colony with AFB

for the purpose of AFB research, education, or training for a period of up to 12 months. The Management Agency may include conditions as the Management Agency thinks fit.

The Management Agency may grant an exemption only if, in the opinion of the Management Agency, the exemption will not allow the exposure or spread beyond the area specified in the exemption.

The Management Agency may at any time withdraw or amend the exemption if the Management Agency is satisfied on reasonable grounds:

- that the conditions on which the exemption was granted have been breached; or
- that the exemption is resulting, is likely to result, or has resulted in the exposure or spread of AFB American foulbrood beyond the area specified in the exemption; or
- at the request of the holder of the exemption.

3.6.3 Consent to deal with products from honey bee colony with AFB

The Management Agency AP1 may provide written consent for a person to remove from the place where they are situated, any honey bees, bee products, or appliances associated with a case of AFB.

The Management Agency AP1 may only grant consent if in their opinion there is unlikely to be any significant risk of exposure or spread of AFB by the actions authorised in the consent.

3.7 ALLOCATION OF BEEKEEPER IDENTIFICATION CODE

When a beekeeper first notified a place to the Management Agency as an apiary, the Management Agency will give the beekeeper written notice of their Beekeeper Registration code.

3.8 REGISTER OF APIARIES

The Management Agency will keep and maintain a register of all apiaries notified to the Management Agency. The Management Agency will ensure that notifications of apiaries by beekeepers includes the following information before the apiary is registered:

- name and address of beekeeper
- number of honey bee colonies in the apiary
- name and initial of the occupier of the place where the apiary is situated
- road name and address of the place where the apiary is situated
- a written description of the location of the apiary
- the XY coordinates of the apiary
- whether it is a permanent or seasonal apiary.

3.9 ANNUAL DISEASE RETURNS

In April each year the Management Agency will notify all beekeepers of the requirement to complete and send an Annual Disease Return to the Management Agency by 1 June. The Management Agency will specify and provide beekeepers with the electronic and/or paper form for submission. The information required by the form includes:

- the number of honey bee colonies in beehives owned by that beekeeper
- the location of each beehive where an AFB case was found and the dates in which those cases were discovered
- the dates on which the ownership of any beehives was transferred to or from the beekeeper and, in each case, the number of beehives transferred and the name and address of the transferee and transferor
- any changes to the apiary notification information.

The Management Agency will assess the validity of Annual Disease Return statements made by the beekeeper prior to accepting the Annual Disease Return. The Management Agency will communicate any matters of concern to the beekeeper and advise them of the outstanding requirements to complete their Annual Disease Return.

3.10 APPROVED INSPECTION METHODS

The approved inspection method for persons inspecting honey bee colonies for Certificates of Inspection is a full-frame visual inspection of every frame of brood after shaking off the bees.

The preferred inspection method for persons listed responsible for disease management in a Disease Elimination Conformity Agreement is for full-frame visual inspection of every frame of brood after shaking off the bees. The Management Agency may, at its discretion, agree to inspection of a reduced number of frames per honey bee colony.

3.11 DISEASE ELIMINATION CONFORMITY AGREEMENTS AND CERTIFICATE OF INSPECTION EXEMPTIONS

The NPMP rules specify the minimum levels of AFB elimination practice required of all New Zealand beekeepers. Beekeepers who have entered into a Disease Elimination Conformity Agreement with the Management Agency have agreed to eliminate AFB from their beehives by undertaking the procedures as specified in the agreement. In return for this commitment, the Management Agency provides an exemption from the Certificate of Inspection requirements and may allow the beekeeper to salvage appliances by sterilisation.

The Management Agency policies for the agreement, amendment and cancellation of Disease Elimination Conformity Agreements and the granting and revocation of Certificate of Inspection Exemptions are specified below:

3.11.1 Entry into Disease Elimination Conformity Agreement

The Management Agency may enter into a Disease Elimination Conformity Agreement with a beekeeper if:

- the beekeeper has passed the AFB recognition test, and
- the beekeeper has a compliance status of 'Compliant' (i.e. continuously registered for a period of greater than 12 months and no breaches have been identified in the preceding 12 months), and
- the beekeeper does not have any overdue levy or cost recovery invoices, and
- the beekeeper has completed a Certificate of Inspection in the preceding 1 August to 30 November period, and
- the persons named in the agreement as responsible for disease management have passed the AFB recognition test, and
- the Management Agency is satisfied that:
 - the practices and procedures set out in the agreement are sufficient to reduce or maintain at zero the overall rate of AFB cases in beehives owned by the beekeeper
 - the beekeeper is likely to implement the practices and procedures set out in the agreement
 - the persons named in the agreement are suitable persons to supervise or carry out the practice and procedures specified in the agreement.

The Disease Elimination Conformity Agreement must specify:

- the methods to be used for the inspection of honey bee colonies for American foulbrood; and
- the number of inspections to be carried out each year; and
- the times during the year when the inspections will be carried out; and
- the systems to be used to record the time of inspections, the results of inspections, and the actions taken in respect of American foulbrood cases and associated bee products and appliances; and
- the systems to be used to record movements of appliances and bee products in and out of an apiary; and
- the methods to be used to destroy American foulbrood cases and associated appliances and bee products, including, where necessary, the movement of such cases, appliances, and bee products; and
- the methods to be used to sterilise appliances salvaged in relation to any American foulbrood case; and
- the methods to be used to sterilise appliances used in inspecting honey bee colonies for American foulbrood; and
- the name of the natural persons who are:
 - responsible for disease management; and
 - responsible for liaising with the Management Agency in relation to the agreement.

The Disease Elimination Conformity Agreement must require the destruction of American foulbrood cases and associated bee products.

The Management Agency will grant a Certificate of Inspection Exemption to beekeepers who have entered into a Disease Elimination Conformity Agreement.

3.11.2 Amendment of Disease Elimination Conformity Agreement by Management Agency

The Management Agency may, at any time by written notice to a beekeeper, amend a Disease Elimination Conformity Agreement if, following consultation with the beekeeper, the Management Agency is satisfied on reasonable grounds that the overall annual rate of AFB in beehives owned by the beekeeper is:

- not zero and not decreasing; or
- not zero and not likely to decrease unless the amendment is made.

The written notice must specify the decision and the reasons for the decision.

3.11.3 Cancellation of Disease Elimination Conformity Agreement by Management Agency

The Management Agency may cancel the Disease Elimination Conformity Agreement with a beekeeper at any time if:

- the beekeeper's beekeeping operation is confirmed as a 'high-risk beekeeping operation', or
- the beekeeper has failed to comply with a section 122(2) Biosecurity Act 1993 direction from an authorised person to comply with a NPMP rule, or
- the beekeeper is reasonably suspected of making a false statement on another beekeeper's Certificate of Inspection
- the beekeeper has a compliance status of 'Non-Compliant' and one or more subsequent breaches of their Disease Elimination Conformity Agreement or NPMP rules are identified, or
- the beekeeper has three or more separate breaches of their Disease Elimination Conformity Agreement and/or NPMP rules within a 12-month period.

The Management Agency will provide written notice to the beekeeper specifying the decision and the reasons for the decision.

The Certificate of Inspection Exemption will be revoked at the same time as the Disease Elimination Conformity Agreement is cancelled.



4. PERFORMANCE MEASURES

- 4.1 The annual reported incidence of AFB.
- 4.2 The number of beekeepers attending and passing AFB Recognition Courses.
- 4.3 The number of beekeepers attending AFB Refresher Courses.
- 4.4 The number of unregistered apiaries identified.
- 4.5 The percentage of Annual Disease Returns submitted by 1 June.
- 4.6 The percentage of Certificates of Inspection submitted by 15 December.
- 4.7 The percentage of AFB positive honey samples from beekeeping operations with a very low reported incidence of AFB.
- 4.8 The number of high-risk beekeeping operations identified.

5. BUDGET

The NPMP is currently funded through a levy under section 100L of the Biosecurity Act 1993 set at \$40 per beekeeper and \$1.70 per colony. This provides a budget of approximately \$1.8 million to implement the NPMP.

The AFB Recognition and Refresher Courses budget of approximately \$100,000 is funded through course registration fees.

There is no budget for Management Agency actions on default under section 128 of the Biosecurity Act 1993. The Management Agency will invoice beekeepers to recover AP2 and third-party contractor service costs and expenses. These invoices that are not paid within 90 days of the due date will be passed on to a debt collection agency for collection.



6. LEGAL FRAMEWORK

There are two Orders in Council that provide the legal framework for implementing the NPMP. These regulations are made pursuant to the Biosecurity Act 1993:

- the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998
- the Biosecurity (American Foulbrood – Beekeeper Levy) Order 2003.

The Biosecurity (National American Foulbrood Pest Management Plan) Order 1998 establishes:

- the objectives of the NPMP
- beekeeper obligations for eliminating AFB
- Management Agency responsibilities for implementing the NPMP
- powers that either the Management Agency or an authorised person can use to implement the NPMP
- offenses and penalties.

The Biosecurity (American Foulbrood – Beekeeper Levy) Order 2003 establishes a:

- beekeeper levy of up to \$40 per beekeeper
- apiary levy of up to \$2.55 per colony.

Section 100B of the Biosecurity Act 1993 sets out the operational plan requirements of the Management Agency to:

- prepare an operational plan
- review the operational plan annually and make amendments if necessary
- report on the operational plan and its implementation.

6.1 EXERCISE OF POWERS BY MANAGEMENT AGENCY AND BY AUTHORISED PERSONS

The NPMP establishes the powers that can be exercised to implement the NPMP. These powers are conferred on either the Management Agency or authorised persons.

The Management Agency can exercise power to:

- act on default (section 128 of the Biosecurity Act 1993)
- declare a controlled area (section 131 of the Biosecurity Act 1993)
- recover costs (section 135 of the Biosecurity Act 1993)
- address failure to pay (section 136 of the Biosecurity Act 1993).

Authorised Persons Level 1 (AP1) can exercise:

- obligation to supply of information (clause 10 of NPMP)
- power to destroy beehives posing risk (clause 25 of NPMP)
- power to require assistance (section 106 of the Biosecurity Act 1993)
- power of inspection (section 109 of the Biosecurity Act 1993)
- power to seize abandoned goods (section 119 of the Biosecurity Act 1993)
- power to examine organisms (section 121 of the Biosecurity Act 1993)
- power to give directions (section 122 of the Biosecurity Act 1993)
- power to declare a restricted place (section 130 of the Biosecurity Act 1993).

Authorised Persons Level 2 (AP2) can exercise:

- power of inspection (section 109 of the Biosecurity Act 1993)
- power to examine organisms (section 121 of the Biosecurity Act 1993).

Authorised Persons are appointed, at the request of the Management Agency by a Chief Technical Officer within the Ministry for Primary Industries. Appointees must have appropriate experience, technical competence and relevant qualifications.

The Management Agency intends to limit the appointment of AP1s to personnel that are employees of the Management Agency. The Management Agency will seek the appointment of sufficient beekeepers as AP2s to provide the capacity and geographic coverage to manage the inspection of apiaries.



6.2 OFFENCES AND PENALTIES

Offences and corresponding penalties are set out in sections 154 and 157 of the Biosecurity Act 1993. A summary of these is provided in Table 1 below.

OFFENCE	PENALTY UPON CONVICTION
Breach of clauses 10, 11, 13, 14, 15, 20, 21, 22, 24, 26, 27, 29, 31, 32, or 33 in the NPMP	<ul style="list-style-type: none"> in the case of a person, a fine not exceeding \$5,000 in the case of a corporation, a fine not exceeding \$15,000
Failure to comply with a direction from an authorised person	<ul style="list-style-type: none"> in the case of a person, to imprisonment for a term not exceeding 3 months, a fine not exceeding \$50,000 or both in the case of a corporation, a fine not exceeding \$100,000
Failure to submit beehives for inspection as specified in a written notice	<ul style="list-style-type: none"> in the case of a person, a fine not exceeding \$5,000 in the case of a corporation, a fine not exceeding \$15,000
Knowingly communicating, releasing or spreading AFB except in accordance with the NPMP	<ul style="list-style-type: none"> in the case of a person, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both in the case of a corporation, a fine not exceeding \$200,000
Selling or offering for sale beehives that are known or suspected of AFB infection	<ul style="list-style-type: none"> in the case of a person, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both in the case of a corporation, a fine not exceeding \$200,000
Threatening, assaulting, or intentionally obstructing or hindering an authorised person	<ul style="list-style-type: none"> in the case of a person, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both in the case of a corporation, a fine not exceeding \$200,000
Either: <ul style="list-style-type: none"> knowingly making statements or giving information known to be false or misleading, or wilfully withholding information, or knowingly making false or misleading returns and declarations 	<ul style="list-style-type: none"> in the case of a person, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both in the case of a corporation, a fine not exceeding \$200,000
Impersonates or falsely represents himself or herself to be an authorised person	<ul style="list-style-type: none"> in the case of a person, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both in the case of a corporation, a fine not exceeding \$200,000
Failure to comply with a restricted place notice	<ul style="list-style-type: none"> in the case of a person, to imprisonment for a term not exceeding 5 years, a fine not exceeding \$100,000 or both in the case of a corporation, a fine not exceeding \$200,000

Table 1. Summary of offences and corresponding penalties under the Biosecurity Act 1993, for serious cases of failure to comply with the NPMP.



THE MANAGEMENT AGENCY
NATIONAL AMERICAN FOULBROOD
PEST MANAGEMENT PLAN



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