



THE MANAGEMENT AGENCY
NATIONAL AMERICAN FOULBROOD
PEST MANAGEMENT PLAN



AFB PMP CONSULTATION ROUND 3

What we heard

REVIEW OF THE NATIONAL AMERICAN FOULBROOD PEST MANAGEMENT PLAN

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THE CONSULTATION PROCESS

Between June 2021 and September 2022, three rounds of consultation were conducted on what, if any, new plan rules or powers are needed in the National American Foulbrood Pest Management Plan (AFB PMP).

Consultation Round 1
June – July 2021 (complete)

Beekeepers were invited to share their ideas on the AFB PMP via submission.

Consultation Round 2
November – December 2021 (complete)

We used your input from Round 1 to propose major changes to the AFB PMP. We informed, engaged and consulted with beekeepers on issues and opportunities. We sought your feedback via online submission.

Consultation Round 3
August – September 2022 (complete)

Your Round 2 feedback enabled us to propose detailed changes to the AFB PMP. We informed, engaged, and consulted with beekeepers on the proposed changes. We then sought your feedback via online submission.

WHAT HAPPENS NEXT?

The Management Agency has submitted the proposal to the Minister for Biosecurity. The Minister will consider whether the proposal meets the requirements specified by the Biosecurity Act 1993 before amending the current plan order.

The Management Agency expects that the new plan order will be made in 2024.

SUMMARY

Thank you to all the beekeepers that participated in the third round of consultation for the future of the National American Foulbrood Pest Management Plan (AFB PMP). Special thanks to the 289 beekeepers that made submissions.

Most submissions supported the proposal to strengthen the AFB PMP by adding 4 new rules, amending 8 existing rules and adding 2 new powers. These changes will ensure that:

- all beehive locations are notified as apiaries
- all beehives are inspected at least once a year by a competent person
- all honey bees, bee products, and appliances associated with AFB are destroyed
- Disease Elimination Conformity Agreement (DECA) holders eliminate AFB from their beehives, and
- The Management Agency has access to the information and powers required to monitor beekeepers compliance with their elimination obligations and to take enforcement actions where appropriate.

Having considered beekeeper submissions, The Management Agency intends to strengthen the AFB PMP by proceeding with all proposed amendments except for the following changes:

- Redrafting the proposed new rule requiring diagnostic laboratories to provide AFB test results into two separate rules
- Removing the proposed higher infringement fines for corporations and changing to a single fine rate.

You can find further details regarding The

Management Agency's consideration of submissions for these proposed rules set out below.

A full summary of all proposed changes to the AFB PMP is presented on pages 6-7 of this document.

Most submissions, 71%, agreed with requiring diagnostic laboratories to provide AFB test results. Diagnostic laboratories also agreed with the provision of AFB test results. However, they also highlighted challenges modifying their Laboratory Information Management Systems and providing correct beekeeper information.

In response to this feedback, The Management Agency decided that the proposed rule should be replaced with two rules, these being the:

1. requirement for sample submitters to identify samples submitted to laboratories for AFB testing, and
2. requirement for laboratories to provide AFB test results

These proposed rules will ensure that The Management Agency has access to the required AFB test results and will:

- minimise the effort required by sample submitters, as they will be required to label samples with information that is readily available to them, and
- minimise the impact on laboratories by leveraging the sample identification fields in their existing Laboratory Information Management Systems and sample submission forms

Most submissions, 57% to 64%, agreed with the introduction of infringement fines for breaches of the following plan rules:

- Prohibition on keeping bees in place other than an apiary
- Obligation to keep bees in moveable frame hives
- Certificate of Inspection
- Annual Disease Return.

However, submitters also sought clarification of the definition of the term 'corporation' and the rationale for the differing fine amounts for individuals and corporations.

In response to this feedback, The Management Agency clarified the definition of a corporation used by the Biosecurity Act 1993, and considered that it was too ambiguous* to enable consistent and transparent implementation of infringement fines.

The Management Agency also considered that the additional fines proposed for corporations would not provide additional deterrence from non-compliance. Large commercial beekeepers, including corporations, would be more effectively deterred from non-compliance through The Management Agency's current ability to cancel DECA's in response to non-compliance with plan rules.

In response to these considerations The Management Agency decided to propose the same fine amount for both corporations and individuals, and that the size of the fines should be as was proposed for individuals. Further consideration of submissions on the proposed new rules for diagnostic laboratories and infringement fines are described on page 12-14 of this document.

WANT TO KNOW MORE?

A detailed analysis of submissions, including our full response and a copy of the finalised proposal submitted to the Minister can be found here:

afb.org.nz/review-of-plan-order

*CORPORATION DEFINITION

The Biosecurity Act 1993 defines corporation as "a body of persons, whether incorporated or not, and whether established in New Zealand or elsewhere."

SUMMARY OF PROPOSED CHANGES TO PLAN ORDER

Clause	Proposed amendment	
1	Title and commencement	No change
2	Interpretation	Add definition of an employee beekeeper as a person employed or contracted by a beekeeper who undertakes honey bee husbandry procedures
3	National American Foulbrood Pest Management Plan	No change
4	Pest	Update to reflect change in the scientific name of the organism that causes AFB from <i>Paenibacillus larvae</i> to <i>Paenibacillus larvae</i>
5	Objectives of the plan	No change
6	The Management Agency	No change
6A	Overview of obligations of The Management Agency and beekeeper	No change
7	Term of plan	Propose to extend the term of the plan for another ten years
8	Powers used to implement plan	Add General powers, and Use of dogs and devices
9	Plan rules	No change
10	Obligation to supply information	No change
New Rule	Requirement to identify samples submitted to laboratories for AFB testing	Requires sample submitters to identify samples and keep records so that AFB test results can be traced back to the source beekeepers and apiaries
New Rule	Requirement for laboratories to provide AFB test results	Requires diagnostic laboratories to provide all AFB test results to The Management Agency
11	Obligations to keep honey bees in moveable-frame hives	Change to an infringement offense
12	Exemption from obligation to keep honey bees in moveable-frame hives	No change
13	Access to beehives	No change
14	Restrictions on use of drugs	No change
15	Prohibition on keeping bees in place other than apiary	Change to infringement offense
17	Place may be notified as apiary	No change
18	Seasonal apiaries	No change

19	Allocation of identification code	Change to allow The Management Agency to issue beekeeper registration number prior to registration of first apiary
20	Marking of apiaries	Remove redundant subclause 2b
21	Removal of identification code	No change
22	Use of marks similar to identification code	No change
23	Register of apiaries	No change
24	Place ceasing to be an apiary	No change
25	Destruction of beehives posing risk	No change
26	Notification of American foulbrood	No change
27	Annual Disease Return	Change to require provision of beekeeper registration numbers when beekeepers notify beehives transfers; and change to an infringement offense
New Rule	Notification of beehive transfer	Requires beekeepers to notify transfer of beehives within 14 days.
28	Obligation of beekeeper to destroy honey bees and materials	Change to make it an offense to breach this rule
29	Prohibition of dealings with materials associated with American foulbrood	No change
30	Exemptions for research, education and training	No change
31	Dealing with products from honey bee colony with American foulbrood	No change
32	Certificate of Inspection	Change to an infringement offense
33	Statement by person inspecting honey bees	No change
34	Obligation to notify beekeeper of American foulbrood case	No change
35	Obligation to specify approved methods	No change
36	Certificate of Inspection Exemption	No change
37	Disease Elimination Conformity Agreement	No change
New Rule	Training of employee beekeepers	Requires employee beekeepers to: <ul style="list-style-type: none">• Pass a recognised course in AFB recognition prior to or within 6 months of commencing employment, and• Complete refresher training every 5 years
38	Amendment of Disease Elimination Conformity Agreement by management agency	No change
39	Review of Certificate of Inspection Exemption	Change to allow Certificate of Inspection Exemption to be revoked if a DECA holder does not comply with: <ul style="list-style-type: none">• 5 yearly refresher training requirements, or• Employee beekeeper training requirements
New Rule	Transitional provisions for Review of Certificate of Inspection Exemption	Provides a 2-year transition period for DECA holders to comply with new training requirements
40	Inspection and audits	No change
41	Funding of plan	No change
42	Compensation	No change

SUMMARY OF SUBMITTER SUPPORT FOR PROPOSED CHANGES




The below summary references the level of beekeeper support for each of the changes proposed to the AFB PMP during the third round of consultation. These results are the outcome of beekeepers having their say throughout this consultation process by providing their feedback via submission.




Principal Measure 1All beehive locations are notified as an apiary		
New & amended rules	What was the proposed change?	Level of support for proposed change
Prohibition on keeping bees in place other than an apiary	The requirement for beekeepers to register apiaries within 30 consecutive days of beehives being situated in that place remains unchanged. However, the penalty for breach of this rule will be an infringement fine of \$400 for an individual or \$800 for a corporation	<div><div>✔</div>60% agreed</div> <div><div>✖</div>26% disagreed</div> <div><div>○</div>14% neutral</div>
Allocation of identification code	New beekeepers can apply for a beekeeper registration number before registering their first apiary. This will make it easier for the beekeeper that supplied them with the beehives to meet the proposed new requirement to notify the transfer of beehives within 14 days	<div><div>✔</div>83% agreed</div> <div><div>✖</div>6% disagreed</div> <div><div>○</div>11% neutral</div>




Principal Measure 2All beehives are inspected at least once per year by a competent person		
New & amended rules	What was the proposed change?	Level of support for proposed change
Obligation to keep honey bees in moveable-frame hives	The requirement to keep bees in moveable frame hives to facilitate inspection for AFB remains unchanged. However, should beekeepers fail to keep bees in moveable frame hives after being directed to do so then The Management Agency may impose an infringement fine of \$400 for an individual person or \$800 for a corporation	<div><div>✔</div>64% agreed</div> <div><div>✖</div>22% disagreed</div> <div><div>○</div>14% neutral</div>
Certificate of Inspection (COI)	The requirement for beekeepers without a COI Exemption to complete an annual COI remains. However, should beekeepers fail to complete a COI after being notified that they are in breach of their COI obligations The Management Agency may impose an infringement fine of \$400 for an individual or \$800 for a corporation	<div><div>✔</div>59% agreed</div> <div><div>✖</div>25% disagreed</div> <div><div>○</div>16% neutral</div>
Principal Measure 4All honey bees, bee products, and appliances associated with AFB are destroyed; and other actions are undertaken to prevent the spread of AFB		
New & amended rules	What was the proposed change?	Level of support for proposed change
Obligation of beekeeper to destroy honey bees and materials	The requirement to destroy all honey bees, bee products, and appliances associated with a case of AFB within 7 days remains unchanged. However, beekeepers that fail to comply with this requirement may be prosecuted for this offence	<div><div>✔</div>77% agreed</div> <div><div>✖</div>11% disagreed</div> <div><div>○</div>12% neutral</div>




Principal Measure 5 DECA holders make a legal commitment to eliminate AFB from their beehive




New & amended rules	What was the proposed change?	Level of support for proposed change
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Training of employee beekeepers	Employers are required to ensure that all employee beekeepers employed or contracted by them have passed a recognised AFB recognition course before the initiation of their employment or within 6 months of the initiation of their employment	 84% agreed
		 12% disagreed
		 4% neutral

	Employers are required to ensure that all employee beekeepers attend a recognised AFB refresher Course once every 5 years	 76% agreed
		 13% disagreed
		 11% neutral

	Employers must keep the following employee beekeeper records for two years and make them available to The Management Agency within 7 days of receiving a request: • Their dates of employment • Their AFB training records	 72% agreed
		 14% disagreed
		 14% neutral




Review of COI Exemption	Any DECA holder who does not complete a recognised AFB refresher course every 5 years may have their DECA cancelled	 57% agreed
		 27% disagreed
		 16% neutral




	Any DECA holder who does not ensure their employee beekeepers meet the new training requirements may have their DECA cancelled	 60% agreed
		 24% disagreed
		 17% neutral




Transitional provisions for Review of COI Exemption	DECA holders have two years to comply with the new AFB training requirements from the time the new AFB PMP takes effect	 71% agreed
		 16% disagreed
		 13% neutral




Principal Measure 6 The Management Agency monitors beekeeper compliance with their elimination obligations and undertakes enforcement actions when appropriate

New & amended rules	What was the proposed change?	Level of support for proposed change
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Requirement for laboratories to provide all AFB test results	Persons in charge of diagnostic laboratories are required to provide The Management Agency with all AFB testing results and contact details for the submitter and the beekeeper	 71% agreed
		 20% disagreed
		 9% neutral

Notification of beehive transfer	Beekeepers are required to notify The Management Agency of beehive transfers within 14 days of the transfer taking place	 73% agreed
		 15% disagreed
		 12% neutral

Annual Disease Return (ADR)	The requirement to submit an ADR by 1 June each year remains unchanged. However, beekeepers will now be required to provide beekeeper registration numbers when notifying beehive transfers	 82% agreed
		 8% disagreed
		 10% neutral

	Should a beekeeper fail to complete an Annual Disease Return (ADR) after being notified that they are in breach of their ADR obligations, then the penalty will be an infringement fine of \$200 for an individual or \$400 for a corporation	 57% agreed
		 25% disagreed
		 18% neutral

SUMMARY OF THE MANAGEMENT AGENCY RESPONSE

Laboratories to provide AFB test results.

The majority of submissions agreed with the requirement for laboratories to provide AFB test results to The Management Agency.

Submitters raised concerns with the provision of laboratory results that included:

- ⬢ Laboratory results are private, commercially sensitive, and need to be protected. Results should only be provided with owner consent and/or if paid for by The Management Agency. Some beekeepers may be discouraged from testing.
- ⬢ Need for strict privacy protections for beekeeper information. Testing results must be protected, and safe data storage ensured.

Having considered the concerns raised, The Management Agency concluded that:

- ⬢ Access to laboratory test results is required as part of a cost-effective solution to monitor compliance of 10,000 beekeepers owning 739,000 on 61,000 apiaries. Access to laboratory test results will enable increased monitoring of beekeeper elimination performance at a lower levy cost than relying on honey surveillance and AP2 inspections alone.
- ⬢ It is not expected that beekeepers will be discouraged from testing, as laboratory test results are evidence of the financial commitment by the beekeeper to find and eliminate AFB.
- ⬢ The privacy of laboratory test results will be securely stored and protected, as with apiary and AFB notification information.

Diagnostic laboratories also supported the provision of AFB test results. However, they also highlighted challenges modifying their Laboratory Information Management Systems and providing correct beekeeper information. In response to this feedback, The Management Agency decided that the proposed rule should be replaced with two rules, these being the:

1. requirement to identify samples submitted to laboratories for AFB testing, and
2. requirement for laboratories to provide AFB test results.

New Rules	What were the implications?	Who's affected
Requirement to identify samples submitted to laboratories for AFB testing	<p>Persons submitting samples to the laboratory for AFB testing must identify samples as follows:</p> <ul style="list-style-type: none">• Samples collected from a single beekeeper must be identified with their beekeeper registration number as a prefix• Composite samples from 2 or more beekeepers must be identified by a batch number <p>Records enabling samples to be traced to the source beekeepers(s) and apiaries must also be kept</p>	Persons, including exporters and extractors, who submit samples to diagnostic laboratories for AFB testing
Requirement for laboratories to provide AFB test results	Person in charge of diagnostic laboratories must supply AFB test results to The Management Agency	Person in charge of diagnostic laboratories

SUMMARY OF THE MANAGEMENT AGENCY RESPONSE CONTINUED

Infringement fines

The majority of submissions agreed with the proposed changes to implement infringement fines.

Submitter concerns regarding the imposition of infringement fines included:

- Imposing fines was heavy handed, ineffective and expensive to administer.
- The fine structure was not weighted properly and penalties should reflect the seriousness of the offense, the size of the beekeeping operation, and any history of non-compliance.
- Fines should be a last resort. Education, good communication and warnings are required first.
- An enforcement, complaints, and appeal process needed to be clearly outlined and put in place.

Having considered the concerns raised, The Management Agency decided that:

- Infringement fines will be a cost-effective deterrent to non-compliance. The current policy of cancelling DECA's for failure to complete an Annual Disease Return is an example of a cost-effective deterrent that has achieved a 93% reduction in non-compliance by DECA holders.
- Issuing an infringement fine will be no more expensive than the current practice of issuing notices to comply with plan rules. In fact, enforcement costs may reduce as non-compliant beekeepers become more likely to rectify non-compliance in a timely manner to avoid receiving a fine.
- Failing to keep bees in moveable frame hives, registering apiaries, and completing Certificates of Inspection are more serious offences than failing to complete an Annual Disease Return, and hence The Management Agency is proposing higher infringement fines for these offences.
- Infringement fines should be imposed at a single rate for corporations and individuals as the Biosecurity Act 1993 definition of a corporation is too ambiguous to enable consistent and transparent implementation of infringement fines. You can find the definition of 'corporation' as set out by The Biosecurity Act 1993 on page 5 of this document.
- Education will be offered, and warnings will be given before issuing infringement fines for non-compliance. The process will be implemented according to the Ministry of Justice Policy framework for new infringement schemes, which includes the defendant's right to challenge an infringement fine.

Training requirements

The majority of submissions agreed with the proposed changes to training requirements to ensure that DECA holders and their employees know how to recognise and eliminate AFB.

Submitters raised concerns regarding proposed changes to training requirements that included:

- Training courses need to be better and be free, and the best training is provided in the field
- Training course attendance is an unreliable indicator of ability to detect AFB, and the ability or willingness to act when AFB is found
- 'Employees' needs specifying as not all employees are involved in bee husbandry
- Employers are responsible for staff training and may offer better training than The Management Agency
- Experienced and commercial beekeepers should not have to attend refresher training
- DECAs should not be cancelled or used to require attendance at training courses

Having considered the concerns raised, The Management Agency decided that:

- Training is required to ensure that all beekeepers and their employees have the knowledge to recognise and eliminate AFB.
- The recently revised AFB Recognition and Refresher courses will improve learning outcomes for participants. The online Refresher Course is available free of charge.
- Field-based training is very valuable and employers and clubs are encouraged to provide field-based training to their employees and members. The intention of the new rule is to set the minimum training standard that all DECA holders and their employees are required to comply with.
- Providing all AFB training free of charge would require a raise in the levy to fund the courses.
- The proposed definition of 'employee beekeeper' is limited to those responsible for bee husbandry only.
- Beekeepers and their employee beekeepers responsible for bee husbandry are expected to be trained to ensure that they have the knowledge required to effectively eliminate AFB from their beehives.
- There may be some confusion about a DECA. To clarify a DECA is a legal agreement between a beekeeper and The Management Agency where the beekeeper agrees to eliminate AFB from their beehives using the AFB elimination procedures specified in the agreement.

SUMMARY OF THE MANAGEMENT AGENCY RESPONSE CONTINUED

General Powers

The majority of submitters agreed with the proposed provision of General Powers to ensure The Management Agency's authorised persons can destroy beehives infected with AFB and take expedient actions to prevent the spread of AFB.

Submitters' raised concerns regarding the provision of General Powers included that:

- A clear decision-making process for authorising hive destructions is needed.
- Hive destruction has serious impacts on owner livelihoods and owners must be involved.
- Powers of authorised persons may be too far reaching.
- Safeguards are needed to protect beekeeper rights, including complaints and appeals processes.

Having considered the concerns raised, The Management Agency decided that:

- The policies for the use of General Powers will be set out in the operational plan and submitted to the Minister prior to to implementation.
- Conferment of General Powers will be restricted to Operations Managers employed by The Management Agency and will not be conferred on AP2s.
- The Ministry for Primary Industries has appropriate controls over authorised person warrant issuance and cancellation.
- General Powers will only be used in circumstances where it is not feasible or practical to use the 'Power to give directions' to direct the beekeeper to destroy the beehives.

NEED MORE DETAIL?

A detailed analysis of submissions, including our full response and a copy of the finalised proposal submitted to the Minister can be found here:

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