

APPENDIX 1 :: NZ Beekeeping Report to the Minister February 2023

AFB Pest Management Plan

Review Time



TO FELLOW BEEKEEPERS

NZ Beekeeping Inc is conducting its own review and discussion on the future of the AFB Pest Management Plan.

INTRODUCTION:

As many will know, the Order in Council (Order) that creates the current PMP expires in 2023. The current Management Agency for the Plan, Apiculture NZ, is also conducting its own review of the Order. Having two reviews is unusual, but perfectly legal. The Biosecurity Act provides that anyone can make a proposal on the future of a PMP to the Minister, and NZ Beekeeping has decided to do just that. This decision reflects our concern that the current management of the plan has been poor and will continue to be so if left with the current structure.

This is our discussion document. It sets out what NZ Beekeeping Inc sees as the main issues in relation to AFB control in New Zealand over the next decade.

It is a genuine consultation – we have no predetermined outcome in mind, except that the status quo must be challenged.

We invite beekeepers to respond by 22nd May 2022 with their views inserted into comment boxes in the document below or email AFBReview@gmail.com

The review is being conducted to determine if the Order covering the AFB PMP needs to be changed. However, to do that we need your feedback on what is working and what needs to be changed in the Order of the AFB PMP. The current regulation (the Order) is made by the Government under the Biosecurity Act. This sets up the Pest Management Plan and currently the Government has appointed Apiculture NZ as the Management Agency.

The Biosecurity Act itself cannot be changed under this process – only Parliament can do that.

What we are reviewing is the Order, NOT the operation plan for the day to day running of the PMP.

THE FUNDAMENTAL QUESTION – should we continue to have an AFB PMP?



Currently this Pest Management Plan allows beekeepers to:

- a) manage the disease with low cost to their businesses (provided disease levels are kept low through destroying all clinical cases before it is spread further). A clinical case is one that can be detected by a competent beekeeper by observation, without any specialised equipment.
- b) maintain market access for export
- c) manage hives without the use of drugs (antibiotics) thus enhancing export opportunities.

1. Can the industry afford to drop the pest management plan?

NZ Beekeeping believes that the current PMP is mostly fit for purpose – with some slight changes necessary to ensure it continues to be workable and affordable.

2. Would removal of the plan affect our returns for product if this happened?

3. What is your opinion on this?

MANAGEMENT OR ERADICATION?

The current AFB PMP is based on an industry commitment to eradication of AFB (when the PMP was first proposed prior 1998). This is a tough call: AFB spores can live for over 50 years, and only a handful are needed to trigger an infestation. There is a practical difference between the absence of clinical signs (no hives with visible infestation) and actual eradication, which would only be through the absence of spores or spores at very low levels. (For the TB Order in Council, Eradication is said to be: “*freedom from bovine tuberculosis in cattle and deer by... 2026*” where freedom is defined “*as being no greater than 0.0001% throughout the preceding 12 month period*”).

In practice, the absence of clinical signs is probably a sensible goal. Anything more would certainly require laboratory testing, and new reliable technology to emerge.

Should we change the objectives of the PMP as set out in Section 5 of the Order - reduce reported incidence of AFB by an average of 5% each year? To move away from eradication would send the message that a bit of AFB is OK and lose some of the focus that the PMP currently has.

On balance it might be best to keep the eradication goal, while being clear that it will be a long-term objective for the whole industry.

4. What should our long-term objectives be?

5. Should our focus change to Manage AFB at low levels and if so what do you think those levels should be?



CLINICAL SIGNS vs SPORE TESTING

This is not a theoretical question. It goes to the heart of the PMP, and the Management Agency's powers and activities.

The current PMP is based on a bargain that may never have been made explicit:

That beekeepers are expected to keep their hives free of clinical signs of AFB – i.e. free of signs that can be seen and recognised by a competent beekeeper.

Subclinical signs (like spores) are effectively tolerated (or at least have been until recently).

In return for this limited obligation, beekeepers have no rights to compensation under the PMP. If AFB is found, hives (and other equipment associated with those hives) must be destroyed. The beekeeper bears the loss. Antibiotics, which would short circuit the whole process but effectively contaminate the honey, are illegal.

NZ Beekeeping considers this bargain – control clinical signs without compensation – is a good one. That is because a tougher standard would mean looking for spores. We think they would be found almost everywhere, meaning the whole industry would face the risk of losing hives and equipment wherever testing was done. That would be intolerably risky for any business. The solution would be compensation – like M Bovis eradication – which would be unaffordable and unpredictable. It would also be fundamentally unmanageable, as it could conceivably lead to the situation where almost all beekeepers faced destruction and compensation at the same time – impossible to manage, fund, or recover from. One of the truths the industry needs to face is that it can only eliminate AFB (once found) at an affordable rate, and it would be harmful to set the industry up to fail.

NZ Beekeeping considers that the standard for destruction of hives should continue to be the presence of clinical signs.

6. What is your opinion on this? We would be very interested to hear your reasoning behind your thoughts.

COMPENSATION

Currently no compensation is available for the destruction of beekeeping equipment because of the bargain – destruction is ordered, or undertaken, on clinical signs.

7. If the bargain is changed to include the presence of spores as the indicator for destruction, is compensation required and who would pay?



DECA (Disease Elimination Conformity Agreement)

Your DECA is an agreement that you make with the Management Agency, as to how you will look for and deal with any AFB cases you find. The intention was that the agreement would be written to show how you would reduce your current levels of AFB over time or maintain it at zero if you happened to be a person or business with no cases of AFB.

Templates are being used for beekeepers or businesses to fill in. For larger businesses in particular, NZ Beekeeping considers that the agreement should be an individually tailored agreement that reflects the circumstances of that business.

8. Do you think that this change should be made?

DECA's are being taken away from non-compliant beekeepers. NZ Beekeeping considers that this is wrong as this is the tool that should be used to help management change in order to reduce AFB levels e.g. if a beekeepers' DECA is removed they cannot sterilise equipment by paraffin dipping to eliminate spores in beekeeping equipment. A DECA should only be removed from a beekeeper who is continually or deliberately non-compliant.

9. Under what circumstances do you think a DECA should be removed from a beekeeper?

10. Who should hold the DECA agreement – the business OR the individual who oversees the disease control? If it is an individual, then what happens when they leave the company to work for someone else?

11. Should a person need to be licensed to oversee disease control?

12. Should that licence need to be renewed periodically to ensure that the person is still fit for the Job?



EDUCATION vs ENFORCEMENT

It is a fundamental of good regulation that;

Compliance should be easy for the well intentioned

Enforcement is both rare and focused. i.e. where there is intent to break the rules or reckless disregard of the rules

As discussed above, enforcement currently relies on the removal of the relevant Disease Elimination Conformity Agreement (DECA) that says how you will look for and deal with any AFB cases you find. NZ Beekeeping considers that it is wrong to have this removed – it should be used as a tool by the Management Agency to help the beekeeper to amend what they have been doing to improve the success rate of finding AFB. Possibly the use of fines needs to be investigated as a means to encourage modifications in behaviour.

For the AFB PMP, NZ Beekeeping considers that this leads to two conclusions that should be reflected in the Order if it is to be renewed:

- 1. The first is that compliance and enforcement should be set against the same standard that is applied to beekeepers themselves.** If beekeepers' obligation is to check for and actively eliminate hives with clinical signs, then that should be the standard for enforcement and compliance action.

This is a very important point:

Spore testing is a different, tougher standard than looking for clinical signs.

Spore testing should not be used for compliance – it will have a place in research and in helping understand how well we are doing against AFB. But no one should have hives or equipment destroyed simply through spore testing. Anything else is oppressive and unfair.

- 2. The PMP Management Agency should have a primary role in beekeeper education about AFB, AFB management and compliance. Education is for all beekeepers; enforcement is only against a few who choose to act badly. That means that the Management Agency should put most effort into education.**

In return, it's reasonable to expect all beekeepers managing hives to stay current in respect of AFB control, and to participate in field days. The cost of which would be covered by your levy.

13. How do you see education being undertaken – is there more to education than the current Disease Recognition Course?

14. If you have ideas on how education could be improved - please specify.

15. Should education be compulsory? (This requires adding a clause into the Order in Council)

16. Should fines be introduced in some areas to encourage positive change? e.g. Failure to furnish an Annual Disease Return (ADR).



THE MANAGEMENT AGENCY

At present the Management Agency for the AFB PMP is Apiculture NZ. NZ Beekeeping considers that this should be changed, so the management of the AFB PMP is conducted independently of Apiculture NZ, or any other advocacy body (including NZ Beekeeping Inc.) This reflects two points:

1. Apiculture NZ has performed poorly as management agency. There has been poor governance, poor accountability, and an excessive emphasis on enforcement (leading to an adversarial relationship with some beekeepers). There has also been a marked and persistent failure to learn from experience and mistakes, which NZ Beekeeping considers likely to continue. Last year's avoidable debacle over the levy order is a case in point. Despite the agency and MPI seeking to downplay the incident, the truth was that NZ Beekeeping was forced to take legal action to get the levy order amended, so beekeepers weren't charged twice for the same year. NZ Beekeeping has no confidence that lessons have been learned from this;
2. As a matter of principle, Apiculture NZ is an advocacy body that represents its members (just like NZ Beekeeping). It should not be given regulatory powers over non-members. That creates both a conflict of interest, and irreconcilable incentives to treat members and non-members differently. It also means that Apiculture NZ is not scrutinising and challenging AFB management as it should, and as its members should expect. That strikes at the heart of industry confidence in the AFB management process.

The solution is management of the AFB PMP by an entity that is independent of any industry advocacy group, that can be held to high standards of performance and accountability by industry bodies (including Apiculture NZ), and that has no other incentives other than strong, effective management of the AFB PMP.

It has been suggested that this might be an Incorporated Society with a Board elected by Levy payers possibly with one or two members outside of levy payers who have specialist skills to ensure obligations are met. The governance board would not only govern the entity but oversee the implementation of the plan.

It has also been suggested that an additional clause should be added into the Order - 6(A) to allow for independent audits of the Management Agency to ensure it is meeting its obligations. This would allow beekeepers to gauge if they are getting value for money.

17. Do you have any ideas on what an appropriate independent Management Agency might look like, and how levy payer monies would be handled?

18. Would participation by levy payers in development and maintenance of the operational plan help beekeepers and the agency to achieve the best outcomes?

19. Is an Independent Audit process a good idea?



LEVY FUNDING

Two methods of funding have been tried. Initially this was based on hive numbers and found to be clumsy, leading to incorrect reporting. In 2003 this was changed to an apiary levy as it proved easier to determine correct reporting. In 2020 the Management Agency went back to the original method.

NZ Beekeeping believes the apiary site registration to be the easiest mechanism for collection and identification of under reporting.

20. Should the levy be based on Apiaries or Colonies? We are very interested in the reasons for your preference. Please let us know

COMPLAINTS PROCESS

Currently beekeepers who have issues or concerns with the operations of the AFB PMP (e.g. equipment being seized and destroyed on suspicion of AFB being present) have no independent avenue to lay a complaint and have that complaint assessed.

NZ Beekeeping believe that a process to resolve disputes should be added to the Order as a safeguard for Beekeepers in the future.

21. Is this an appropriate thing to do or not, and can you give us your reasons.

THE MAIN POINTS

- 1. An independent governance organisation.**
- 2. Affordable well run PMP.**
- 3. An avenue for complaint resolutions.**
- 4. Destruction of hives, remains based on clinical signs.**
- 5. Spore testing and other technology remains a beekeeper's choice.**
- 6. Education is key to the elimination of AFB.**
- 7. Field days should be attended by all and entry to the field day paid for by levies.**



CONCLUSION

NZ Beekeeping welcome any views you may have:

Please let NZ Beekeeping know what you think in response to these questions.

We are genuinely interested in all beekeepers' views, so let us know of any other issues you think, we should feed into the Review of the AFB PMP Order.

We will respond to each and every submitter (who provides contact information) with reasoning as to why/why not your suggestions have been incorporated into the NZ Beekeeping Inc proposal to the Minister.

Our review will be properly considered, and the issues we know need to be addressed, properly tackled.

The questions have been listed at the end [pg 10] if you wish to print and completed to send by mail.

We look forward to your responses by 22nd May 2022.

FOR MORE INFORMATION: Read here

Biosecurity (National American Foulbrood Pest Management Plan) Order 1998

<https://www.legislation.govt.nz/regulation/public/1998/0260/latest/whole.html#DLM258621>

Biosecurity Act

<https://www.legislation.govt.nz/act/public/1993/0095/latest/whole.html#DLM314623>

Biosecurity (American Foulbrood—Beekeeper Levy) Order 2003

<https://www.legislation.govt.nz/regulation/public/2003/0283/latest/DLM219292.html?src=qs>

Operational Plan

https://afb.org.nz/wp-content/uploads/2021/11/AFB_Operational-Plan_Nov2021.pdf

Report on the American Foulbrood National Pest Management Strategy MAF Biosecurity New Zealand Discussion Paper No: 2008

https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE3004104

FREQUENTLY ASKED QUESTIONS

1. Why is the PMP being reviewed?

It is a legal requirement, if the PMP is to continue

2. Why is NZ Beekeeping Inc undertaking its review and proposal for change?

NZ Beekeeping Inc would have preferred to be part of a beekeeper wide review team, however Apiculture NZ have opted to conduct their own process to provide a proposal for change to the Minister. It has become apparent Apiculture NZ have not supported some of our suggestions for change therefore NZBI have decided to progress our own proposal for change and to present that to the Minister at the appropriate time



3. What is being reviewed?

The regulations behind the PMP – the ‘AFB Order in Council’

4. Who is paying for the PMP Review?

Apiculture NZ are using Levy payers’ money to conduct their review and NZ Beekeeping are funding their proposal process.

5. What is a Pest Management Plan (PMP)?

A PMP is provided by the Biosecurity Act for the control and/or eradication of pests.

6. How did AFB PMP come into place?

The beekeeping industry supported the retention of disease control (AFB) of the Apiaries Act 1969 by proposing an industry led PMP under the Biosecurity Act in 1998.

7. How long are PMP’s valid?

The term is for 10 years with a provision to extend for a further 10 years.

8. When does the AFB PMP terminate?

1st April 2023.

9. What is not being reviewed within this process?

The Biosecurity Act or the Operations Plan.

10. *What is the process once the Minister receives a proposal?*

NZ Beekeeping have asked MPI the question and still await a response.

11. What happens if the review process is not completed by the time the PMP expires?

There is provision in the Act for the PMP to continue until the review process is complete.

12. What do Levy Payers need to consider?

Levy payers need to participate in the discussion and submit to the proposals as provided.

13. What opportunities do levy payers have to comment?

NZ Beekeeping Inc do have provision within their review and proposal process to consider all views of levy payers that they may make, by emailing our organisation AFBReview@gmail.com, phoning 027 217 6897 or on our website www.nzbeekeeping.co.nz/afbpmp-review

14. Can levy payers make a difference?

The process is not a vote or a poll of support by beekeepers. Rather it is a consideration of proposed changes to the Order that have been formulated to overcome difficulties that have become apparent in implementing the regulations over the past 10 years. If beekeepers are concerned any aspect related to the regulations contained in the Order, now is the time to express your views to an organisation that has nothing to protect except the integrity of the PMP itself.

15. **If you have a question | Please ask | Write to:** AFBReview@gmail.com



REVIEW QUESTIONS

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We look forward to your responses by 22nd May 2022.

Name:

Phone:

Email:

CLASSIFICATION * Associate Hobbyist Semi-Commercial Commercial Mega

* Please circle your classification.

Thank you for your time, and for your responses.

JANE LORIMER, PRESIDENT

