

Biosecurity (Tomato Potato Psyllid) Control Order 2024

under the

Biosecurity Act 2015

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

Dated 16 January 2024



SATENDRA KUMAR
Chief Plant Protection Officer
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of Control Order

This control order is the *Biosecurity (Tomato Potato Psyllid) Control Order 2024*.

2 Revocation of the Biosecurity (Tomato Potato Psyllid) Control Order 2022

The Biosecurity (Tomato Potato Psyllid) Control Order 2022 of 29 June 2022, published in the NSW Gazette number 283 of 1 July 2022, is revoked.

3 Commencement and duration

This control order is made on the date that it is signed, and has effect from that date, for a period of 5 years.

Note. Notice of this control order will be given by publishing it in the Gazette.

4 Definitions

In this control order:

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

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

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

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

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

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

ICA-62 means the interstate certification assurance scheme procedure with the number ICA-62 and titled *Treatment and Inspection of Carrier Nursery Stock for Tomato-Potato Psyllid*, version 1.0 and dated 21 September 2017.

ICA-66 means the interstate certification assurance scheme procedure with the number ICA-66 and titled *Cleaning and Inspection of Used Agricultural and Horticultural Machinery and Equipment for Specified Pests*, version 1.0 and dated 1 April 2021.

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

| Rate | Temperature |
|--------------------|------------------|
| 32g/m ³ | At or above 21°C |
| 40g/m ³ | 16°C to 20.9°C |
| 48g/m ³ | 11°C to 15.9°C |
| 56g/m ³ | 10°C to 10.9°C |

nursery stock means any whole plant from the Plantae kingdom excluding TPP host nursery stock.

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

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

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

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

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

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

TPP carrier means the following:

- (a) nursery stock,
- (b) used equipment, or
- (c) a used covering.

TPP host material means the following:

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

but does not include processed material or seeds.

TPP host nursery stock means any whole plant or cutting from the *Convolvulaceae* and *Solanaceae* families.

the Act means the *Biosecurity Act 2015*.

the Regulation means the Biosecurity Regulation 2017.

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

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

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

| Washing measures | Minimum time |
|--|---------------------|
| Hydro-cooled with continuously agitated water | 20 minutes |
| Dipped in continuously agitated water containing a food grade surfactant at the quantities specified on the label for the surfactant | 3 minutes |
| Washed with water on rotating roller bushes | 30 seconds |

| | |
|--|------------|
| Pressure washed in water under water nozzles with a water pressure above 200kPa (29 psi) | 20 seconds |
|--|------------|

Note. Pursuant to section 11 of the *Interpretation Act 1987* words or expressions used in this control order have the same meaning as in the Act.

5 Grounds for order and biosecurity impact

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

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

6 Control zone

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

7 Persons to whom control measures apply

The control measures in this control order apply to any person who moves, or causes the movement of TPP host material or a TPP carrier into the TPP Control Zone.

Part 2 Control measures – TPP host material, TPP host nursery stock and TPP carriers

8 Control measure – TPP host material, TPP host nursery stock and TPP carriers

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

9 Control measure – TPP host material

- (1) TPP host material may be moved into the TPP Control Zone if:
 - (a) it was grown and packed in a State or Territory that is free from tomato potato psyllid as evidenced by an area freedom certificate, and

- (b) the consignment that contains the TPP host material has a label or identifier stating the name and postcode of the city or town nearest to the place the TPP host material was both grown and packed.
- (2) Despite subclause (1) a person may move, or cause the movement of, TPP host material into the TPP Control Zone if the person complies with clause 10, 11, 12 or 13 below.

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

10 Control measure – Solanaceae host material that is fruit

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

11 Control measure – Solanaceae host material that is tomato fruit with no leaves, calyx or other attached green material

- (1) Solanaceae host material that are tomato fruit with no leaves, calyx or other attached green material may be moved into the TPP Control Zone if:
 - (a) the tomato fruit has been washed using a washing measure, and

- (b) the consignment of which the tomato fruit is part has been inspected at the greater of these quantities and found to be free of tomato potato psyllid:
 - (i) 2 percent of the consignment, or
 - (ii) 600 items of tomato fruit, and
- (2) The consignment of which the tomato fruit is part must be accompanied by a:
 - (a) plant health certificate certifying that the measures in subclause (1) has been met, or
 - (b) plant health assurance certificate certifying that the requirements of CA-15 have been satisfied.

12 Control measure – Solanaceae or Convolvulaceae host material that is a tuber

Solanaceae host material or Convolvulaceae host material that is a tuber may be moved into the TPP Control Zone if the tuber does not have green plant material attached to it.

13 Control measure – TPP host nursery stock

TPP host nursery stock may be moved into the TPP Control Zone if:

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

14 Control measure – TPP carriers

A TPP carrier may be moved into the TPP Control Zone if:

- (a) the TPP carrier was both grown and packed or, in the case of a carrier that is used equipment or a used covering and was used, in a State or Territory that is free from tomato potato psyllid as evidenced by an area freedom certificate,
- (b) except in the case of a used covering or used equipment, the consignment that contains the TPP carrier has a label or identifier stating the name and postcode of the city or town nearest to the place the TPP carrier was both grown and packed, and
- (c) despite paragraphs (a) and (b), a person may also move, or cause the movement of, a TPP carrier into the TPP Control Zone if the person complies with either of clause 15 or 16 below.

15 Control measure – TPP carrier that is nursery stock

- (1) A TPP carrier that is nursery stock may be moved into the TPP Control Zone if the requirements of this clause have been met.
- (2) The plant has been treated with insecticide or methyl bromide, inspected or securely packed in accordance with one the following paragraphs:

- (a) **Insecticide:** the plant was treated with insecticide that is effective against adult tomato potato psyllid in accordance with APVMA label directions and permit conditions.
- (b) **Methyl bromide:** the plant was treated by fumigation with methyl bromide for two hours at one of the methyl bromide rates.
- (c) **Inspection:** the consignment of which the plant is part has been inspected at the greater of these quantities and found to be free of tomato potato psyllid:
 - (i) 2 percent of any consignment of plants, or
 - (ii) 600 plants.
- (d) **Securely packed:** the plant has been securely packed in one or more of the following ways to prevent contamination with tomato potato psyllid for a minimum of 4 days prior to movement into the control zone:
 - (i) packed in unvented packages,
 - (ii) packed in vented packages with the vents secured with mesh that has a maximum aperture of 1.6mm,
 - (iii) packed by wrapping or bagging in sealed plastic sleeves or bags,
 - (iv) packed as a consignment that is fully enclosed under tarpaulins, hessian, shade cloth, mesh or other covering which has a maximum aperture of 1.6mm,
 - (v) packed as a consignment that is shrink-wrapped and sealed as a palletised unit,
 - (vi) packed inside fully enclosed or screened buildings, cold-rooms, vehicles (including tautliners in good condition), or
 - (vii) packed inside other facilities free from gaps or other entry points greater than 1.6mm.
- (3) The consignment containing the plants must be accompanied by a plant health certificate certifying that the control measures in subclause (2) have been satisfied.
- (4) Despite subclauses (1) to (3), TPP carriers that are nursery stock may be moved into the TPP Control Zone if:
 - (a) the nursery stock is dealt with in accordance with ICA-62, and
 - (b) the consignment of which the nursery stock is part is accompanied by a plant health assurance certificate certifying that the requirements of ICA-62 have been satisfied.

16 Control measure – TPP carrier that is used equipment or a used covering

- (1) Used equipment or a used covering may be moved into the TPP Control Zone if:
 - (a) the used equipment or used covering has been thoroughly cleaned and is free from all planting media, organic material, and tomato potato psyllid, and

- (b) the used equipment or used covering has been washed with high pressure water heated to a temperature of at least 70°C.
- (2) The consignment of which the used equipment or used covering is part must be accompanied by a plant health certificate certifying that subclause (1) has been satisfied.
- (3) Despite subclauses (1) and (2), a TPP carrier that is used equipment may be moved into the TPP Control Zone if:
 - (a) the used equipment is dealt with in accordance with ICA-66, and
 - (b) the used equipment is accompanied by a plant health assurance certificate, certifying that the requirements of ICA-66 have been met.