By Philip Njoroge
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ROLE OF PHYTOSANITARY SEED QUALITY REGULATIONS ON THE SEED VALUE CHAINS

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Phytosanitary Import Regulations

- Describes the structure and operation of a Phytosanitary import regulatory system and the rights, obligations and responsibilities which should be considered in establishing, operating and revising the system.
Phytosanitary Import Regulations

- Based on ISPM No. 20- *guidelines for a phytosanitary import regulatory system*.
- Makes reference to the following ISPMS:
  - 23 (guidelines for inspection)
  - 12 (*Guidelines for phytosanitary certificates*), 13 (guidelines for the notification of non-compliance and emergency action)
  - 25 (consignments in transit)
  - 31 (Methodologies for sampling of Consignments)
The objective of a Phytosanitary import regulatory system is to prevent the introduction of quarantine pests or limit the entry of regulated non-quarantine pests (RNQPs) with imported commodities and other regulated articles.

Rights, Obligations and Responsibilities

In establishing and operating its import regulatory system, the NPPOs should take into account:
- rights, obligations and responsibilities arising from relevant international treaties, conventions or agreements and relevant international standards
- national legislation and policies
- administrative policies of the government, ministry or department, or NPPO.
The NPPO is responsible for the operation and/or oversight of the import regulatory system. Article IV.2 of the IPPC.

The NPPO should have a management system and resources adequate to carry out its functions.

The administration of the import regulatory system should ensure the effective and consistent application of phytosanitary legislation and compliance with international obligations.
Phytosanitary measures

- Any legislation, regulation or official procedure having the purpose to prevent the introduction or spread of quarantine pests
- Include plant import procedures and phytosanitary certification

Purpose
- Preventing the introduction of harmful foreign pests, diseases and weeds
Why bother regulating trade?

- Increased movement of plants and regulated articles posing risk of introduction of pests, diseases and noxious weeds. If well managed importation assures:
  - expanded global economy
  - Exchange of food and other products from places with overproduction to places of scarcity
KEPHIS

- Kenya’s NPPO
- A state corporation under M.o.A, L &F.
- Established under the State Corporations Act (Cap 446)
- Commenced operation in Nov. 1997
- Regulates agricultural sector through the application/enforcement of SPS measures
The National Set–Up of NPPO, Kenya in compliance with Art IV of IPPC

a) Regulating on all matters relating to plant protection, seeds and plant varieties;
(b) administration and enforcement of sanitary and phytosanitary measures;
(c) supporting the administration and enforcement of food safety measures;
(d) Service laboratories for monitoring quality and levels of toxic residues in agro–inputs, irrigation water, plants, soils and produce;
NPPO–Kenya– Art IV of IPPC (2)

e) a principal advisor to the Government on issues relating to seeds and planting material;
f) plant variety protection in Kenya, administration of plant breeders' rights and maintenance of Plant Breeders' Rights Register;
g) plant variety testing and description, seed certification and plant quarantine control
NPPO–Kenya– Art IV of IPPC (3)

(i) inspection and grading of plants and plant produce at the ports of entry and exit;

(j) In consultation with other relevant agencies, develop and implement standards for seed and plant materials;

(k) implementation and enforcement of national bio-safety regulations on the introduction and use of genetically or living modified species of plants, insects and micro-organisms, plant products and other related species.
l) regulating the import and export of plants and plant materials;
(m) in consultation with other relevant agencies, undertakes regulation of the commercial exploitation of naturally occurring plants and plant-related micro-organisms
Enabling laws in seed trade

The seeds and plant varieties act (Cap 326)

- An Act of Parliament to confer power to:
- Regulate transactions in seeds, including provision for the testing and certification of seeds
- For the establishment of an index of names of Plant Varieties
- To empower the imposition of restriction on the introduction of new varieties
- To control the importation of seeds
Enabling laws in seed trade

1. The Plant Protection Act (Cap 324) – encompasses rules for prevention of introduction and spread of pests and diseases destructive to plants.

2. The Agricultural Produce (Export) Act (Cap 319)

3. Crops Act, 2012

4. Seeds and Plant Varieties Act, Cap 326
Prior to issuance of import permits risk analysis is done (source of information for PIO, PRA reports, PRA information from other NPPOs).

Depending on risk identified the material is either:

a. Prohibited
b. Allowed under **quarantine** conditions
c. Allowed under **normal permit** - risk is low but exporting country must meet some conditions like pre-shipment treatment
Plant Import Regulations

In 3 categories
- Imports that are permitted
- Imports under quarantine
- Imports that are prohibited

Imports that are permitted

Carry low risk of pest introduction i.e. risk is low but exporting country must meet some conditions like pre-shipment treatment
- Only from specific parts of the world
- Require phytosanitary certification
Issuance of import permits cont...

- **Imports under quarantine**
  Importation carries risk of introducing dangerous organisms i.e. risk is high but can be mitigated

- Plants symptom-less carriers of pathogens; plants appear healthy

- Plants grown at quarantine station for a period of time before release to importer

- Open quarantine arrangements

- E.g. vegetative propagation material of Vanilla, *Zantendeschia* spp.
Issuance of import permits cont...

- Imports that are prohibited
- Importation carries very high risk of pest introduction and the NPPO cant manage adequately
- Importation not allowed under any circumstances
- E.g. timber with bark, Christmas trees, fruits from India, aquatic plants

There should be adequate laboratory capacity to confirm that quarantine pests are not introduced and that those held in quarantine are eliminated through laboratory confirmation
REQUIREMENTS

- In order to import or export seed into Kenya one must:
  1. Be a **registered** seed merchant.
  2. Notice to import/export seed by filling form **SR 14** provided by KEPHIS.
  3. Obtain a **Plant Import Permit** (PIP) from KEPHIS on which the conditions to be met by the exporting country are specified.
  4. Obtain a **Phytosanitary Certificate** from the corresponding Seed Certifying body in the country of origin for import addressing the conditions specified in the PIP.
5. Obtain an international orange (ISTA) certificate from the official seed tester (KEPHIS) for exports or the seed certifying body in the country of origin for imports. This will accompany the seeds.

6. **Seed to be inspected** by KEPHIS at the port of exit/entry, sampled & verification tests done, before sale- imports

  - All plant materials must be declared at point of entry
Seed Importation and Exportation cont...

- Upon the arrival of the consignment the documents are verified. If they are compliant the consignment is inspected.
- The inspector takes a sample and inspects against presence of insect pests, moisture content for grains and diseases.
- The consignment is then released to the importer if complies.
- Prohibited/non compliant material are destroyed or shipped back.
ISTA Certificates
Seed Importation and Exportation cont...

- **Note:** Research and educational institutions, and other organizations can import seed on trial/experimental basis.

  The conditions are that:
  - There are limits on the amount (weight) of seed to be imported
  - The seed shall not be distributed for commercial purposes
Illustration on Procedure for Importation of Plant Material

IMPORTATION AND EXPORTATION OF PLANT MATERIAL

A) Importation of Plant Material

Application

Evaluation

Permitted Plant Material

Issuance of Plant Importation Permit

High Risk Material Referred to KSTCIE

Approved

Inspection of Open Quarantine Facility

Issuance of Plant Importation Permit

Inspection of imports for compliance
Guiding Principles in Export Certification

- Covered in ISPM No. 7, also ref ISPM No. 12
- Describes:
  - the components of a national system for the issuance of phytosanitary certificates (also ref ISPM No. 12)
  - an export certification system to produce valid and credible phytosanitary certificates (PCs).
Basic elements of Phytosanitary export certification process include:

1. Ascertaining the relevant Phytosanitary requirements of the importing country. *Grower/Exporter must familiarize themselves with these requirements before they start growing.*

2. Verify the consignment conforms to those requirements at the time of certification.

3. Issuing of a Phytosanitary certificate.
Additional information

- Avail import conditions of destination country
- Under Cap 319, Plant materials inspected at exit point for:
  - Pests and diseases
  - Chemical residues
  - Quality, grading, packaging.
- Field inspections and Phytosanitary certification
- Phytosanitary certificate issued
- For materials regulated under CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) appropriate authority is required from CITES office at KWS
National restrictions and prohibitions (Art. VII 2b of the IPPC);


Additional information available http://www.kephis.org/index.php/import-requirements
Illustration on Procedure of export of plant materials

**B) EXPORT OF PLANT MATERIAL**

- Export of Plant Material
  - Fresh produce & other commodities
    - Pre-condition for fresh produce export
      - Trade License - MOT
      - Export License - HCDA
    - Registration
      - Invoice & packing list
    - Sampling & Inspection
    - Issuance of Phytosanitary Certificate
  - Vegetative propagating material
    - Field Inspection & certification
      - Inspection at point of exit
      - Issuance of Plant Importation Permit
      - Issuance of Phytosanitary Certificate
Inspection procedures

- Inspection procedures are described in ISPM No. 23.
- It is focused on the determination of compliance with Phytosanitary requirements, based on visual examination, documentary checks, and identity and integrity checks.
- NPPOs have the responsibility for “the inspection of consignments of plants and plant products moving in international traffic and, where appropriate, the inspection of other regulated articles, particularly with the object of preventing the introduction and/or spread of pests.” (Article IV.2c of the IPPC, 1997)
Presentation of documents by the importer or agent
Examination of documents associated with a consignment
Verification of consignment identity and integrity
Visual examination—use of inspection tool kit contains:
- Inspection Knife, sampling bags, vials, hand lens, notebook, pen/pencil labels (adehensive labels) and alcohol (70%)
- Pest/disease identification (not mandatory if visual examination was adequate)
- Decision making
Inspection of export produce

Inspection for:
- pests and diseases
- Chemical residues
- Quality
- grading
- packaging
Inspection of import maize grain in a ship
Inspection outcome

- The result of the inspection contributes to the decision to be made as to whether the consignment meets phytosanitary requirements.
- If phytosanitary requirements are met, consignments for imports may be allowed entry.
- If phytosanitary requirements are not met, further actions can be taken. These actions may be determined by the nature of the findings, considering the regulated pest or other inspection objectives, and the circumstances.
- Actions for noncompliance are described in detail in ISPM No. 20 (Guidelines for a phytosanitary import regulatory system), section 5.1.6.
Decision making

- This is based on principles of ISPM No. 13 – *guidelines for the notification of non-compliance and emergency action*

- Provisions of the IPPC Related to Notification:

  - Art VII.2f – Importing country to notify exporting the country of non-compliance as soon as possible

  - Art VII.6 – Contracting parties to take appropriate emergency action upon detection of a pest posing threat and communicate to the other party
Biological Control Agents

- Importation approved by the Kenya Standing Technical Committee for Imports and Exports (KSTCIE)
- KEPHIS inspects containment facilities for the BCA to ensure compliance to import conditions
- Biological Import Permit issued
- Examples *Trichogramma spp.*, *Cotesia flavipes*
Illustration on Procedure for Importation of Bio-control Agents

- Application
- Evaluation by Kenya Standing Technical Committee on Imports & Exports (KSTCIE)
- Inspection of facilities by KEPHIS
- Issuance of import permit
COMESA Referral Laboratory at the Plant Quarantine and Biosecurity Station
Fitted with modern equipment and capacity for:

- Real time PCR
- Conventional PCR
- ELISA
- Biochemical methods
Laboratory Complex at KEPHIS Headquarters housing:

• Molecular laboratory (Realtime PCR, Conventional PCR, ELISA, Rapid Kits)
• Plant Health Laboratory
• Food microbiology laboratory
• Analytical Chemistry Laboratory
Conclusion and way forward

- Phytosanitary measures exist to prevent pest introductions and spread, thus facilitate trade

- Challenge of preventing movement of pests without affecting trade/movement of germplasm

- Require cooperation of governments, agencies, research institutions, industry, citizens
Contact details

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Rationale for making phytosanitary decisions

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14th September, 2015
Basis

• The Basis for decision making are: WTO SPS Agreement, ISPMs (International Phytosanitary measures) and PRA.

• Countries have their Plant protection laws. These Need to be revised to accommodate best international best practice to avoid being a protectionist measure, but rather allow achievement of Plant protection (ALOP principle)
# Approved ISPMS

- To date there are 36 ISPMS and Countries / RECS need to use the applicable ISPMS.

- List of ISPMS include:

<table>
<thead>
<tr>
<th>ISPMS 01</th>
<th>Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade</th>
<th>Fr, Es, Ar, Zh, En, Zh, Ar, Es, Fr</th>
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<tr>
<td>ISPMS 02</td>
<td>Framework for pest risk analysis</td>
<td>Fr, Es, Ar, Zh, En, Fr, Es, Zh, Ar</td>
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<table>
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<th>ISPMS 03</th>
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<tr>
<td>ISPMS 04</td>
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<td>ISPMS 05</td>
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<td>Determination of pest status in an area</td>
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<td>ISPMS 10</td>
<td><strong>Requirements for the establishment of pest free places of production and pest free production sites</strong></td>
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<th><strong>Pest risk analysis for quarantine pests including analysis of environmental risks and living modified organisms</strong></th>
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<td>ISPM 15</td>
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15-12-2011
<p>| ISPM 17 | <strong>Pest reporting</strong> | Ar,Es,Fr,Zh,En,Zh,Ar,Fr,Es | 15-12-2011 |
| ISPM 18 | <strong>Guidelines for the use of irradiation as a phytosanitary measure</strong> | Ar,Fr,Es,Zh,En,Zh,Es,Fr,Ar | 15-12-2011 |
| ISPM 19 | <strong>Guidelines on lists of regulated pests</strong> | Ar,Es,Fr,Zh,En,Zh,Ar,Fr,Es | 15-12-2011 |</p>
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<td>ISPM 22</td>
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<td>Establishment of pest free areas for fruit flies (Tephritidae)</td>
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<td>Diagnostic protocols for regulated pests</td>
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<td>ISPM 27 annex 01</td>
<td>DP 1 (2010): Thrips palmi Karny</td>
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<td>PT 2 (2009): Irradiation treatment for <strong>Anastrepha obliqua</strong></td>
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<td>PT 3 (2009): Irradiation treatment for <strong>Anastrepha serpentin</strong></td>
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<td>PT 5 (2009): Irradiation treatment for Bactrocera tryoni</td>
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<th>ISPM 28</th>
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<th>PT 10 (2010): Irradiation treatment for Grapholita molesta</th>
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<td>PT 11 (2010): Irradiation treatment for Grapholita molesta under hypoxia</td>
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<td>30</td>
<td>Establishment of areas of low pest prevalence for fruit flies (Tephritidae)</td>
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<td>ISPM 33</td>
<td>Pest free potato (<em>Solanum</em> spp.) micropropagative material and minitubers for international trade</td>
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<td>ISPM 34</td>
<td>Design and operation of post-entry quarantine stations for plants</td>
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<td>Systems approach for pest risk management of fruit flies (<em>Tephritidae</em>)</td>
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<td>ISPM 36</td>
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