



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

<i>Regulation Gazette</i>	No. 11323	<i>Regulasiekoerant</i>
Vol. 674	13 August 2021	No. 44983

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GOVERNEMENT NOTICES • GOEWERMENSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 725

13 August 2021

**AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)**

**CONTROL MEASURES RELATING TO
THE POLYPHAGOUS SHOT HOLE BORER**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby prescribe the Control Measures set out in the Schedule.


MRS ANGELA THOKOZILE DIDIZA
Minister of Agriculture, Land Reform and Rural Development

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

“authority” means any officer of the Department Agriculture, Land Reform and Rural Development in the national, provincial or local sphere of government;

“authorized person” means a person who is not an officer and to whom a power or duty has been delegated or assigned under section 2 (4) of the Agricultural Pests Act;

“executive officer” means an officer designated in terms of section 2 (1) of the Agricultural Pests Act;

“infested plant” means the presence in a plant and/or wood plant of a living pest of the plant or plant product concerned;

“non-reproductive host plant(s)” means the plant(s) where the pest attacks, penetrates and inoculates the fungus that then starts growing in the sapwood, but in which the beetle does not establish breeding galleries or reproduce, the pest in some cases cannot successfully complete its life cycle and the plant therefore does not act as a further source of spread, refer to table 3;

“notifiable insect” means the insect as designated in table 1 of these Control Measures;

“Pest free area” means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;

“phytosanitary measure” means those measures, regulations or procedures as provided for under this regulation having the purpose to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated non-quarantine pests;

“phytosanitary procedure” means any official method for implementing phytosanitary measures including the performance of inspections, tests, surveillance or treatments in connection with regulated pests;

“Polyphagous shot hole borer” means the insect known scientifically as *Euwallacea fornicatus*, previously referred to as *Euwallacea nr. fornicatus* and *Euwallacea whitfordiodendrus* in literature and any of its fungal symbionts including *Fusarium euwallaceae*, *Graphium euwallaceae* and *Paracremonium pembeum*;

“quarantine area” means an area within which a quarantine pest is present and is being officially controlled;

“the Act” means the Agricultural Pests Act, 1983 (Act No. 36 of 1983);

“regulated article” means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved;

“reproductive host plant(s)” means the plant(s) that the beetle infests and where it successfully establishes a breeding gallery in which the fungus grows, where eggs are laid, and larvae develop into mature adults, thus completing its life cycle, refers to table 2.

Compulsory notification

2. (1) Every user of land within the Republic shall immediately notify the executive officer and/or authority of any occurrence or suspected occurrence of the notifiable insect specified in table 1.

(2) Any individual or organization or institution that has for the first time identified or recorded the notifiable insect specified in table 1 to be present in a pest free area shall immediately report it to the executive officer.

Responsibilities of executive officer

3. (1) Upon national pest reporting, the executive officer shall immediately-
- (a) take necessary phytosanitary procedure or action to identify and confirm the presence of the notifiable insect specified in table 1 in an area; and
 - (b) prescribe or specify phytosanitary measures to be complied with by the user of land and/or land owner.
- (2) The executive officer may, at any time if he/she deems necessary, revoke the prescribed measures to manage or control the notifiable insect specified in table 1.
- (3) Where the user of land and/or owner of land cannot meet the obligations of these measures, the executive officer may implement reasonable measures to manage the notifiable insect specified in table 1.

Prohibition relating to the removal, keeping, planting or cultivation of infested plants

4. (1) No user of land shall remove any infested or suspected infested plant specified in table 2 and 3 –
- (a) from any area within the Republic demarcated by the authority where a notifiable insect listed in table 1 occurs;
 - (b) unless the movement is authorized by means of a permit or the plant or plant product is certified by the authority as free from the insect or unless such plant or plant product does not act as a pathway or vector to transmit or spread a prohibited insect in Table 1;
 - (c) from any quarantine area within the Republic without authorization by the executive officer.
- (2) No user of land shall keep, plant or cultivate any infested plant listed in table 2 and infested with the notifiable insect in table 1 in any land within the Republic.

Issuance of an official order to the user of land

5. The executive officer and/or an authorised person shall issue an official order, which shall be complied with in terms of section 7 of the Act to any area infested with a notifiable insect specified in table 1.

Destruction of plants, plant products and other regulated articles

6. If the executive officer and/or an authorised person suspects on reasonable grounds or has established that plants, plant products and other regulated articles have been kept or cultivated, removed or conveyed contrary to the provisions of these Control Measures, he/she may-

- (a) destroy such plants, plant products and other regulated articles;
- (b) order that the user of land or owner of land shall destroy such infested plants, plant products and other regulated article.

Responsibility of user of land

7. Any user of land must take all reasonable measures as prescribed or specified in the relevant guidelines or action plans to manage and control the notifiable insect specified in table 1.

Issuance of guideline, regulation or action plan

8. The executive officer and/or an authorised person may, where he/she deems appropriate, issue action plans or guidelines, reasonable measures or operational procedures for the implementation of this regulation to manage and control the notifiable insect specified in table 1.

Issuance of regulation or amendment

9. The Minister may where deemed appropriate issue or amend this control measures including the inclusion of any additional reproductive or non-productive host plant as more research is conducted and published.

Application for a removal permit

10. (1) An application for a removal permit which may be issued by the executive officer and/or an authorised person under a control measure in order to exempt a user of land from the prohibition or obligation contained in such control measure, shall be made on a form which is obtainable from the executive officer for this purpose.

(2) Such application form shall-

- (a) be completed by the user of land and/or owner of land requiring such permit;
- (b) after having been thus completed, be submitted to the executive officer; and
- (c) removal permit should be valid for 30 days after approval date.

Exemption from a prohibition

11. The executive officer may, by means of a removal permit, exempt a user of a land from prohibition-

- (a) if the executive officer or authorised person is satisfied that the necessary phytosanitary procedure have been taken to reduce the risk of introduction and spread of prohibited pests which include the killing and cleansing of plants from the notifiable insect specified in Table 1;
- (b) if the executive officer or authorised person is satisfied that the plant material for which the permit is required is only obtained from a protected structure which prevents infection or infestation by the notifiable insect specified in Table 1; and
- (c) if the executive officer or authorised person is satisfied that the plants or plant products originate from a specified or demarcated area of low pest prevalence or that the area is free from the notifiable insect specified in table 1.

TABLE 1
NOTIFIABLE INSECT

Scientific Name	Common Name
<i>Euwallacea fornicates</i>	Polyphagous shot hole borer

TABLE 2
REPRODUCTIVE HOST TREE

Scientific Name	Common Name
<i>Persea americana</i>	Avocado

TABLE 3
NON-REPRODUCTIVE HOST TREES

Scientific name	Common name
<i>Carya illinoensis</i>	Pecan nut
<i>Citrus limon</i>	Lemon
<i>Citrus sinensis</i>	Orange
<i>Macadamia spp</i>	Macadamia
<i>Prunus armeniaca</i>	Apricot
<i>Prunus persica</i>	Peach
<i>Psidium quajava</i>	Guava
<i>Vitis vinifera</i>	Grapevine