

Brown Marmorated Stink Bug (BMSB) Operational Agreement Summary

July 2017

Introduction

The Government Industry Agreement for Biosecurity Readiness and Response (GIA) came into effect in May 2014 with the signing of the GIA Deed. GIA is a formal biosecurity partnership between industry and government to prepare for and manage new primary industry pests and diseases that might arrive in New Zealand. The GIA Deed is a legal document which includes the following key operational partnership components:

- Engagement between MPI and industry on improving biosecurity systems.
- Shared decision making on activities to prepare for and respond to pest/disease incursions.
- Sharing the costs of these activities between Government and Industry.

An Operational Agreement (OA) is the document that outlines what readiness and response activities will be undertaken, how decisions will be made, and how activities will be funded. In May 2016 the first such operational agreement, for the management of fruit fly, was signed by MPI and a number of impacted horticulture sector GIA signatories.

Since December 2016 an interim BMSB Council has been developing and negotiating a BMSB OA. A number of precedents set by the fruit fly OA have carried across into the BMSB OA. Members of the interim BMSB Council (BMSBC) have been a mix of Deed Signatories and Non-Signatory Beneficiaries as follows:

- Alan Pollard (Chair), Pipfruit NZ, representing the Pipfruit and Nashi/Asian Pear sectors.
- Marie Dawkins, Summerfruit NZ representing Summerfruit sector consisting of apricot, cherry, nectarine, peach and plum growers.
- Geoff Gwyn, Melanie Russell, Veronica Herrera and others representing MPI.
- David Hadfield, Process Vegetables NZ, representing a variety of process vegetable crops
- Gisele Irvine, Market Access Solutionz Ltd, representing Tomatoes New Zealand
- Ed Massey, New Zealand Winegrowers, representing the grape grower and wine production sectors.
- John Liddle, NZ Plant Producers Incorporated, representing a variety of nurse grown crops and species
- Barry O'Neil, Kiwifruit Vine Health representing the kiwifruit and kiwiberries sectors.
- Richard Palmer, Horticulture NZ, representing a variety of horticulture sector groups
- Nick Pyke, Foundation for Arable Research, representing various arable crops
- Steve Rich, and others representing the GIA Secretariat
- John Seymour, Vegetables NZ, representing the commercial fresh vegetable growers sector.
- Chris Smellie, NZ Flower Growers Association, representing various flower growers
- Brad Siebert, New Zealand Avocado Growers' Association Inc. representing the fresh avocado grower sector.

The BMSB Operational Agreement negotiation is nearing completion and the document will be signed on 13 July 2017.

Summary of BMSB Operational Agreement clauses

Parties	The Parties who are expected to initially sign the OA are the following GIA Deed Signatories: Pipfruit NZ, Kiwifruit Vine Health Inc., New Zealand Avocado Growers Association Inc., NZ Winegrowers, Tomatoes NZ, Vegetables NZ, and the Ministry for Primary Industries.
---------	---

	<p>New parties can sign the OA after first signing the GIA Deed and will then have the opportunity to provide input into readiness activities and will have decision making rights during a response.</p>
Term	<p>The initial term of the BMSB OA will be three years with an automatic two year renewal, and it will come into full effect immediately on signing, subject to a number of transitional provisions.</p>
Transitional arrangement	<p>Parties may make agreed contributions towards BMSB readiness activities until the OA comes into full effect.</p>
Introduction	<ul style="list-style-type: none"> • The OA covers specific biosecurity readiness and response activities for the Brown Marmorated Stink Bug. • The objective is to formalise the government and industry partnership for the effective management of BMSB risks, joint decision-making and cost-sharing. • The outcomes sought from this OA is that Signatories work together to achieve the following; <ul style="list-style-type: none"> ○ Maintaining and enhancing on-going public, importer, and tourist awareness campaigns; ○ Successfully and rapidly detecting BMSB post border, eradicating any population(s) before BMSB can establish, and reducing the spread and establishment potential of any populations detected; ○ Continuing to develop and improve readiness and response plans, including targeted research and development activities that will measurably improve the ability to respond to a BMSB incursion; ○ Planning to reduce the impact of a BMSB incursion on production, processing and sales; ○ Developing transition plans and funding arrangements for long-term management of BMSB; ○ Enhancing the integrity and effectiveness of New Zealand’s wider biosecurity system, and enhancing the social license for BMSB response activities.
Governance	<ul style="list-style-type: none"> • Governance is by a BMSB Council (BMSBC) made up of one Designated Decision Maker from each Party. Representatives from other industry groups may be invited to attend Governance meetings as observers until such time they sign the OA.
Readiness	<ul style="list-style-type: none"> • Existing BMSB readiness and response arrangements will continue unless varied. • The BMSBC will establish and implement additional readiness activities to seek improvements in current readiness activities and response arrangements. • A Party may, in good faith, withdraw from a readiness activity and will forfeit decision making rights. Withdrawal from a readiness activity does not automatically mean withdrawal from the OA.

Response	<ul style="list-style-type: none"> • Pre-agreed response contingency strategies or plans may be developed to guide the development of the response plans used during a biosecurity response. • A Party may, in good faith, withdraw from a response and will forfeit decision making rights. Withdrawal from a response does not automatically mean withdrawal from the OA. • Any response will be delivered under a National Biosecurity Response System managed by MPI.
Cost sharing	<ul style="list-style-type: none"> • Cost sharing for BMSB readiness and response activities commences when the OA comes into full effect. • The costs will be shared by the Government and industry as follows: <ul style="list-style-type: none"> ○ 70% Government: 30% Industry for readiness ○ 70% Government: 30% Industry for a Level One Response ○ 80% Government: 20% Industry for a Level Two Response ○ 90% Government: 10% Industry for a Level Three response • The Agreement defines the differing Response levels as follows: <ul style="list-style-type: none"> ○ Level 1 response – a single adult bug found without a likely entry pathway; the parties decide to initiate a response; and the total response cost is expected to be less than \$250,000. ○ Level 2 response - includes a single breeding female, or bugs identified at multiple stages of life indicating a breeding population, when the cost of a response is expected to be between \$250,000 and \$2,000,000. ○ Level 3 response – includes breeding populations being identified in two or more regions; or multiple breeding populations found through a single region of New Zealand contemporaneously. • The Government will pay the first 20% of costs on behalf of risk exacerbators • Industry cost shares will be shared based on industry value (first point of sale averaged over 4 years, moderated by the assessed impact of BMSB across different sectors), which will be updated annually. • Contributions can also be made to readiness and response activities in the form of in-kind contributions. • Industry signatories' response liabilities are limited by a fiscal cap • Costs associated with readiness will occur every year, but costs for responses will occur only when (if) BMSB is detected in New Zealand.
Non-Signatory Beneficiaries	<ul style="list-style-type: none"> • MPI will seek to cost recover from Non-Signatory Beneficiaries identified in the Operational Agreement when a cost recovery mechanism has been implemented, and where it is cost effective to do so. The Non-Signatory Beneficiaries crops or sectors identified in the OA include: <ul style="list-style-type: none"> ○ Amaranthus, Helianthus, Phalenopsis ○ Asparagus ○ Barley ○ Beans – processed ○ Beans - crop ○ Beetroot – processed ○ Blackcurrants ○ Blueberries

-
- Boysenberry
 - Brassica
 - Buttercup Squash
 - Carrots - processed
 - Feijoa
 - Hops
 - Maize
 - Olives
 - Peas – crop
 - Peas - Processed
 - Persimmon
 - Radish
 - Raspberry
 - Sunflower
 - Summerfruit (consisting of commercial Apricot, cherry, Nectarine, Peach and Plum
 - Tamarillo
 - Tomatoes - Processed
 - Wheat
 - Sweetcorn - processed

The full extent of BMSB's impact across all horticultural sectors is not known. Parties have been involved in negotiating the OA based on the known impact of BMSB. Acknowledging the uncertainty, the OA will schedule regular reviews of impacted sectors, and the nature of that impact, and the associated cost benefits to each party and non-signatory beneficiary to ensure the OA correctly identifies both signatory and non-signatory beneficiaries.
