

APPENDIX 5

ANIMAL QUARANTINE POLICY MEMORANDUM 1999/51

19 July 1999

ANIMAL QUARANTINE POLICY MEMORANDUM 1999/51

Chief Veterinary Officers, all States and the NT	CSIRO Division of Animal Health
Animal Programs Section, AQIS Operations	National Farmers' Federation
Office of the Australian CVO, AFFA	Quarantine and Animal Health Task Force, NFF
	Australian Animal Health Council
Scientific Assessment Branch, AFFA	Australian Veterinary Association
Veterinary Counsellors, Washington, Brussels & Seoul	Chief Veterinary Officer, MAF RA, NZ
Agricultural Counsellor, Tokyo	National Meat Association of Australia
Australian Trout and Salmon Farmers Association	Fisheries and Aquaculture Branch, AFFA
Tasmanian Salmonid Growers Association Ltd	Fisheries Research & Development Corporation
Australian Seafood Importers Association	Fishing Industry Advisory Committee
Australian Fisheries Management Authority	Australian Recreational & Sport Fishing Confederation
Division of Marine Research, CSIRO	Aquaculture CRC Limited
Australian Seafood Industry Council	Australian Prawn Farmer's Association
Australian Institute of Marine Science	Australian Aquaculture Forum
ACIAR Fisheries Coordinator	Food and Beverage Importers Council
PIJAC	WA Fishing Industry Council
Tuna Boat Owners Association	Victorian Trout Association
	Freshwater Anglers' Council of Tasmania
Standing Committee on Fisheries & Aquaculture	Health and Environment Committee
Aquaculture Committee	Aquatic Animal Disease Experts
Wildlife Australia, Environment Australia	Scientific and Research Organisations
Wildlife Protection Section, Environment Australia	Fishing, Industry and Community Organisations

FINAL REPORTS OF IMPORT RISK ANALYSES ON NON-VIABLE SALMONID PRODUCTS, NON-VIABLE MARINE FINFISH PRODUCTS AND LIVE ORNAMENTAL FINFISH AND ADOPTION OF NEW POLICIES

As a result of the outcome of the WTO dispute with Canada on salmon, AQPM 1999/27 advised that AQIS would conduct an accelerated import risk analysis (IRA) process for three import risk analyses on aquatic animals and their products, with a deadline for completion of 6 July. AQPM 1999/44 advised that AQIS could not complete the IRAs by 6 July but it would complete the IRAs and make a decision on quarantine policy applying to the products covered by the risk analyses by 19 July. This notice advises -

- the outcome of the risk analyses, and
- AQIS' new policies to be applied by delegates of the Director of Quarantine when considering, under section 70 of the Quarantine Proclamation 1998, whether to grant a permit, under sub-section 43(4) of the Proclamation, for the importation of non-viable salmonid products and non-salmonid marine finfish products and live ornamental finfish.

EDMUND BARTON BUILDING BARTON ACT

The policies include permit conditions which, because of the risk analyses, delegates may consider relevant when they carry out the considerations which are required by section 70 of the Proclamation.

The risk analyses cover a wide range of fish and fish products for import into Australia, including salmon, trout, chars, sweetfish, galaxias, smelt, halibut, eels, herring, cod, perch, pilchards, bass, haddock, sea bream, hake, turbot, goldfish, tetras, livebearers, barbs and gouramis.

The AQIS policies are based on the most comprehensive series of scientific studies undertaken by a quarantine service on the import of fish products for human consumption; fish for further manufacturing processes, such as for pet food; fish for use as bait; and live ornamental fish.

The overall purpose of the measures to be implemented from today is to strengthen Australia's fish quarantine laws in a way which limits the quarantine risk to a level that is acceptably low (consistent with section 70 of the Proclamation) and complies with Australia's international obligations.

The measures are subject to, and must be applied by delegates in accordance with the *Quarantine Act 1908* and the Quarantine Proclamation 1998.

To provide context to the new policies described in this memorandum, the Australian market for domestic-produced salmonids is about 7,000 tonnes annually. This compared in 1997-98 with imports of approximately 56,000 tonnes of all fresh, chilled and frozen edible fish products, 47,000 tonnes of fish for other purposes, particularly bait, and about 6.5 million ornamental fish.

Therefore the new policies are intended to have the net effect of tightening quarantine control over about 100,000 tonnes of imports whereas it is unlikely that additional imports of salmonids will exceed several thousand tonnes. A proportion of this is likely to be sourced from New Zealand whose aquatic health status is similar to Australia's, and under AQIS's new policies (particularly for control of risk of whirling disease) presents negligible disease risk.

The measures are consistent with Australia's traditional, very conservative approach to quarantine. Australia continues to have the strictest fish quarantine laws in the world.

The quarantine policies for the importation of non-viable salmonid products, non-viable marine finfish products and live ornamental finfish have been revised taking into account the recommendations in the draft reports of the IRAs lodged on the AQIS Internet homepage. The reports will be published shortly in final form.

As a consequence of the risk analysis, the new policies

- establish that importation of fresh, frozen and chilled non-viable salmonid product may be permitted (as contemplated by sub-section 43(4) of the Proclamation) where delegates have carried out the considerations referred to in section 70 of the Proclamation, taking into account the policies in Attachment 1;

- introduce additional quarantine conditions which delegates may impose when granting permits for the importation of non-viable marine finfish products, as described in Attachment 2;
- tighten the quarantine conditions which delegates may impose when granting permits for live ornamental finfish as described in Attachment 3.

The policies are based on an assessment of the risks associated with the establishment of identified disease agents of concern, and an examination of feasible risk management measures which could be used to bring the risk into conformity with Australia's appropriate level of protection.

As Australia is required to be least trade restrictive in its approach to quarantine risk management, equivalent approaches to managing identified risk may be accepted, either generally or on a case-by-case basis. Exporting countries seeking to use alternative risk reduction measures to those listed in the new policies should provide a submission for consideration by AQIS. For example, exporting countries may be able to provide official certification attesting to freedom from one or more of the disease(s) of concern, based on the results of a program of monitoring and surveillance of fish health. Such proposals should include supporting scientific data that clearly explain the degree to which alternative measures would reduce risk. AQIS will consider such applications on a case-by-case basis based on a scientific assessment of the effectiveness of the alternative measures in reducing quarantine risk.

Implementation of the WTO Findings

In November 1998, the WTO found that Australia had not complied with its obligations under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) with regard to the measures applying to salmon. In short, the key findings were:

- Australia's import risk analysis on uncooked wild caught Pacific salmon from Canada did not fulfil all the requirements of the SPS Agreement in relation to a risk analysis and there was no risk analysis to support the restrictions on the importation of other uncooked salmon products; and
- there were arbitrary or unjustifiable distinctions in the level of protection applied by Australia in relation to salmon and other fish, and these distinctions resulted in a disguised restriction on international trade.

AQIS conducted accelerated risk analyses on non-viable salmonid product and non-salmonid marine finfish product and on live, ornamental finfish to address the WTO findings. The reports of the risk analyses, together, address the WTO findings.

IRA Process

The risk analyses were conducted in accordance with an accelerated timetable necessitated by the WTO decision on implementation of the WTO findings on salmon (see AQPMs 1999/24 and 1999/27).

The new policies are subject to the requirements of the *Quarantine Act* and Quarantine Proclamation 1998 (as amended) and fully implement Australia's WTO obligations.

The findings of the risk analyses are based on a comprehensive analysis of relevant scientific literature, including (for non-viable products) scientific information in previous reports of the Australian Government and a report of the New Zealand Government on the importation of non-viable salmonids into New Zealand. AQIS also obtained detailed comments from a number of experts in fish health and quarantine in Australia and overseas. AQIS took several steps to ensure the scientific validity of the risk analyses, including considering the reports of consultancies (most of which were commissioned in 1998) on identified gaps in information relating to these risk analyses (see AQPMs 1999/33 and 1999/38). AQIS also contracted 14 independent scientists (in Australia and overseas) to review one or both of the draft reports as they were being prepared (see AQPMs 1999/27 and 1999/30). AQIS asked the independent reviewers to advise on:

- the completeness and accuracy of scientific information in the report;
- the balance and objectivity with which scientific information was treated;
- the extent to which the exercising of professional judgement in the report was supported by and consistent with relevant scientific information; and
- the consistency of professional judgements on scientific issues that were common to each risk analysis report (where appropriate).

AQIS did not ask the independent reviewers to advise on Australia's appropriate level of protection, as this is the responsibility of the Australian Government, having regard to the broad range of quarantine decisions and precedents within AQIS's purview.

To ensure that the process fulfilled the Government's commitment to an open and consultative approach to import risk analysis, AQIS held public meetings in 5 capital cities and 2 meetings of key stakeholders in Canberra (see AQPM 199/30 and 1999/33). AQIS also made each chapter of the draft reports available to the public for comment by posting them on the AQIS Internet site (see AQPM 1999/27, 1999/30 and 1999/44).

In the course of the risk analyses, AQIS received 35 submissions on scientific issues on the non-viable salmonid product, non-viable marine finfish product and live ornamental finfish IRAs. AQIS also received a large number of representations, most of which restated the importance of maintaining the current prohibition on importation of uncooked salmon, but presented no scientific issues requiring consideration in the risk analyses.

AQIS considered all scientific issues raised in the submissions of respondents and sought the advice of the independent scientific reviewers on significant points in the submissions. All submissions were taken into account in preparing the reports. For each risk analysis, AQIS reviewed each part of the report in light of stakeholder submissions.

The scientific information reviewed in these IRAs reports is comprehensive and up-to-date and the independent scientific reviewers have agreed that the scientific analysis is accurate, objective and balanced. On this basis the conclusions in the risk analyses will be incorporated (where appropriate) into legal instruments and procedures for the importation of non-viable salmonid product and non-salmonid marine finfish product and live ornamental finfish in accordance with the recommendations set out in the IRAs.

Implementation of new policies

With effect from the date of publication of this memorandum, these policies apply to countries that wish to export to Australia the live fish and products addressed in these IRAs. The necessary arrangements are being set in place for formal recognition of:

- the competent authorities of exporting countries in relation to fish health and control of fish processing plants, and live fish exporting premises; and
- the system for monitoring and surveillance of health of populations from which farmed fish for export to Australia are sourced.

In order to be able to export salmon to Australia, countries must demonstrate to AQIS that they are able to meet Australia's conditions. As warranted by the conclusions of the risk analysis, AQIS will require that imported salmonid products will only be released to the public if they are consumer-ready.

AQIS will make arrangements to review exporting countries' controls over fish health, standards in processing plants and export premises, and export certification as appropriate. At this time, New Zealand and Canada have provided sufficient recent information to satisfy AQIS's requirements. Other countries which have had long term trade in animals and animal products would satisfy AQIS's requirements relating to export certification and controls over fish processing plants, but AQIS will need to review recent information on fish health controls.

AQIS has not conducted a formal assessment of competent authorities for fish health in many countries. For countries other than New Zealand and Canada, AQIS would enter into consultations with competent authority(ies) to satisfy itself as to controls over fish health and systems for approval and control of fish processing plants and fish export premises, and for monitoring and surveillance of fish health. Animal Quarantine Policy Memorandum 1999/41 provides guidelines for the approval of countries to export animals (including fish) and their products to Australia. The requirements set out in AQPM 1999/41 are based on the provisions of the OIE International Aquatic Animal Health Code (Chapter 1.4.3 Evaluation of competent authority) (1997).

AQIS will review information submitted by exporting countries on monitoring and surveillance systems for fish health before commencing to issue permits.

Transitional Arrangements

Under transitional arrangements, existing policies for the importation of cooked (canned and uncanned smoked) salmonids and salmonid roe, non-viable non-salmonid marine finfish product, and live ornamental finfish will continue to apply. AQIS will specify the time limit for the transitional arrangements after consultation with relevant stakeholders. AQIS is reviewing current policy for the importation of salmonid roe (ie roe must be washed and pasteurised) and further advice will be provided shortly. The policies for the importation of uncooked salmonid products come into effect from the date of publication of this memorandum.

Systems for monitoring and surveillance

AQIS will base its assessment of systems for monitoring and surveillance of fish health on the provisions of the OIE Diagnostic Manual for Aquatic Animal Diseases (Chapter 1.1 General

Information) (1997). The OIE refers to the general basis for fish health surveillance and control measures with reference to the health of cultured fish as follows:

- ‘A comprehensive approach for animal health control in fish culture requires:
- Assessment of the health status of animals in a production site based on inspections and standardised sampling procedures followed by laboratory examinations conducted according to instructions given in this *Manual*.
 - The constraint of restocking open waters and farming facilities only with aquatic animal having a health status higher than or equal to that of animals already living in the considered areas.
 - Eradication of disease when possible, by slaughtering infected stocks, disinfecting and restocking with pathogen-free fish.
 - Notification by every Member Country of its particular requirements, besides those provided by the *Code*, for importation of aquatic animals and animal products.

If the above procedures are followed, it becomes possible to give adequate assurance of the health status of aquaculture products for specified diseases, according to their country, zone or site of origin.’

The OIE Manual goes on to state that the issuance of a health certificate, based on a health status report and examinations of aquatic animals, provides assurance that the aquaculture products in a consignment originate from a farm (or other defined zone) free of one or more of specified diseases¹.

In considering minimum requirements for fish health monitoring and surveillance, AQIS will take into account the provisions of the OIE Diagnostic Manual for Aquatic Animal Diseases. However, the primary focus of the Aquatic Manual is on trade in live fish and genetic material; moreover, the provisions relate to fish diseases listed by the OIE. Australia is free of many serious pathogens that are not listed by the OIE and Government policy is to maintain freedom from these pathogens. For example, the importation of non-viable salmonids under the conditions recommended by the OIE as a minimum acceptable safeguard (ie evisceration of the carcass) would not meet Australia’s ALOP with regard to several serious diseases (such as infectious salmon anaemia). It is important to ensure that the system of monitoring and surveillance of fish health in exporting countries is sufficiently comprehensive to address the issues of concern in this risk analysis. Accordingly, in conducting its assessment, AQIS will also take into account relevant general provisions of the OIE International Animal Health Code (1998) contained in Chapter 1.4.5 Surveillance and Monitoring of Animal Health.

Announcement of outcome of the risk analyses

This AQPM advises new quarantine policies on the importation of non-viable salmonid products, non-viable marine finfish products and live ornamental finfish.

PAUL HICKEY
Executive Director

¹ The reference in the OIE Manual to the provision of assurances regarding disease freedom specifically relates to live fish and genetic material, not non-viable fish. For the OIE, provided that fish for human consumption have been eviscerated, they are considered to be safe for the purposes of international trade.

Contact Officer: Warren Vant
Telephone no: 02 6272 4436
Facsimile no: 02 6272 3399
E-mail: warren.vant@aqis.gov.au

Policies for the importation of non-viable uncanned salmonids

Where delegates grant permits, under sub-section 43 of the Quarantine Proclamation 1998, to import non-viable uncanned salmonid finfish, they should apply the following policies:

- the fish should be eviscerated;
- the fish should not be derived from a population slaughtered as an official disease control measure;
- the fish should not be juvenile salmonids or sexually mature adults/spawners;
- the fish should be processed in premises under the control of a competent authority;
- the head and gills should be removed and internal and external surfaces thoroughly washed;
- the fish should be subjected to an inspection and grading system supervised by a competent authority;
- in addition, for farmed fish, the fish should be derived from a population for which there is a documented system of health monitoring and surveillance administered by a competent authority;
- consignments exported to Australia should be accompanied by official certification confirming that the exported fish fully meet Australia's import conditions (as specified on an import permit issued by AQIS).

In recognition of the health status of New Zealand, salmonids other than rainbow trout would be permitted import under the above policies, except that it would not be required that the head and gills be removed.

Product from countries other than New Zealand derived from non-viable salmonids meeting these policies will be released from quarantine if imported in consumer-ready form. For the purpose of these policies, consumer ready product is product that is ready for the householder to cook/consume, such as cutlets, fillets (without skin), skin-on fillets if less than 450g weight and headless fish of 'pan-size' (ie less than 450g weight). Product that has been cooked for human consumption (eg canned, hot smoked, flash fried) is also regarded as consumer-ready product. Imported head-off, gilled and gutted salmonids of greater than 450g weight (ie, not consumer ready) should be processed to consumer-ready form in premises approved by AQIS before release from quarantine.

Under previous policies, AQIS permitted the importation of cooked (smoked or canned) salmonids or salmonid roe. The existing policies may continue to be applied to permits for a transitional period to be determined following consultation with stakeholders. The existing policies for smoked salmon will be revoked after this time.

AQIS is reviewing current policies for the importation of salmonid roe (ie roe must be washed and pasteurised) and further advice will be provided shortly.

Policies for the importation of non-viable, non-salmonid marine finfish product

The policies in respect of the importation of non-viable, non-salmonid marine finfish from any country are that:

EITHER

- the fish should be processed in a premises under the control of a competent authority; and
- the fish should be eviscerated;
- the fish should be subjected to an inspection and grading system supervised by a competent authority;
- the head and gills should be removed and internal and external surfaces thoroughly washed
- consignments exported to Australia should be accompanied by official certification confirming that the exported fish meet Australia's import conditions in full;

OR

- for product that has been further processed (beyond that described above) to a consumer-ready state, AQIS will not require an official health certificate.

For the purpose of these policies, consumer ready product is product that is ready for the householder to cook/consume, such as cutlets, fillets (without skin), skin-on fillets if less than 450g weight and headless fish of 'pan-size' (ie less than 450g weight). Product that has been cooked for human consumption (eg canned, hot smoked, flash fried) is also regarded as consumer-ready product.

If neither of these options applies, an importer will need to apply for an import permit. The application for the permit will need to provide details of the finfish species to be imported, the waters in which the fish were farmed (if applicable) and harvested and the intended end use of the imported fish. AQIS will assess the application in light of the quarantine risks it presents. It is anticipated that, if the delegate concludes that the proposed importation is consistent with Australia's appropriate level of protection (ie it presents an equivalent level of risk to certified, inspected, headless, eviscerated, washed fish), a permit for the importation of single or multiple consignments during a specified timeframe would ordinarily be granted.

Under these amended policies, non-salmonid marine finfish may continue to be imported into Australia. However, imports of certain marine finfish species would be subjected to additional controls to address risks associated with specified diseases². For non-susceptible species, the most significant change is that importers would be required to obtain an import permit from AQIS, except for consignments of fish that are head-off, gilled, gutted, inspected and accompanied by an official health certificate (when no import permit would be required) or for consumer-ready product (as defined above).

² For whole, round, commercially-harvested, market-size non-salmonid finfish, the disease agents which require specific risk management are: aquabirnaviruses, IPNV, Iridovirus of red sea bream, *A. salmonicida* and *Photobacterium damsela subsp. piscicida*. For *A. salmonicida*, risk management applies to all farmed marine finfish species but not to wild-caught non-salmonid marine finfish. For all other disease agents, risk management applies only to susceptible species (as specified in the IRA).

For fish that are susceptible to specified diseases, AQIS's policy is that fish be head-off, gilled, gutted, inspected and accompanied by an official health certificate or imported as consumer-ready product (as defined above). The importation of specified, susceptible species for use as bait or fish feed would not generally be permitted; rather, AQIS will conduct a case-by-case assessment before deciding whether to grant a permit and under what conditions to permit such importations. For example, delegates could not permit the import of herring for use as bait under conditions which would present an unacceptable risk of the establishment of VHSV.

In general, it is anticipated that permits will be issued for the importation of non-salmonid marine finfish products under existing conditions for a transitional period to be determined following consultation with stakeholders. During this period countries that intend export such product to Australia must provide information to AQIS regarding competent authorities and export certification for fish products.

Policies applying to the importation of non-viable, non-salmonid marine finfish product from New Zealand

As a new restriction on the importation of non-viable marine finfish caught in New Zealand's Exclusive Economic Zone by fishers approved/registered under controls administered by a government authority of New Zealand, consignments of such fish would have to be accompanied by official certification stating that they are of New Zealand origin. However, the remainder of the policies as set out in this attachment does not apply.

Policies for the importation of live ornamental finfish

The policies in respect of the importation of live ornamental finfish (both marine and freshwater) on Schedule 6 of the *Wildlife Protection (Regulation of Exports and Imports) Act* 1982 from any country is as follows.

Policy for all ornamental finfish are that each consignment be accompanied by:

- an animal health certificate from a competent authority attesting to the health of the fish in the consignment and the health status of the premises of export;
- certification from a competent authority that the premises of export are currently approved for export to Australia; and
- certification from a competent authority that the fish had not shared water with food-fish aquaculture premises.

It is policy that each consignment be subject to post-arrival quarantine detention for a minimum period in approved private facilities under quality assurance arrangements approved by AQIS. It is anticipated that the minimum period of quarantine would be 3 weeks for goldfish and 1 week for all other Schedule 6 listed finfish.

In addition to the above policies, delegates will have regard to the following risk management measures singly or in combination, as appropriate to the pathogens of concern, to the importation of ornamental finfish to address specific disease concerns:

- health certification from the competent authority that the source of the fish was free of specified disease agents;
- testing of the source population of the fish for specified disease agents;
- pre-export visual inspection;
- visual inspection at the border to identify overtly diseased consignments and to ensure that the fish are of species listed on Schedule 6;
- quarantine security over procedures in quarantine premises, including the disposal of sick and dead fish, transport water, packaging materials and other waste;
- testing of imported fish, on a random or routine basis, to address the likelihood that unwanted disease agents may be present in a consignment, and/or to provide additional data to improve targeting of risk management measures generally;
- if the presence of specific disease agents is suspected or confirmed by diagnostic testing, AQIS may require appropriate treatment of imported fish;
- increased post-arrival quarantine over the minimum indicated period (for example, due to concerns over the risks posed by iridoviruses, the minimum quarantine period for gouramis and cichlids will be 2 weeks).

In general, it is anticipated that permits will be issued for the importation of live ornamental finfish under existing conditions for a transitional period to be determined following consultation with stakeholders, and existing consignment clearance procedures will continue to operate. During this period countries that intend to export fish to Australia must provide scientific and technical information to AQIS regarding competent authorities, fish health surveillance and export certification for live fish.

