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GENERAL NOTICE

NOTICE 168 OF 2011

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

ANIMAL DISEASES ACT, 1984 (ACT NO. 35 OF 1984)

PUBLICATION OF PROPOSED NOTICE ON THE IMPORTATION OF LIVE CLOVEN HOOFED ANIMALS (EXCLUDING AFRICAN BUFFALO) FROM COUNTRIES OR ZONES NOT RECOGNIZED AS FREE FROM FOOT AND MOUTH DISEASE BY THE WORLD ORGANIZATION FOR ANIMAL HEALTH

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries hereby invite public comments on the proposed notice on the importation of live cloven hoofed animals (excluding African buffalo) from countries not recognized as free from Foot-and-Mouth Disease (FMD) by the World Organization for Animal Health.

Comments must be submitted before 24 June 2011. They must be sent to:

The Director
Directorate: Animal Health
Department of Agriculture, Forestry and Fisheries,
Private Bag X138,
Pretoria 0001
Tel: 012 319 7456
Fax: 012 329 7218
Email: <mailto:PA.DAH@daff.gov.za>

**NOTICE OF THE PROPOSED POLICY ON THE IMPORTATION OF LIVE CLOVEN
HOOFED ANIMALS (EXCLUDING AFRICAN BUFFALO) FROM COUNTRIES OR
ZONES NOT RECOGNIZED AS FREE FROM FOOT AND MOUTH DISEASE BY THE
WORLD ORGANIZATION FOR ANIMAL HEALTH**

1. INTRODUCTION

- 1.1. South Africa is a signatory member of the World Trade Organisation (WTO). The WTO has different agreements of which the WTO Sanitary and Phytosanitary (SPS) Agreement is one such an agreement. The WTO SPS Agreement recognizes the World Organisation for Animal Health (OIE) as the standard setting body for animal health and zoonoses. The OIE sets guidelines for trade in various animals and animal products from countries or zones for different disease statuses as defined in the OIE Terrestrial Animal Health Code.
- 1.2. During international trade and movement of animals and animal products there is a risk of introducing and spreading of diseases and parasites. Risk mitigation measures are based on OIE guidelines where available and applicable. In the absence of applicable OIE guidelines or where there is scientific justification for more or less stringent requirements, countries are expected to base their requirements on risk assessment based on available scientific knowledge.
- 1.3. South Africa is a member of the OIE, and therefore the Department of Agriculture, Forestry and Fisheries (DAFF) strives to implement effective regulatory measures that are least trade restrictive, as well as economically and operationally feasible. South African regulatory measures for animal health are governed by the Animal Diseases Act, 1984 (Act No. 35 of 1984).
- 1.4. The South African government may implement further restrictions on imports of animals and animal products where there are capacity constraints that may impact on the effective implementation of risk mitigation measures.
- 1.5. The OIE currently only gives official recognition of country/zone freedom for four diseases (Rinderpest, Contagious Bovine Pleuropneumonia (CBPP), Bovine Spongiform Encephalopathy (BSE) and Foot and Mouth Disease (FMD)).
- 1.6. Foot and Mouth disease is recognised by the OIE as a disease with major trade implications. It is a highly contagious viral animal disease affecting all cloven hoofed animals. The disease has very serious economic consequences as it affects livestock production, trade in animals and animal products and possibly other unrelated agricultural products.
- 1.7. In terms of the freedom from FMD, countries or zones are classified by the OIE as FMD free with vaccination or FMD free without vaccination. Countries that are not officially recognised as free from FMD by the OIE are regarded as FMD infected for trade purposes. The largest part of South Africa, excluding the Kruger National Park Complex and the surrounding protection zone is recognized by the OIE as an FMD free zone without vaccination.
- 1.8. An outbreak of FMD in any part of the FMD free zone of South Africa, or a change of the nature of disease in the infected zone, will lead to loss in production, deaths, destruction of livestock and movement restrictions of livestock and agricultural products on farms in the affected area. This change

may lead to an embargo of exports of animals, animal products as well as any agricultural products out of the country.

- 1.9. Following the two FMD outbreaks at Camperdown in KwaZulu-Natal in September 2000, and at Middelburg in Mpumalanga in November 2000, DAFF took a management decision of not allowing the importation of any cloven hoofed animals (FMD susceptible) from countries or zones whose animal disease status is not officially recognized as FMD free by the OIE. This management decision was developed, supported by the Ministry and Senior Management of the Department and then implemented by the Directorate Animal Health in terms of its statutory mandate and responsibility to protect the South African livestock and game industries against the introduction of this important trans-boundary animal disease.
- 1.10. South Africa uses the status of its OIE recognized FMD free zone for trade with other countries/zones that are recognized by the OIE as FMD free. This status is crucial for foreign exchange earnings, job creation, local economic development, food chain development and keeping rural areas optimally utilized for various agricultural activities and game farming.
- 1.11. Prior to 2001, supervised imports of cloven-hoofed game animals had taken place. There has been in recent times an increasing demand for the importation of cloven hoofed animals into South Africa from certain African countries which have not been recognized as free from FMD by the OIE.

2. PROBLEM STATEMENT

- 2.1. The Directorate of Animal Health recognizes the need to facilitate international trade, especially trade within and among African countries. South African political leadership and business fraternity have a burdensome situation of explaining how to reduce the skewed trade imbalance between the Republic and other SADC members as well as other African Union – AU member states. Both the former and current Presidents of South Africa have promoted and supported the intra-Africa trade expansion on the basis of South Africa opening its market to the rest of Africa. The envisaged trade activities would still be undertaken within the broader and accepted international guidelines and rules. Most of the African countries are signatories to the WTO and United Nations' protocols and agreements.
- 2.2. When importing live cloven hoofed animals from these countries, there are a number of other diseases that would have to be taken into consideration, especially if the disease(s) do not occur in South Africa or if the disease(s) in South Africa is (are) limited to certain strains, subtypes or areas. These include, but are not limited to diseases, such as Bovine Tuberculosis (TB), Trypanosomosis, Theileriosis, Brucellosis (CA), Johne's disease (paratuberculosis), Peste des petits ruminants (PPR), Contagious Bovine Pleuropneumonia (CBPP), Porcine Reproductive and Respiratory Syndrome (PRRS), Classical Swine Fever (CSF) and African Swine Fever (ASF). For some of these diseases there are no internationally recognised trade guidelines or testing protocols for game species. Thus both the importing and exporting

countries must determine the best possible outcome that does not compromise and/or jeopardise their existing bilateral and multilateral trade agreements. Trade between the two would thus depend on the mechanisms that both countries put in place to eradicate and/or limit the risks.

- 2.3. DAFF is now reviewing the current policy decision regarding the importation of live cloven-hoofed animals from countries that are not recognized by the OIE as free from FMD and hereby formulate a proposed new policy framework for consideration.

3. POLICY OBJECTIVE

- 3.1. The review of the management decision is aimed at developing and establishing a new policy framework with appropriate trade restrictive measures that would allow for the importation of cloven hoofed animals from countries/zones that are not recognized by the OIE as free from FMD without compromising the animal health or international trade status of South Africa.

- 3.2. Specific Objectives are:

- 3.2.1. To facilitate trade and to provide a sanitary framework to address the risks associated with the importation of live cloven hoofed animals;
- 3.2.2. To strengthen co-operation with trade partners, especially within the Southern African Development Community (SADC); and
- 3.3.3. To protect animal- and human health in South Africa.

4. KEY POLICY PRINCIPLES TO ADDRESS THE PROBLEM STATEMENT

- 4.1. The policy decision review will be guided by a Risk Analysis done in terms of Chapter 2.1 of the OIE Code (2010). Risk Analyses will be conducted on a per species and per country basis, or as required.
- 4.2. According to available knowledge, no other FMD free country or country with a zone recognised as FMD free by the OIE, allows the importation of live cloven-hoofed animals from FMD infected areas. However, there are OIE guidelines for the importation of domestic stock and pigs from FMD infected countries or zones (Article 8.5.12 of the OIE Code).
- 4.3. Affected and interested parties will be consulted during the risk analysis process. Peer review of the risk analyses will enable obtaining scientific critique and to ensure that the data, information and methods and assumptions are the best available. Peer review of the Risk Analysis as per Article 2.1.7 of Chapter 2.1 of the 2010 OIE – Terrestrial Animal Health Code, is therefore a critical component to protect RSA's current and future export markets.
- 4.4. There must be no capacity constraints that may impact on the effective implementation of risk mitigation measures required by the new policy.

5. POLICY OPTIONS

Two Policy Options exist as follows:

5.1. Option 1- Maintain status quo

DAFF decides to maintain the status quo and not allow the importation of live cloven-hoofed animals from countries or zones that are not recognised by the OIE as free from FMD.

OR

5.2. Option 2 – Develop a policy to allow cloven-hoofed animals into RSA

DAFF decides to change the policy decision and consider the importation of live cloven-hoofed animals from countries or zones that are not recognised by the OIE as free from FMD, based on risk analyses performed.

6. ISSUES FOR CONSIDERATION

6.1. Anticipated consequences for the various options

A part of the risk analysis is a detailed consequence evaluation. In brief the positive and negative consequences of the two options are as follows:

6.1.1. Option 1

- Positive consequences
 - Exclusion of all possible disease risks that may be associated with such legal imports;
 - Promote the animal health of the national herd;
 - Safeguarding of export markets
- Negative consequences
 - Illegal importation;
 - Unsatisfied prospective importers;

6.1.2. Option 2

- Positive consequences
 - The increased demand for the importation of live cloven-hoofed animals from countries that are not recognized by the OIE as free from FMD will be satisfied;
 - Promotion of intra-African trade;
 - Promote eco-tourism;
 - Increased job opportunities
- Negative consequences
 - Possible loss of export markets;
 - Possible loss of SA's OIE recognized FMD free status;
 - Possible introduction of diseases;
 - Claims for compensation should there be a disease outbreak.

Option 2 requires the following:

- i) DAFF and Provincial Veterinary Services providing technical and other associated support to ensure prospective countries comply and implementation of risk mitigation measures. This will take a form of:
 - a). Erecting quarantine facilities in exporting countries and RSA;
 - b). Seconding veterinary support to countries to ensure compliance is effected;
 - c). Funding certain or all required infrastructure and lobbying for third-party funding.
- ii) Political commitment is translated into budgetary support and legislation to effect the new policy;
- iii) Adequately trained and capacitated government services to manage the new policy;
- iv) Increased resources for the Directorate of Animal Health to deal with operational and unplanned incidence of disease occurrences brought about by the policy.

6.2 Risk Mitigation Measures

On the basis of the outcome of the Risk Analysis, if Option 2 is adopted, and the new policy is developed to allow the importation of the specified animals, then the Directorate of Animal Health will consider implementing the following Risk Mitigation Measures and any further measures that may be necessary:

1. Pre-export quarantine

- a. Pre-export quarantine is subject to the negotiation of a bilateral agreement with the exporting country to provide the best possible guarantees including pre-export quarantine conditions; testing; treatment; possible supervision of pre-export quarantine by an authorized South African veterinarian; and veterinary health certification.

2. Post-import quarantine station

- a. Declaring a single post-import quarantine station for such animals under full government control, so that it is easy to manage a potential disease risk. The new proposed OIE Code definition of a quarantine station reads *"Quarantine station means an establishment under the control of the Veterinary Authority where animals are maintained in isolation with no direct or indirect contact with other animals, to ensure that there is no transmission of specified pathogen(s) outside the establishment while the animals are undergoing observation for a specified length of time and, if appropriate, testing and treatment. The presence of disease or infection in animals in the quarantine station does not affect the animal health status of the country or zone"*. It is therefore envisaged that the post-import quarantine station be designed with an exclusion zone that is of sufficient size and secure enough to ensure that infection cannot escape outside the borders of the quarantine station.

- b. It is envisaged that the quarantine station must be situated in the lowest biosecurity risk area of the country taking into consideration all relevant factors, such as but not limited to geographic, climatic, animal, people and vector density factors.
- c. The quarantine will be managed according to the procedural documents of the Department.
- d. It is envisaged that the costs of a quarantine station should cover the capital remuneration; running and maintenance costs, State Veterinary supervision costs, as well as any additional costs relating to any additional disease control measures that may be required. These costs will be included in the funding model referred to hereunder.
- e. The quarantine facility must be under direct official state veterinary control for 24 hours a day for the duration of quarantine.
- f. Testing, treatment and other risk mitigation measures for all disease risks identified must take place under government control. Diagnostic tests will be done in the manner and at the laboratories as prescribed and approved by the Director Animal Health.
- g. The quarantine station must allow for equitable access by all prospective importers.

3. Contingency Plan

- a. There will be a contingency plan in place for the operation of the quarantine facility that deals with operational eventualities.
- b. The importers will be required to sign an indemnity that will be part of the contingency plan, whereby he/she agrees to abide by the opinion and instructions of the Director Animal Health. This may include the instruction to either return or destroy animals, for the cost of the importer, if some or all of the animals test positive or suspect in the opinion of the Director Animal Health, or show clinical signs of disease. No compensation will be payable in such cases.

7. POLICY COST PROJECTIONS IF OPTION 2 IS IMPLEMENTED

7.1. Actions

7.1.1. Year 1

- Planning;
- Feasibility;
- Investigations.

7.1.2. Year 2

- Implementation.

7.1.3. Year 3 to 5

- Acquisition;
- Maintenance.

7.1.4. Year 5

- Review.

7.2. Estimated cost implications

7.2.1. Risk assessment: R1 million.

7.2.2. Technical assistance: R8 million.

7.2.3. Infrastructure: R30 million to R50 million.

7.2.4. Legislation: R1 million.

- 7.3 A Treasury approved funding model will be developed that will allow for cost recovery of the initial and ongoing risk mitigation measures from the importers as part of the quarantine fees over a prescribed number of years.

The Minister herein invites comments/inputs on the following:

1. The proposed new policy to allow importation of live cloven hoofed animals from countries or zones whose animal disease status has not been recognized as free from FMD by the OIE; and
 2. The envisaged conditions and possible disease risk mitigation measures to be implemented, as mentioned in this document, if the new policy is approved by the Minister to allow for the importation of live cloven hoofed animals be considered.
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