
# INTERNATIONAL STANDARDS FOR PHYTOSANITARY MEASURES

## ISPM 16

# REGULATED NON-QUARANTINE PESTS: CONCEPT AND APPLICATION

## (2002)

Produced by the Secretariat of the International Plant Protection Convention

**Publication history**

*This is not an official part of the standard*

1996-09 TC-RPPOs added topic *Regulated non-quarantine pests* (1996-002)

1998-10 EWG developed draft text

1999-10 ICPM-2 added topic *Regulated non-quarantine pests*

2000-04 ICPM-3 noted as high priority topic

2001-05 ISC-3 approved Specification 6 *Pest risk analysis for regulated non-quarantine pests*

2001-05 ISC-3 revised draft text and approved for MC

2001-06 Sent for MC

2001-11 ISC-4 revised draft text for adoption

2002-03 ICPM-4 adopted standard

**ISPM 16**. 2002. *Regulated non-quarantine pests: concept and application*. Rome, IPPC, FAO.

Publication history: Last modified August 2011

## CONTENTS

Adoption ..... 16-5

INTRODUCTION ..... 16-5

Scope ..... 16-5
References ..... 16-5
Definitions ..... 16-5
Outline of Requirements ..... 16-5

GENERAL REQUIREMENTS ..... 16-6

1. Background ..... 16-6
2. Provisions of the IPPC Regarding Regulated Non-Quarantine Pests ..... 16-6
3. Comparison between RNQPs and Other Pests ..... 16-7
   - 3.1 Comparison with quarantine pests ..... 16-7
   - 3.1.1 Pest status ..... 16-7
   - 3.1.2 Pathway ..... 16-7
   - 3.1.3 Economic impacts ..... 16-7
   - 3.1.4 Official control ..... 16-7
   - 3.2 Comparison with non-regulated pests ..... 16-8
4. Criteria that Define RNQPs ..... 16-8
   - 4.1 “Plants for planting” ..... 16-8
   - 4.2 “Intended use” ..... 16-8
   - 4.3 “Those plants” ..... 16-8
   - 4.4 “Economically unacceptable impact” ..... 16-8
   - 4.5 “Regulated” ..... 16-9
5. Relevant Principles and Obligations ..... 16-9
   - 5.1 Technical justification ..... 16-9
   - 5.2 Risk assessment ..... 16-9
   - 5.3 Managed risk, minimal impact and equivalence ..... 16-9
   - 5.4 Non-discrimination ..... 16-9
   - 5.5 Transparency ..... 16-10
6. Application ..... 16-10
   - 6.1 Host-pest interaction ..... 16-10
   - 6.2 Certification programmes ..... 16-10
   - 6.3 Tolerances ..... 16-10
   - 6.4 Non-compliance ..... 16-10

## Adoption

This standard was adopted by the Fourth Session of the Interim Commission on Phytosanitary Measures in March 2002.

## INTRODUCTION

### Scope

This standard describes the concept of regulated non-quarantine pests and identifies their characteristics. It describes the application of the concept in practice and the relevant elements for regulatory systems.

### References

**IPPC**. 1997. *International Plant Protection Convention*. Rome, IPPC, FAO.

**ISPM 1**. 1993. *Principles of plant quarantine as related to international trade*. Rome, IPPC, FAO. [published 1995] [revised; now ISPM 1: 2006]

**ISPM 2.** 1995. *Guidelines for pest risk analysis*. Rome, IPPC, FAO. [revised; now ISPM 2: 2007]

**ISPM 5**. *Glossary of phytosanitary terms*. Rome, IPPC, FAO.

**ISPM 5 Supplement 1**. 2001. *Guidelines on the interpretation and application of the concept of official control for regulated pests*. Rome, IPPC, FAO.

**ISPM 6**. 1997. *Guidelines for surveillance*. Rome, IPPC, FAO.

**ISPM 8**. 1998. *Determination of pest status in an area*. Rome, IPPC, FAO.

**WTO**. 1994. *Agreement on the Application of Sanitary and Phytosanitary Measures*. Geneva, World Trade Organization.

**Zadoks, J.C.** 1967. Types of losses caused by plant diseases. In *FAO Symposium on crop losses. Rome, 2–6 October 1967*, pp. 149–158.

### Definitions

Definitions of phytosanitary terms used in the present standard can be found in ISPM 5 (*Glossary of phytosanitary terms*).

### Outline of Requirements

Pests that are not quarantine pests may be subject to phytosanitary measures because their presence in plants for planting results in economically unacceptable impacts. They are defined in the IPPC as regulated non-quarantine pests (RNQPs). Several provisions of the IPPC deal with RNQPs.

The distinction between RNQPs and quarantine pests, both of which are regulated pests, can be described in terms of the pest status, presence, pathway/commodity, economic impacts and type of official control. In accordance with Article VI.2 of the IPPC, “Contracting parties shall not require phytosanitary measures for non-regulated pests.”

The application of the concept of RNQPs follows the principles of technical justification, risk analysis, managed risk, minimal impact, equivalence, non-discrimination, and transparency. Each element of the definition of RNQPs has a specific meaning, and as a consequence, host-pest interactions, non-phytosanitary certification programmes that contain elements suitable for phytosanitary certification, tolerances, and non-compliance actions all need to be considered when defining the requirements for the application of measures for RNQPs.

## GENERAL REQUIREMENTS

### 1. Background

Certain pests that are not quarantine pests are subject to phytosanitary measures because their presence in plants for planting results in economically unacceptable impacts associated with the intended use of the plants. Such pests are known as regulated non-quarantine pests (RNQPs) and are present and often widespread in the importing country. Where official control is applied to plants for planting produced within countries to protect them from such pests, then the same or equivalent phytosanitary measures may be applied to those pests on imported plants for planting of the same species for the same intended use.

### 2. Provisions of the IPPC Regarding Regulated Non-Quarantine Pests

In addition to definitions found in Article II, as well as other references to regulated pests in the IPPC, the following provisions of the IPPC are relevant to regulated non-quarantine pests.

Article VII.1

> With the aim of preventing the introduction and/or spread of regulated pests into their territories, contracting parties shall have sovereign authority to regulate, in accordance with applicable international agreements, the entry of plants and plant products and other regulated articles and, to this end, may:
>
> (a) prescribe and adopt phytosanitary measures…
>
> (b) refuse entry or detain, or require treatment, destruction or removal …
>
> (c) prohibit or restrict the movement of regulated pests …

Article VI.1

> Contracting parties may require phytosanitary measures for quarantine pests and regulated non-quarantine pests, provided that such measures are:
>
> (a) no more stringent than measures applied to the same pests, if present within the territory of the importing contacting party; and
>
> (b) limited to what is necessary to protect plant health and/or safeguard the intended use and can be technically justified by the contracting party concerned.

Article VI.2

> Contracting parties shall not require phytosanitary measures for non-regulated pests.

Article IV.3

> Each contracting party shall make provision, to the best of its ability, for the following:
>
> (a) the distribution of information within the territory of the contracting party regarding regulated pests and the means of their prevention and control ...

Article VII.2(i)

> Contracting parties shall, to the best of their ability, establish and update lists of regulated pests, using scientific names, and make such lists available to the Secretary (of the Commission on Phytosanitary Measures), to regional plant protection organizations of which they are members and, on request, to other contracting parties.

ANNEX:

Text of the model phytosanitary certificate:

> This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.

They are deemed to be practically free from other pests.*

*Optional clause

# 3. Comparison between RNQPs and Other Pests

## 3.1 Comparison with quarantine pests

Quarantine pests and RNQPs can be compared on the basis of four elements of their defining criteria: pest status in the importing country, pathway/commodity, economic impacts associated with the pest, and the application of official control.

The table below provides a summary of the distinctions.

**Comparison of quarantine pests and regulated non-quarantine pests**

| Defining criteria | Quarantine pest | RNQP |
|---|---|---|
| Pest status | Absent or of limited distribution | Present and may be widely distributed |
| Pathway | Phytosanitary measures for any pathway | Phytosanitary measures only on plants for planting |
| Economic impact | Impact is predicted | Impact is known |
| Official control | Under official control if present with the aim of eradication or containment | Under official control with respect to the specified plants for planting with the aim of suppression |

### 3.1.1 Pest status

In the case of quarantine pests, phytosanitary measures focus on reducing the likelihood of introduction, or if the pest is present, reducing the likelihood of spread. This means that, in the case of a quarantine pest, the pest is absent or is being prevented from invading new areas and is being officially controlled where it occurs. In the case of an RNQP, the likelihood of introduction is not relevant as a criterion, because the pest is present and quite possibly widespread.

### 3.1.2 Pathway

Phytosanitary regulations and procedures may be applied for quarantine pests associated with any host or pathway. For RNQPs, the only pathway that may be regulated is plants for planting of specified host(s) for a particular intended use.

### 3.1.3 Economic impacts

The main difference between the definitions of a quarantine pest and an RNQP with respect to economic impact is the distinction between potential economic importance for quarantine pests and known economically unacceptable impacts for regulated non-quarantine pests. Since the RNQP is present in the country, detailed first-hand information should be available about its impact, which is therefore known rather than predicted as for quarantine pests that are not yet present in that country. Furthermore, the potential economic importance associated with quarantine pests may include consideration of factors such as market access into other countries and environmental effects that are not relevant for RNQPs, because the pests are established.

### 3.1.4 Official control

All regulated pests are subject to official control. If present in an area, quarantine pests are subject to official control, in the form of phytosanitary measures for their eradication and/or containment. RNQPs are subject to official control in the form of phytosanitary measures for their suppression in the specified plants for planting.

### 3.2 Comparison with non-regulated pests

Some pests, which are neither quarantine pests nor RNQPs, may cause unacceptable impacts (i.e. damage) of a non-phytosanitary nature (e.g. commercial or food safety). Measures applied to plants damaged in this way are not phytosanitary measures. In accordance with Article VI.2 of the IPPC, "Contracting parties shall not require phytosanitary measures for non-regulated pests."

## 4. Criteria that Define RNQPs

The definition of RNQPs provides criteria to distinguish this category of pests from quarantine pests. Further understanding of certain words in the definition is important for the proper interpretation and application of the concept.

### 4.1 "Plants for planting"

The concept of RNQPs is specifically limited in application to "plants for planting". Plants are defined as "living plants and parts thereof, including seeds". Therefore, "plants for planting" includes seeds, bulbs and tubers, and various kinds of vegetative propagating material, which may be whole plants or parts of plants (such as cuttings).

Since "plants for planting" includes "plants intended to remain planted", potted plants (including bonsai) are included. Risks associated with plants that are intended to remain planted may be less than for plants intended for multiplication.

### 4.2 "Intended use"

The "intended use" of plants for planting may be:

- growing for direct production of other commodity classes (e.g. fruits, cut flowers, wood, grain)
- to remain planted (e.g. ornamentals)
- increasing the number of the same plants for planting (e.g. tubers, cuttings, seeds).

Risk of economically unacceptable impact varies with different pests, commodities, and intended use. Distinctions may be made between commercial use (involving a sale or intention to sell), and non-commercial use (not involving a sale and limited to a low number of plants for planting for private use), where such a distinction is technically justified.

### 4.3 "Those plants"

"Those plants" refers to the specific plants (species, varieties etc.) for planting, either imported or domestically produced for the intended use, that are regulated by the importing country with respect to RNQPs.

### 4.4 "Economically unacceptable impact"

The definition for a regulated non-quarantine pest refers to an "economically unacceptable impact". This means that losses are measured in terms of economic impacts, and judged to be acceptable or unacceptable.

For quarantine pests, economic impacts include effects on market access as well as those impacts that may be less easily quantified in direct economic terms, such as certain effects on the environment as related to plant health. Because RNQPs are already present, there are not new or additional impacts related to market access or environmental health. Therefore these impacts are not considered relevant factors in determining economic impacts for RNQPs.

Relevant factors in determining economically unacceptable impacts include:

- reduction of quantity of marketable yield (e.g. reduction in yield)

- reduction of quality (e.g. reduced sugar content in grapes for wine, downgrading of marketed product)
- extra costs of pest control (e.g. roguing, pesticide application)
- extra costs of harvesting and grading (e.g. culling)
- costs of replanting (e.g. due to loss of longevity of plants)
- loss due to the necessity of growing substitute crops (e.g. due to need to plant lower yielding resistant varieties of the same crop or different crops).

In particular cases, pest effects on other host plants at the place of production may be considered relevant factors.

### 4.5 "Regulated"

"Regulated" in the definition of RNQP refers to official control. An official control programme for RNQPs can be applied on a national, subnational, or local area basis. (see ISPM 5 Supplement 1, *Guidelines on the interpretation and application of the concept of official control for regulated pests*, 2001)

## 5. Relevant Principles and Obligations

The application of the concept of RNQPs follows in particular the principles and obligations of technical justification, risk analysis, managed risk, minimal impact, equivalence, non-discrimination and transparency.

### 5.1 Technical justification

Phytosanitary measures covering RNQPs should be technically justified as required by the IPPC. The classification of a pest as an RNQP and any restrictions placed on the import of the plant species with which it is associated should be justified by pest risk analysis.

### 5.2 Risk assessment

Pest risk assessment for RNQPs is not the same as pest risk assessment performed for a potential quarantine pest because it is not necessary to evaluate the probability of establishment, nor the long-term economic impact of an RNQP. It is, however, necessary to demonstrate that plants for planting are a pathway for the pest, and the plants for planting are the main source of infestation that result in economically unacceptable impacts.

### 5.3 Managed risk, minimal impact and equivalence

Risk management for RNQPs requires a decision regarding whether the economic impact determined through risk assessment represents an "unacceptable level of risk." Decisions regarding the strength of the measures to be used for risk management should be in accordance with the principles of non-discrimination, managed risk and minimal impact, and should allow for the acceptance of equivalent measures where appropriate.

### 5.4 Non-discrimination

Phytosanitary measures for RNQPs should respect the principle of non-discrimination both between countries and between domestic and imported consignments. A pest can only qualify as an RNQP if there is official control within the territory of the contracting party requiring that no plants for planting with the same intended use (of the same or similar species of host plants), irrespective of their origin, be sold or planted if containing the pest, or containing the pest above a specified tolerance. A pest on an imported consignment can only be regulated as an RNQP if the plants are to be sold or planted

within the territory of the importing country, or within that part of its territory, where the official control for the pest applies.

### 5.5 Transparency

National regulations and requirements for RNQPs, including details of official control programmes should be published and transmitted to any contracting party that may be directly affected (Article VII.2(b)). The technical justification for categorizing a pest as an RNQP and the justification for the strength of the measures applied for RNQPs should be made available by the importing contracting party upon request of another contracting party (Article VII.2(c)).

## 6. Application

When an NPPO wants to designate certain pests as RNQPs, the NPPO needs to consider the elements described above. In addition, some specific issues, such as host-pest interactions, and the existence of certification programmes (e.g. seed certification) for plants for planting may be considered.

### 6.1 Host-pest interaction

RNQPs should be defined in relation to a specified host or hosts because the same pest might not be regulated as an RNQP on other hosts. For example, a virus may cause economically unacceptable impact in one species of plants for planting, but not in another. Distinctions should be made regarding the specified taxonomic level of the host plants for the application of phytosanitary requirements for RNQPs where information available on host-pest interaction supports such distinctions (e.g. varietal resistance/susceptibility, pest virulence).

### 6.2 Certification programmes

Programmes for the certification[1] of plants for planting (sometimes known as "certification schemes") frequently include specific requirements for pests, in addition to non-phytosanitary elements such as requirements for varietal purity, colour, size of the product, etc. The pests concerned may be RNQPs if this can be technically justified and if the certification programme is mandatory, and thus can be considered to be official control, i.e. established or recognized by the national government or NPPO under appropriate legislative authority. In general, the pests for which certification programmes are intended are those which cause economically unacceptable impact for the crop concerned and are mainly transmitted in plants for planting, thereby qualifying as RNQPs. However, not all pests mentioned in certification programmes are necessarily RNQPs. Some existing programmes may include tolerances for pests or pest damage whose technical justification has not been demonstrated.

### 6.3 Tolerances

The application of the concept of RNQPs requires acceptance and establishment of appropriate tolerances for RNQP levels in official control programmes and corresponding requirements at import. The level of tolerance depends on the technical justification and follows in particular the principles of managed risk, non-discrimination, and minimal impact. In some cases, if technically justified, this tolerance may be zero, based on specified sampling and testing procedures.

### 6.4 Non-compliance

Phytosanitary action taken for non-compliance with phytosanitary requirements for RNQPs should be in accordance with the principles of non-discrimination and minimal impact.

[1] This certification is not to be confused with phytosanitary certification.

Options include:

- downgrading (change commodity class or intended use)
- treatment
- redirection for another purpose (e.g. processing)
- redirection to origin or another country
- destruction.