

Webinar Series on Customs and Sanitary and Phytosanitary Measures for Mongolia

Series 1: Experiences in Integrated Border Management and Risk
Assessment for Plants and Plant Products and Animals and
Products of Animal Origin

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**Session 3: Risk Assessment and Categorization for Plant and Plant Products
and Legal Basis**

Professor Rob Black, Team Leader (Consultant), TA 9500

Mr. David McKellar, Phytosanitary Expert (Consultant), TA 9500
Asian Development Bank



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Plan for presentation

- ▶ Legal basis for National Plant Protection Organization (NPPO) and phytosanitary measures in Mongolia
- ▶ Risk analysis and risk categorization for plant health
- ▶ Composition of risk analysis/risk assessment team
- ▶ Laboratory testing

Accompanying material

- ▶ ISPM 32. Risk categorization of commodities according to risk (English and Russian)

Legal basis for NPPO and Phytosanitary Measures in Mongolia



Mongolian laws for Plant and Animal Health

- ▶ Law on quarantine control of animals, plants and their raw materials and products at the state border (LQC) (last amended 2021)
- ▶ Law on plant protection (LPP) (2007)

(Unofficial translations into English)

These two Laws were reviewed in detail. However, it is recommended to reserve full review for mentoring (MOFALI, MCGA scientists *and lawyers if possible.*)

In this presentation the main points of the review following cover:

1. Legal basis for establishment of NPPO
2. Legal basis for phytosanitary measures

Legal basis for establishment of NPPO

1. There are two laws covering 'plant quarantine':
 - LQC (last amended 2021)
 - LPP

There are Articles typical for legislation in the region in both LQC and LPP about 'conformity with other Laws'. Best practice internationally is to state which law overrides which in case of overlap. Normally, more recent provisions (i.e. LQC) would prevail but see below.

2. LQC does NOT establish NPPO adequately. There is vague varied and inconsistent reference to 'state body' AND to Customs in different articles as possibly being NPPO.
3. Inconsistent reference to 'competent authority' as per *SPS Agreement* in Article 3.1.2 *for plant health* and Article 7 *for all SPS sectors*.
4. NPPO should delegate authority to subsidiary organisations.
5. By contrast LPP consistently cites *state central administrative body (in charge of pastureland and crop protection)* and effectively establishes NPPO.

Legal basis for phytosanitary measures

1. Risk analysis, risk assessment are defined in LQC, but these processes are not applied with reference to regulated pests or phytosanitary import requirements. (Article 10.1.12 vaguely refers to '*the permissible risk of the animal, plant, raw material or product has been determined.*')
2. In LQC, the most important issue of phytosanitary certificates is not addressed correctly because of inconsistent naming of the certificate between the 'Definitions' in Article 3 and the body of the Law; and no reference to the model certificates in the IPPC
3. LPP better addresses IPPC principles, but while providing more clarity on NPPO, lacks definitions of quarantine pests, risk analysis, etc. Consequently, giving PRA processes a legal basis is not followed through.

Brief note on Legal basis for animal health

LQC also covers 'animal quarantine', with equivalent vagueness and inconsistency regarding establishment of state veterinary services. However, the *Law on Animal Health* as amended provides a sound legal basis for animal health and veterinary matters in Mongolia. Further details are provided in **Session 4**.

Recommendations for reform of Mongolia's plant health laws

- ▶ Fundamental revision of law on PH is required to adopt principles of IPPC but LPP provides a better starting point even though it is older.
- ▶ A new Law on PH is recommended, repealing LQC entirely but based on LPP. (Given the above remarks about animal health law in Mongolia, LQC could be entirely repealed once LPP is amended.)

(Essentially the same recommendations were made after reviewing these Law following TA9500 mission to Mongolia in 2018)

Risk Assessment and Risk Categorization for Plant Health

WTO Trade Facilitation Agreement

Article 7 (Release and Clearance of Goods) - 4.

Risk management:

- ▶ Risk management system for customs control.
- ▶ Risk management done in a manner as to avoid unjustifiable discrimination.
- ▶ Concentrate customs control on high-risk consignments and expedite the release of low-risk consignments.
- ▶ Base risk management on an assessment of risk through appropriate selectivity criteria.

Why are Risk Assessments needed for Plants and Plant Products?

- ▶ Risk = likelihood (of pest entry, establishment and spread) and consequence (of pest entry, establishment and spread).
- ▶ More efficient for Customs to focus on pests and diseases, and their pathways, that pose the highest risk to the Mongolian agriculture sector.

The key elements of a risk assessment are to:

- ▶ Identify pests and/or pathways of quarantine pests concern.
- ▶ Assess the risk and determine appropriate strategies for pest management.

Priority Plant Pests

- ▶ Identifying agriculture and horticulture industries at risk.
- ▶ Strengthening import control activities and protocols.
- ▶ Reviewing the country's Plant Health Regulations.
- ▶ Strengthening plant pest surveillance, pest monitoring and pest forecasting.
- ▶ Identifying plant health laboratory capacity.



Pest Risk Analysis



The two types of Pest Risk Analysis

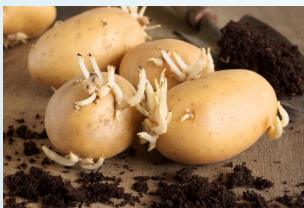
- ▶ Species PRA
- ▶ Pathway PRA



Examples of Potential Pest Pathways



Categorization of Commodities according to their Pest Risk



- ▶ Non-risk plant commodities do not require phytosanitary measures.
- ▶ Low risk commodities could require phytosanitary documentation and a verification inspection.
- ▶ Medium risk commodities could require phytosanitary documentation and visual inspections (medium sampling rate).
- ▶ High risk commodities will need intensified document checks and phytosanitary inspections (higher sampling rate), and post-entry checks.

Commodity Risk Categorization

- ▶ The risk of pest introductions is related to the method and degree of processing the plant commodity has been subjected.
- ▶ The risk of pest introductions is related to the intended use and consequent potential as a pathway for introducing regulated pests.
- Risk categorization identifies high risk commodities on which to focus inspections.
- The following categorization scheme follows ISPM 32



Examples of Category 1 Plant Commodities



Examples of Plant Commodities imported into Mongolia	Commercial Process Involved - processing by heat or fermentation
Instant noodles	Cooking (boiling, heating, microwaving)
Sugar, vegetable oils	Extraction
Wines, liquors, beer and other alcoholic beverages, fermented vegetables	Fermentation
Pasteurized juices	Pasteurization
Roasted coffee	Roasting
Canned vegetables, soups	Sterilization

Examples of Category 2 Plant Commodities

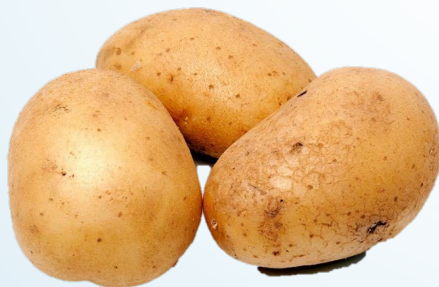


Examples of Plant Commodities imported into Mongolia	Commercial Process Involved - physical processes only
Flour	Milling
Chopped fruit, nuts, grains, vegetables	Chopping
Herbs, nuts (usually dried products)	Crushing
Polished rice	Polishing (of grain)

Examples of Category 3 Plant Commodities

Category 3 commodities are not processed and are imported for consumption or processing.

These plant products include some fresh fruits and vegetables, cut flowers, sawn timber, and logs.



Examples of Category 4 Plant Commodities

Category 4 commodities include plants, cuttings, some seeds, bulbs, and are intended for planting.



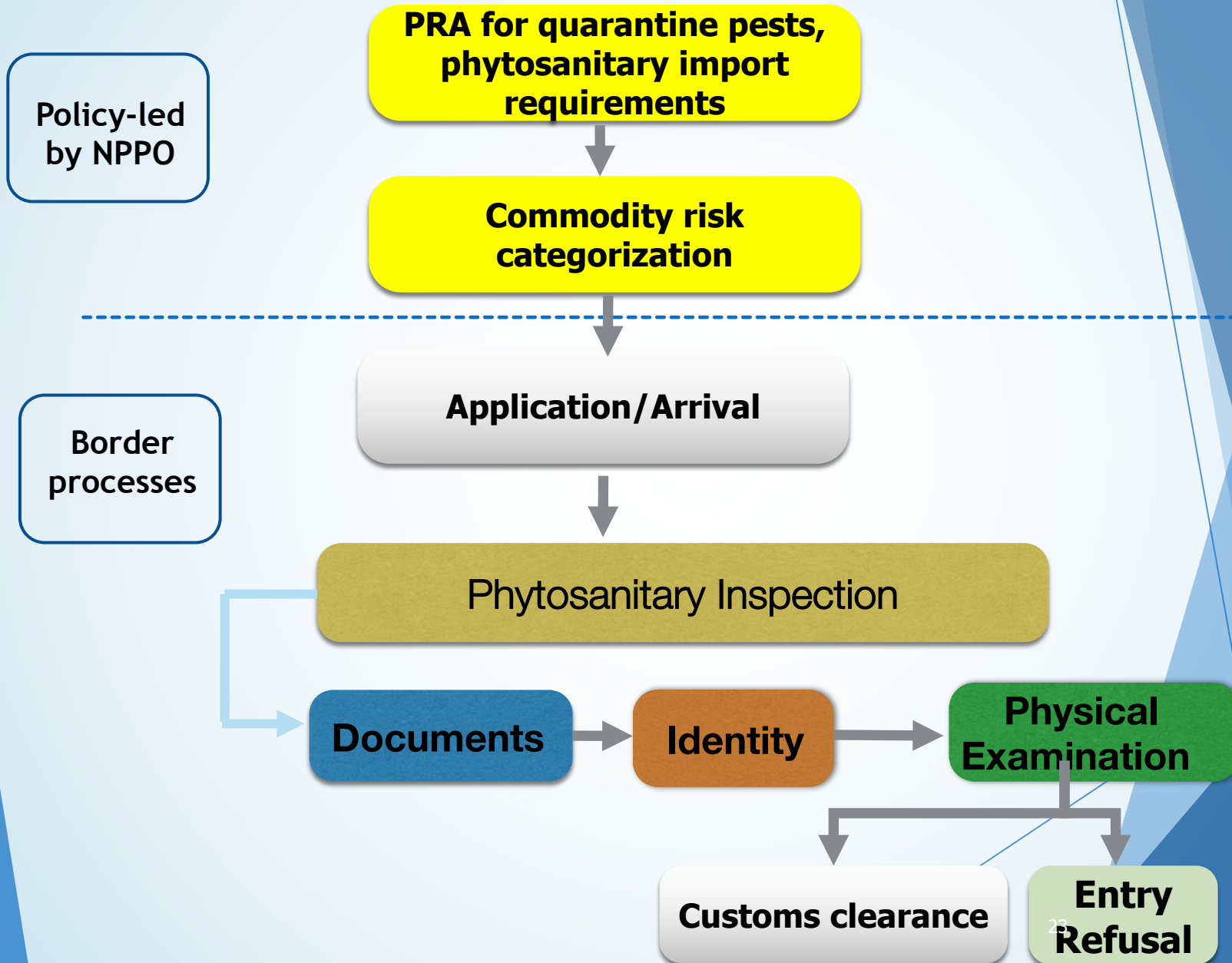
Provisional scoring scheme for plant health risk categorization

No	Criteria	Indicators
One. Intended purpose (Choose one.)		
1.1	For planting	80
1.2	Fresh Products	60
1.3	For other purposes	10
Two. Country of origin (Choose one.)		
2.1	Originated from country or region where regulated (quarantine) articles spread	60
2.2	Originated from country or region where unsure whether regulated (quarantine) articles are spread	30
2.3	Originated from country or region where regulated (quarantine) articles are not spread	20
Three. Records on previous inspections (Choose one.)		
3.1	Repeated noncompliance with laws, regulations or standards; no actions taken to eliminate violations or malfunctions detected	30
3.2	Failed to comply with requirements of laws, regulations or standards; not fully implement measures to eliminate violations or malfunctions detected	20
3.3	Comply with requirements of law, regulation or standards	10

Outcome of commodity risk categorization in model developed by ADB TA9500 for plant health

Risk category	Total Score (From Table on previous slide)	Inspection methods
High risk	101 and greater	<ul style="list-style-type: none"> • Paper check • Physical Inspection • Laboratory checks: phytosanitary (pests) & pesticides (fresh fruit only)
Medium risk	90 to 100	<ul style="list-style-type: none"> • Paper check • Physical Inspection (If regulated pest suspected in physical inspection, send to laboratory for pest identification)
Low risk	89 and less	Paper (documentary) check only

Procedure of Phytosanitary Import Inspections



Composition of Risk Analysis/Risk Assessment team

Suggestions for composition of team for plant health risk analysis/risk assessment (PRA)

1. NPPO should establish a **permanent team** to coordinate and manage risk analysis and formally report results

- ▶ Entomologist
- ▶ Plant pathologist - mycology, virology or bacteriology
- ▶ Nematologist?
- ▶ Weed scientist/agronomist
- ▶ Economist
- ▶ Information and Communication Technology (ITC) specialist?

2. Co-opted or contracted specialists for each case

- ▶ *For example, if the permanent team member has a background in bacteriology, a virologist might be needed for a particular case. Experts could be co-opted or contracted from other government agencies or academia.*

Laboratory Testing

Laboratory Testing

Proper pest detection and pest identification are crucial for the appropriate application of phytosanitary measures.



Q & A and Discussion