

ANTIGUA & BARBUDA

PLANT PROTECTION ACT 2005

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An Act to prevent the introduction and to control the spread of plant pests; to protect plant resources; to facilitate trade in plants and plant products; to regulate other matters connected thereto by the designation and operation of the National Plant Protection Organization; to define the functions of the National Plant Protection Organization, and to regulate other matters connected thereto.

Part I General

Short title

1. This Act may be cited as the Plant Protection Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires –

“affected” means infected or infested with a pest;

“area” means an area, place or site of production;

“area of low pest prevalence” means an area, whether all of Antigua and Barbuda or part of Antigua and Barbuda, as identified by the Minister, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;

“beneficial organism” means any organism (including fungi, bacteria, viruses, virus-like organisms and invertebrate or other animals) which is declared by the Minister in writing to be beneficial to flora or agricultural production;

“consignment” means a quantity of plants, plant products or other regulated articles being moved from one country to another and covered, when required, by a single phytosanitary certificate;

“contain” means to apply phytosanitary measures in and around an infested area to prevent the spread of a pest;

“container” means a box, bag, wrapper, covering or other receptacle in which plants, plant products or other regulated articles that may carry pests have been or are being transported;

“control” means to suppress, contain or eradicate a pest population;

“conveyance” means any vessel, aircraft, train, vehicle, cart, container, animal or other thing that can convey plants, plant products, pests, beneficial organisms or other regulated articles from one place to another;

“detain” means to keep a consignment in official custody or confinement for phytosanitary reasons, and “detention” shall have a corresponding meaning;

“entry” means the movement of a pest into an area where it is not yet present, or present but not widely distributed and being officially controlled;

“eradicate” means to apply phytosanitary measures to eliminate a pest from an area, and “eradication” shall have a corresponding meaning;

“establishment” means the perpetuation, for the foreseeable future, of a pest within an area after entry;

“Fund” means the Phytosanitary Emergency Fund established under section 15;

“germplasm” means plants intended for use in breeding or conservation programmes;

“import permit” means a permit in the form of Schedule 7;

“importer” means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of any plant, plant product, pest, beneficial organism or other regulated article landed or likely to be landed in Antigua and Barbuda from another country;

“inspection” means official visual examination of plants, plant products or other regulated articles to determine if pests are present or to determine compliance with phytosanitary regulations;

“inspector” means a plant protection officer and any person designated or appointed under section 6 and authorized by the NPPO to discharge its functions;

“introduction” means the entry of a pest resulting in its establishment in Antigua and Barbuda;

“IPPC” means the New Revised Text of the International Plant Protection Convention;

“IPPC Secretariat” means the Secretariat of the International Plant Protection Convention;

“Minister” means the Minister responsible for plant protection;

“Ministry” means the Ministry responsible for plant protection;

“National Plant Protection Organisation” or “NPPO” means the official unit designated by the Minister under section 4 to discharge the functions assigned to such unit under the IPPC;

“occupier”, in relation to any land or building, means a person in actual occupation thereof;

“official” means established, authorized or performed by the NPPO;

“official control” means the enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;

“outbreak” means an isolated pest population, recently detected and expected to survive for the immediate future;

“owner”, in relation to any thing, includes any person having for the time being the possession, custody or control thereof;

“packaging” means any material used to pack, contain or keep plants, plant products or other regulated articles;

“pest” means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

“pest free area” means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;

“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“phytosanitary certificate” means a certificate patterned after the model certificate of the IPPC, and which is set out in Schedule 6;

“phytosanitary emergency” means an emergency declared under section 21(c) or 28;

“phytosanitary measure” means any legislation, regulation or official procedure having the purpose of preventing the introduction and or spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests;

“plant products” means any unmanufactured material of plant origin (including grain) and those manufactured products which, by their nature or that of their processing, may create a risk for the introduction and spread of pests;

“plants” means living plants and parts thereof, including seeds and germplasm;

“pre-clearance” means phytosanitary certification or clearance in the exporting country, performed by or under the supervision of the NPPO;

“premises” means land or any building or other structure situated on land;

“quarantine pest” means a pest of potential economic importance to the area endangered thereby, not yet present there, or present but not widely distributed and being officially controlled, and declared as such in Schedule 1 to this Act;

“regular business hours” means the normal operating hours of government offices in Antigua and Barbuda;

“regulated article” means any storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to

require phytosanitary measures, particularly where international transportation is involved, and includes beneficial organisms;

“regulated non-quarantine pest” means any pest listed in Schedule 2 whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact;

“regulated pest” means a quarantine pest or a regulated non-quarantine pest;

“soil” means material wholly or partly derived from the upper layer of the earth’s crust which is capable of sustaining plant life and which contains solid organic substances such as parts of plants, humus, peat or bark, but excluding any medium which is sterile, composed entirely of unused peat or otherwise incapable of harbouring or transmitting pests;

“surveillance” means an official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures;

“treatment” means an officially authorized procedure for the killing or removal of pests or rendering pests infertile.

- (2) All terms used in this Act shall have the same meaning as those terms are defined in the annual Glossary of Phytosanitary Terms, and in the case of a conflict between a term used herein and the Glossary, the meaning of the term as defined in the latest published edition of the Glossary shall prevail.

Part II Administration

Board

3. (1) The Board shall have primary responsibility for the administration of this Act.
- (2) Notwithstanding sub-section (1), the Board may delegate specific powers under this Act to the National Plant Protection Organisation or other government officials or agencies as the Board deems appropriate.

Designated NPPO

4. The Minister shall designate a government unit to serve as the National Plant Protection Organisation of Antigua and Barbuda, and shall transmit the name of such unit to the IPPC Secretariat.

Functions of NPPO

5. The functions of the National Plant Protection Organisation shall include the following –

- (a) the implementation of the IPPC and the International Standards for Phytosanitary Measures established thereto, including –
- (i) issuing phytosanitary certificates;
 - (ii) carrying out surveillance of ornamentals and growing plants, including areas under cultivation and wild flora, and of plants and plant products in storage or in transport, for the purpose of reporting the occurrence, outbreak and spread of pests, and of controlling those pests;
 - (iii) inspecting consignments of plants and plant products and, where appropriate, inspecting other regulated articles, for the purpose of preventing the introduction and/or spread of pests;
 - (iv) conducting pre-clearance inspections where requested;
 - (v) disinfesting or disinfecting consignments of plants, plant products and other regulated articles;
 - (vi) protecting endangered areas and plant species and designating, maintaining and surveying pest free areas and areas of low pest prevalence;
 - (vii) providing justification to other countries concerning phytosanitary measures applied, either through pest risk analysis or by reference to applicable international standards;
 - (viii) notifying trading partners of relevant instances of non-compliance with import requirements;
 - (ix) ensuring the phytosanitary security of consignments after certification and before export;
 - (x) establishing auditing and trace-back procedures for plants, plant products and other regulated articles for phytosanitary certification;
 - (xi) establishing any minimum qualifications for and overseeing training and development of inspectors and other NPPO staff;
 - (xii) distributing information regarding regulated pests and the means of their prevention and control;
 - (xiii) proposing, reviewing, preparing and enforcing phytosanitary measures and other necessary legislation;
 - (xiv) notifying phytosanitary measures to the designated national enquiry point for SPS, the IPPC focal point, any local agency affected by the measures and to other countries in accordance with international obligations;
 - (xv) providing information regarding import and export regulations in force, and technical requirements for plants, plant products and other regulated articles, on

request of any interested international, regional or other national plant protection organisation.

- (b) the enforcement of this Act, as well as any other legislation relating to plant protection that the Minister may identify;
- (c) the representation of Antigua and Barbuda in any bilateral, regional and international forum relating to phytosanitary matters;
- (d) the development and application of pest diagnostic, investigative and analytical capabilities as well as the establishment, in accordance with the requirements of Schedule 16, of laboratories and quarantine stations at such places as may be deemed necessary.
- (e) the establishment of procedures for accreditation of any quarantine station, official analyst, official laboratory or any other person or institution from the public or private sector involved in phytosanitary matters; and
- (f) any other function which the Minister deems necessary to achieve the objectives of this Act.

Inspectors

6. The Minister, acting in consultation with the Board, shall designate officers of the NPPO to carry out the duties of inspectors under this Act.

Duties of Inspectors

7. The duties of the inspectors shall be, where necessary, to –
- (1) (a) inspect plants, plant products or other regulated articles under cultivation, in storage or in transit, in order to report the existence, outbreak and spread of pests listed in Schedule 1 or Schedule 2;
 - (b) inspect consignments of plants, plant products or other regulated articles destined for import into or export from Antigua and Barbuda to determine whether they are affected, and where necessary verify the pest status of consignments by the taking of samples or otherwise;
 - (c) ensure the disinfection or disinfestation of consignments of plants, plant products or other regulated articles destined for import into or export from Antigua and Barbuda, as well as their containers, packaging, storage places and transport facilities;
 - (d) advise on the proper treatment and disposal of plant related waste disposed from –
 - (i) aircraft, ships, pleasure craft or any vessel arriving in Antigua and Barbuda; and
 - (ii) premises which process or wash imported plants, plant products or other regulated articles;

- (e) issue phytosanitary certificates on behalf of the NPPO;
 - (f) inspect and certify exports of plants, plant products and other regulated articles from Antigua and Barbuda;
 - (g) carry out detection activities and maintain up-to-date information on the pest status of Antigua and Barbuda;
 - (h) institute inquiries and request information or documentation upon reasonable suspicion that the provisions of this Act are being violated;
 - (i) conduct surveillance, sampling and monitoring exercises in any land, premises or area as required under this Act;
 - (j) attend to such other matters as the NPPO may from time to time direct.
- (2) At the invitation of an exporting country, an inspector may carry out an inspection under sub-section (1)(b) on the territory of the exporting country as a pre-clearance inspection.
- (3) Where exercising any authority under sub-section (1) or (2), an inspector shall identify himself as an inspector carrying out official duties under this Act by showing his identification card containing such particulars as are specified in Schedule 15.

Laboratories, Analysts

8. The Minister shall designate one or more –

- (a) laboratories to be official laboratories; and
- (b) analysts to be official analysts;

under this Act.

Establishment, Composition, Procedure of Plant Protection Board

9. (1) A Plant Protection Board is hereby established, and shall consist of –

- (a) three staff members of the Ministry responsible for agriculture, including the head of the NPPO and the Director of Agriculture; and
- (b) one representative of each of the following –
 - (i) the Ministry responsible for the environment;
 - (ii) the Ministry responsible for trade;
 - (iii) the Ministry of Justice and Legal Affairs;
 - (iv) the Customs Department;

- (v) the Antigua and Barbuda Defence Force;
 - (vi) Barbuda Council;
 - (vii) the Ministry responsible for health;
 - (viii) importers and exporters;
 - (ix) police;
 - (x) growers and nursery owners.
- (2) Members of the Board shall be nominated by their respective Minister or president/chair as the case may be, and appointed by the Minister responsible for plant protection.
 - (3) Members shall be paid an honorarium to be approved by the Minister.
 - (4) Members shall serve for a period of three years and shall be eligible for reappointment.
 - (5) The quorum at a meeting of the Board shall be at least two thirds of the membership, provided that in the case of an emergency declared under this Act, the Board may act notwithstanding the absence of a quorum.
 - (6) The Board shall meet at least four times per year.
 - (7) The Board shall elect a Chair at its first meeting, which shall take place within three months of this Act coming into force.
 - (8) Except as provided in sub-sections (1) to (6) and sections 10 and 11, the Board shall regulate its own procedure.

Conflict of interest

10. (1) A member of the Board whose interest may directly or indirectly be affected by a decision of the Board on any matter shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his attention.
- (2) A disclosure made pursuant to subsection (1) shall be recorded in the minutes of the Board, and after disclosure the member may not vote on the matter and unless otherwise directed by the Board shall not be present at any meeting when the matter is being discussed.

Resignation of member

11. A nominated member of the Board may resign from his position at any time by letter addressed to the Chairman, and the resignation shall be effective from the date that the same is received by the Chairman.

Removal from office

12. (1) A member of the Board shall be suspended or removed from office by the Minister on the advice of the Chairman if the member
- (a) is unable due to physical, mental or emotional impairment to exercise his functions;
 - (b) is guilty of misconduct which in the opinion of the Minister is likely to bring the Board into disrepute;
 - (c) has been convicted by a court of law of an offence related to dishonesty or immorality;
 - (d) fails within one year without reasonable excuse to attend and participate in three successive meetings of the Board;
 - (e) fails to disclose a personal interest in a matter which is being or has been considered by the Board.
- (2) Where there is reasonable cause to believe that any paragraph of subsection (1) applies to the Chairman, the Minister may remove or suspend the Chairman from office.

Advisory role of Board

13. The Board shall act in an advisory capacity to the Minister and the NPPO on issues of plant protection and shall be responsible for –
- (a) recommending and preparing regulations, orders, schedules and notices to be issued or amended under this Act;
 - (b) assisting in the determination of criteria for the declaration of a phytosanitary emergency under section 21(c) or 25; and
 - (c) appointing the committee to determine appeals filed in respect of decisions and actions taken by inspectors, in the manner to be prescribed by regulation.

Sub-committees of Board

14. The Board may appoint such sub-committees as it may consider necessary, including members of the Board, to provide advice and technical input.

Phytosanitary Emergency Fund

15. (1) There is hereby established a Phytosanitary Emergency Fund which shall be administered by the Board.
- (2) There shall be paid into the Fund, for the purposes of this Act,
- (a) all monies voted by Parliament;
 - (b) donations, grants, awards and endowments given to the Board;
 - (c) any proceeds or fees collected under this Act, except fines imposed by a court.

- (3) All monies collected or received under this Act shall be paid into the general account in a bank approved by the Minister of Finance, and administered in accordance with the Finance and Audit Act, Cap. 168.
- (4) The resources of the Fund shall be made available to the NPPO upon declaration of a phytosanitary emergency under section 21(c) or 25.

Part III Imports

Importation

16. (1) Plants, plant products and other regulated articles may be imported into Antigua and Barbuda only at the approved ports of entry listed in Schedule 4.
- (2) The NPPO may require that certain plants, plant products or other regulated articles not be imported except –
 - (a) by authority of an import permit granted under section 17(1);
 - (b) where accompanied by an original phytosanitary certificate dated at the port of departure not more than 72 hours before the entry of the items into Antigua and Barbuda.

Import permit

17. (1) Where an import permit is required under section 16(2)(a), an importer shall apply in the manner prescribed by regulation and pay any prescribed fee set out in Schedule 9.
- (2) In the evaluation of an application for an import permit, the NPPO shall apply existing international standards or conduct pest risk analysis as the case may be in order to determine the applicable phytosanitary requirements.

Inspection at entry port

18. (1) Plants, plant products and other regulated articles shall, upon importation into Antigua and Barbuda, be subject to inspection by an inspector at the port of entry.
- (2) Upon application by the importer and where the container has been sealed and marked as prescribed, certain plants, plant products and other regulated articles shall be inspected by an inspector at their final destination.
- (3) Any inspections carried out under sub-section (1) or (2) shall be subject to any applicable fee set out in Schedule 9.
- (4) Inspections under sub-section (1) or (2) shall be carried out during regular business hours, except where the plants, plant products or other regulated articles are in transit or extremely perishable or where their entry has otherwise been delayed, in which case, upon

application by the importer and upon payment of any prescribed fee set out in Schedule 9, the NPPO may agree to an inspection being carried out at any other time.

Detention, notification, destruction

19. (1) If, upon inspection carried out in accordance with section 18(1), (2) or (4), the inspector is satisfied that the imported plants, plant products or other regulated articles are not accompanied by any relevant documentation required by section 16(2), or present any risk for the introduction or spread of pests, he shall detain the items and immediately serve written notice on the importer that some or all of the imported plants, plant products or other regulated articles may be subject, within the time period specified in the notice, to –
- (a) appropriate treatment in order to remove the risk;
 - (b) re-exportation;
 - (c) detention until the receipt of relevant documentation within a reasonable time;
 - (d) confiscation; or
 - (e) destruction.
- (2) The inspector may forgo notice and carry out any of the actions listed under sub-section (1) where in his opinion destruction of the imported plants, plant products or other regulated articles is urgently required or the giving of notice is impracticable.
- (3) Where, after their entry into Antigua and Barbuda or after treatment, imported plants, plant products or other regulated articles lie unclaimed for a period of time specified by regulation, the NPPO may take action to destroy them.
- (4) The costs and responsibility for any action taken under sub-section (1), (2) or (3) of this section shall be borne by the importer, except where in exceptional cases the NPPO determines that the government should take responsibility for the associated costs.
- (5) The government shall assume financial responsibility under sub-section (4) without prejudice to its right to recover costs as a debt.
- (6) Where any action is taken under sub-section (1), (2) or (3) of this section, the methods used to calculate costs charged shall be in accordance with the procedure outlined in Schedule 8.
- (7) The government shall bear no liability for the destruction or disposal of plants, plant products or other regulated articles imported into Antigua and Barbuda in contravention of this Act.

Release of consignment

20. If upon inspection carried out under section 18(1), (2) or (4) the inspector determines that the imported plants, plant products or other regulated articles do not present any risk for the importation and spread of pests, he may release such consignment to the importer.

Powers of the Minister

21. On the advice of the Board, the Minister may, to protect plant resources or the environment –

- (a) prohibit or restrict the entry of any plants, plant products or other regulated articles;
- (b) take any other necessary action to prevent the introduction or spread of pests listed under Schedules 1 and 2;
- (c) declare a phytosanitary emergency;
- (d) permit the entry of any plant, plant product or regulated article for scientific or experimental purposes, subject to such terms and conditions as the Minister, on the advice of the Board, considers appropriate.

Quarantine stations

22. The NPPO may –

- (a) designate certain places as plant quarantine stations where in accordance with the provisions of Schedule 16, plants, plant products or other regulated articles may be kept for phytosanitary observation, research, inspection, testing, treatment, detention or destruction;
- (b) require that imported material be kept or cultivated at a plant quarantine station, or at any other location identified by the NPPO, and kept under the NPPO's supervision for such time as the NPPO deems necessary.

Reporting entry of regulated items

23. (1) Where any employee of the postal service, private shipping company, or any official of the Customs Department, Port Authority or Defence Force has knowledge of the arrival of any plants, plant products or other regulated articles into Antigua and Barbuda, he shall promptly report such arrival to the NPPO, shall detain such plants, plant products or other regulated articles for inspection by the inspectors, and shall promptly deliver to the NPPO all forms and certificates related to plant protection as he may receive.
- (2) Any detention carried out under sub-section (1) shall be deemed an action taken upon delegation from the NPPO.
- (3) The NPPO shall take custody of any items detained under sub-section (1) within three days of their detention.

Part IV
Containment and Eradication of Pests

Duty of Occupier

24. The occupier or owner of any land or premises on which a pest listed in Schedule 1 is present or is suspected to be present shall immediately notify the NPPO.

Containment of affected premises

25. (1) The Minister may, on the advice of the Board –
- (a) declare any land, premises or area that is affected or is suspected of being affected with any pest listed in Schedule 1 to be under quarantine;
 - (b) prescribe measures for the treatment or disposal of plants, plant products or other regulated articles, and the treatment of conveyances whether or not they have been found to be affected, in order to limit the spread of any pest listed in Schedule 1;
 - (c) prescribe the period of quarantine.
- (2) For the purpose of sub-section (1), “quarantine” includes –
- (a) prohibiting the movement of people, conveyances, plants, plant products or other regulated articles from or to a specified location (land, premises or area);
 - (b) prohibiting the planting or replanting of a specified location;
 - (c) any other measure which the Minister on the advice of the Board deems necessary under the circumstances.

Procedure for pest containment

26. Where the NPPO suspects that a pest listed in Schedule 1 is present at any place, it may –

- (1) authorize an inspector to –
 - (a) enter into such place at any reasonable time
 - (b) inspect any plants, plant products or other regulated articles and
 - (c) take such samples as he may consider necessary;
- (2) require, by notice in writing, the owner or occupier of such place, and where the NPPO deems it appropriate, the owner or occupier of any land or premises in the vicinity, to take within a specified time period such measures on their land the NPPO considers appropriate to eradicate, contain or restrict the spread of the pest.

Quarantine notice

27. (1) Any notice issued under section 26(2) shall remain in force until an inspector shall give the affected owner or occupier a certificate in writing in the form contained in Schedule 13A, that such area is free from pests.
- (2) No person shall remove, or allow or cause to be removed any plant, plant products or other regulated articles from the area under quarantine while such notice is in force.

Declaration of phytosanitary emergency

28. The Minister may, upon the advice of the Board, declare a phytosanitary emergency.

Liability for destruction

29. (1) If an owner or occupier fails to comply with any term of a notice issued under section 26(2), the NPPO may authorize an inspector or other person to enter upon the land or premises in question in order to carry out the requirements of the notice and, where necessary, destroy such plants, plant products or other regulated articles in order to eradicate, contain or restrict the spread of the pest.
- (2) The owner shall be liable to pay the costs for any action taken under sub-section (1), except where in exceptional cases the NPPO determines that the government should take responsibility for the associated costs.
- (3) The government may assume financial responsibility under sub-section (2) without prejudice to its right to recover its costs as a civil debt.
- (4) Where the NPPO takes any action under sub-section (1), the methods used to calculate the costs shall be in accordance with Schedule 8.
- (5) The government shall bear no liability for the destruction or disposal of plants, plant products or other regulated articles carried out under the authority of this section.

Lifting of quarantine

30. The Minister shall, upon the advice of the Board, serve written notice on all affected owners or occupiers of land to lift the quarantine where—
- (a) he determines that the relevant quarantine pest is no longer considered to be present; or
- (b) the NPPO determines that it is no longer appropriate for the quarantine to be maintained in respect of some or all of the affected land.

Declaration of status of pest areas

31. (1) The Minister may declare an area pest free where the NPPO is satisfied that
- (a) a pest is not present in an area;

- (b) phytosanitary measures have been implemented to keep the area free of the pest; and
 - (c) a surveillance system has been instituted to verify that the area remains free of the pest.
- (2) The Minister may declare an area of low pest prevalence where the NPPO is satisfied that
- (a) a pest occurs at low levels in an area
 - (b) phytosanitary measures have been implemented to keep the pest levels low; and
 - (c) a surveillance system has been instituted to verify that the pest levels remain low.

Part V

Phytosanitary Certification for Export

Exportation

32. No person shall export plants, plant products or other regulated articles from Antigua and Barbuda unless he –
- (a) applies to the NPPO in the manner prescribed;
 - (b) provides all necessary documentation;
 - (c) makes the consignment available for inspection under section 32; and
 - (d) pays any applicable fee set out in Schedule 9.

Phytosanitary certificate

33. (1) The NPPO shall, upon application by an exporter under section 32(a), cause an inspection of the consignment to be carried out, and shall –
- (a) grant phytosanitary certification and issue a phytosanitary certificate in the form of Schedule 6 where –
 - (i) the consignment meets the documentary and other export requirements of the importing country;
 - (ii) the consignment satisfies any other requirements for export stipulated by the NPPO, or under any other applicable legislation in Antigua and Barbuda;
 - (b) deny certification where the requirements listed in sub-section (1)(a) have not been met.

- (2) Upon issuance of a phytosanitary certificate under sub-section (1)(a), the exporter shall pay any applicable fee set out in Schedule 9.

Part VI Enforcement

Entry and search by inspectors

34. (1) It shall be lawful for any inspector at all reasonable times without warrant to enter and inspect any land, area or premises other than private dwelling, where he suspects that a breach of the provisions of this Act has taken or is taking place.
- (2) Any inspector who suspects that any person, container or conveyance entering or moving within Antigua and Barbuda is harbouring a pest, may stop and without a warrant search such person, container or conveyance.
- (3) Where the seal on a sealed container containing plants, plant products or other regulated articles is to be broken, an inspector must be present.
- (4) An inspector may, in the performance of his duties under this section, be accompanied and assisted by a police officer.
- (5) In the course of an inspection carried out under sub-sections (1), (2) and (3), an inspector may, as he deems necessary, seize, destroy, detain, treat or otherwise dispose of any plants, plant products or other regulated articles, or order that any such action be taken, at the expense of the owner.

Detention certificate

35. An inspector who causes an item or article to be seized for any purpose in accordance with this Act, shall immediately prepare a detention certificate in respect of such item or article, and where the item or article is to be treated, disposed of or destroyed, shall as soon as is practicable, notify the owner or the person in possession of such item or article, in writing, of the steps to be taken and the reasons therefor.

Appeal

36. (1) Any owner or occupier of land, owner or operator of a conveyance or owner or importer of plants, plant products or other regulated articles who is aggrieved by the decision of an inspector to destroy, dispose of or treat such plants, plant products or other regulated articles may lodge an appeal within fourteen days in the manner prescribed by regulation under this Act.
- (2) Where an appeal has been filed the Minister shall take reasonable steps to stay the destruction, disposal or treatment of the articles pending a determination of the appeal by the committee appointed, except where in the opinion of the Minister any delay would create a significant risk or harm to plant resources in Antigua and Barbuda.

- (3) Subject to sections 19(7) and 29(5), a determination by the committee under sub-section (4) shall not prejudice the right of any aggrieved party to seek recourse in the courts.
- (4) The committee, which shall hear and determine any matter within three working days, shall comprise three persons appointed by the Board and shall regulate its own procedure.
- (5) The committee may, upon hearing any appeal, confirm, vary or set aside the decision of the inspector or determine the matter and impose additional conditions.

Part VII Offences

Offences

37. It shall be an offence for any person, either personally or indirectly through an employee, servant or agent to –
- (a) grow, possess, sell, offer for sale, transport or distribute in any manner any plants, plant products or other regulated articles knowing that they are affected by a pest listed in Schedule 1;
 - (b) assault, resist, intimidate, threaten, abuse in any manner whatsoever, or obstruct any inspector exercising lawful powers under this Act;
 - (c) tamper with any samples taken under section 7(1)(b) or 26(1)(c) of this Act;
 - (d) fail to comply with any order or direction lawfully made or given under this Act;
 - (e) import any plants, plant products or other regulated articles at a port of entry not listed in Schedule 4;
 - (f) import any plants, plant products or other regulated articles contrary to any other requirements prescribed under this Act;
 - (g) intentionally permit or cause the introduction or spread of any pest listed in Schedule 1;
 - (h) export any plants, plant products or other regulated articles except in accordance with Part V of this Act.
 - (i) fail to safeguard within 48 hours the phytosanitary security of a consignment after issuance of a phytosanitary certificate under section 33(1)(a);
 - (j) fail to allow a search or inspection or the taking of any sample authorized under this Act;
 - (k) break the seal on a sealed container containing plants, plant products or other regulated articles or removing detained items from a re-sealed container except in the presence of an inspector;

- (l) knowingly or recklessly provide information which is false, for the purpose of obtaining any document under this Act;
- (m) intentionally or deliberately alter, forge, deface or destroy any document issued under this Act;
- (n) submit any written material for publication referring to the occurrence of a quarantine pest in Antigua and Barbuda without prior or simultaneous communication of the existence of the pest to the NPPO.
- (o) otherwise contravene the provisions of this Act.

Officials

38. It shall be an offence for any inspector, official analyst or other NPPO staff to –

- (a) directly or indirectly ask for or take any personal payment or other reward in connection with any official duties;
- (b) agree to do, abstain from doing, permit, conceal or connive at any act or thing which is contrary to the proper execution of official duties under this Act, or otherwise contrary to the laws of Antigua and Barbuda;
- (c) disclose any information acquired in the performance of official duties relating to any person, firm or business, except when required by his supervisor in the course of official duties, or where ordered to do so by any court.

Penalty

39. (1) Any person who contravenes the provisions of this Act commits an offence and shall be liable –

- (a) on a first conviction, to a fine not exceeding \$1500, or by imprisonment for a period of one year, or both;
 - (b) on a subsequent conviction, to a fine not exceeding \$5000, or by imprisonment for a period not to exceed two years, or both.
- (2) A court convicting a person of an offence under this Act may, in addition to any other penalty imposed, order that any thing used in the perpetration of the offence, be forfeited to the government.
- (3) A person who has received more than three fixed penalty notices within a period of six months shall be prosecuted and shall be liable upon conviction to imprisonment not exceeding six months.

Notice to Offender

40. (1) Notwithstanding anything to the contrary in this or any other Act, where an inspector has reason to believe that any person (hereafter in this section referred to as the “alleged

offender”) is committing or has committed an offence specified in Schedule 10, the inspector may immediately serve notice in writing upon the alleged offender that he has committed an offence under the Act.

- (2) The inspector shall at the time of the service of notice referred to in sub-section (1) inform the alleged offender that he must –
 - (a) appear before the magistrate on the date specified; or
 - (b) in accordance with procedures set out in sub-sections (3) and (4), pay the fixed penalty set out in Schedule 10 in lieu of appearance before the magistrate.
- (3) An alleged offender who chooses to pay the fixed penalty referred to in sub-section (2)(b) shall –
 - (a) within the time specified in the notice, sign the notice in acknowledgement of guilt in the form contained in Schedule 10A and return it, together with the sum cited therein, to the clerk of the Magistrates Court;
 - (b) be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence in respect of which payment was made.
- (4) The admission of guilt and the fixed penalty paid under this section shall be dealt with by the magistrate in the same manner as an adjudication in court of an offence punishable on summary conviction and for which no conviction is recorded.
- (5) For purposes of this section, inspectors exercise powers equal to those of police officers under the Police Act.

Part VIII Miscellaneous

Amendment and Regulations

41. (1) The Minister may, on the advice of the Board, make, amend or revoke regulations, orders, schedules or notices which he considers appropriate to give effect to any of the purposes of this Act.
- (2) In particular and without prejudice to the generality of sub-section (1), the Minister may, on the advice of the Board, by order –
 - (a) amend any schedule to this Act;

- (b) make any other regulations, orders, schedules or notices prescribing all or any of the following matters –
- (i) procedures to be followed by inspectors in the exercise of their powers under this Act;
 - (ii) conditions for the import of any plants, plant products or other regulated articles;
 - (iii) which ports of entry in Antigua and Barbuda are appropriate for the import and export of plants, plant products and other regulated articles;
 - (iv) the circumstances under which phytosanitary requirements for import may be modified based on pest risk analysis;
 - (v) procedures and guidelines for pre-clearance inspections;
 - (vi) the manner in which permits and certificates shall be issued under this Act, and their form, content and language;
 - (vii) the procedures by which an importer may apply for inspection to take place at any location other than the port of entry, and/or outside of regular business hours, and pay any applicable fees;
 - (viii) the manner in which containers must be sealed, marked and transported if they are to be inspected at their final destination rather than at the port of entry;
 - (ix) the way in which plants, plant products and other regulated articles must be stored or transported in Antigua and Barbuda;
 - (x) the procedures to be adopted for the treatment of imported plants, plant products or other regulated articles and the conveyances bringing them into Antigua and Barbuda;
 - (xi) the location, management requirements and functioning of any plant quarantine stations established under this Act;
 - (xii) the requirements for the control and care of plants, plant products and other regulated articles kept or maintained at plant quarantine stations;
 - (xiii) the manner in which inspectors shall arrange for the destruction, removal, uprooting or treatment of plants, plant products or other regulated articles within an area or location declared as under quarantine;
 - (xiv) the period within and conditions under which it shall not be lawful to plant or re-plant any thing in all or part of an area declared as under quarantine;

- (xv) the manner in which any samples being transported or in storage must be taken, marked and retained under this Act;
- (xvi) the operating procedures of any official laboratories designated under this Act;
- (xvii) the process or procedure by which an area may be declared pest free or declared an area of low pest prevalence;
- (xviii) conditions for the export of any plants, plant products or other regulated articles;
- (xix) operating procedures for the inspection of plants, plant products or other regulated articles, and any physical structure or premises containing such products or articles, for purposes of export;
- (xx) the offences subject to the fixed penalty procedure outlined in section 39;
- (xxi) the procedures to be followed for lodging an appeal against actions taken by inspectors under this Act;
- (xxii) criteria for the declaration of a phytosanitary emergency under section 21(c) or 28;
- (xxiii) additional measures to be taken for the purpose of preventing the introduction or spread of pests.
- (xxiv) determination or scale of fees to be charged;
- (xxv) guidelines, policy directives or protocols promoting cooperation between relevant departments relating to plant protection;
- (xxvi) guidelines on the treatment of persons to whom treaties, bilateral agreements and Status of Forces Agreements apply;
- (xxvii) guidelines on the handling of intransit consignments;
- (xxviii) any other matter in accordance with international standards on phytosanitary measures.

Repeal and transition

42. (1) The Plant Protection Act, Chapter 329 is hereby repealed.
- (2) An order issued by the Minister under section 41 may revoke or modify any permit or certificate granted by authority of the legislation referred to in sub-section (1).
- (3) All regulations in effect upon the coming into force of this Act shall continue in force as if they were issued under the present Act, except where they conflict with the provisions or purposes of this Act.

Schedules

- Schedule 1: Quarantine Pests of Antigua and Barbuda
- Schedule 2: Regulated Non-Quarantine Pests of Antigua and Barbuda
- Schedule 3: Commodities and their Import Requirements
- Schedule 4: Prescribed Ports of Entry for Plants, Plant Products and Other Regulated Articles
- Schedule 5: Pest Free Areas and Areas of Low Pest Prevalence
- Schedule 6: Phytosanitary Certificate
- Schedule 7: Import Permit
- Schedule 8: Costing Methods for Treatment or Destruction of Plants, Plant Products or Other Regulated Articles
- Schedule 9: Fees
- Schedule 10: Fixed Penalties
- Schedule 11: Detention Certificate
- Schedule 12: Spoilage Certificate
- Schedule 13: Quarantine Notice & Confiscation Certificate
- Schedule 14: Declaration to be signed by captain
- Schedule 15: Plant Protection Identification
- Schedule 16: Requirements for Port Facilities
- Schedule 17: Emergency Action Plan for Exotic Plant Pests & Diseases

SCHEDULE 1: Quarantine Pests of Antigua and Barbuda

Scientific Name	Common Name	Pest Type
<u>A</u>		
<i>Acarapis woodi</i> (Rennie)	Honeybee Trachael Mite	Mite
<i>Achatina fulica</i>	Giant African Snail	Mollusc
<i>Acidovorax anthurii</i> (<i>Pseudomonas</i> sp.)	Anthurium Leaf Spot	Bacterium
ACMV	African Cassava Mosaic Virus	Virus (Geminivirus)
<i>Acromyrmex octospinosus</i>	Leaf-cutting ant	Insect
<i>Aethina tumida</i> (Murray)	Small Hive Beetle (SHB)	Insect
<i>Aleurocanthus woglumi</i>	Citrus Black fly	Insect
<i>Aleurodicus destructor</i> (Mackie)	Coconut Whitefly	Insect
<i>Aleurodicus dispersus</i>	Spiralling Whitefly	Insect
<i>Anastrepha fraterculus</i> Weidman	South American Fruit fly	Insect
<i>Anastrepha ludens</i>	Mexican Fruit fly	Insect
<i>Anastrepha obliqua</i> (Macquart)	West Indian Fruit fly	Insect
<i>Anastrepha suspensa</i> (Loew)	Caribbean Fruit fly	Insect
<i>Anoplophora glabripennis</i>	Asian Longhorned Beetle	Insect
<i>Anthonomus grandis</i>	Cotton boll weevil	Insect
<i>Apis mellifera scutellata</i> (Lepelletier) hybrids	Africanized Honey Bee	Insect
ASBVd viroid	Avocado Sunblotch Disease	Viroid
<i>Atta cephalotes</i> (Linnaeus)	Bachac/Umbrella ant	Insect
<i>Atta insularis</i> (Guérin)	Leaf-cutting ant	Insect
<i>Atta sexdens</i>	Acoushi ant	Insect
<u>B</u>		
<i>Batrocera carambolae</i>	Carambola Fruit fly	Insect
<i>Batrocera dorsalis</i> (<i>Dacus dorsalis</i>)	Oriental Fruit fly	Insect
<i>Belonalaimus longicaudatus</i> Rau	Sting Nematode	Nematode
<i>Bephratelloides cubensis</i>	Soursop seed borer/wasp	Insect
<i>Bephratelloides pomorum</i>	Soursop seed borer/wasp	Insect
<i>Bursaphelenchus cocophilus</i>	Red Ring Nematode	Nematode
<u>C</u>		
<i>Ceratitis capitata</i>	Mediterranean Fruit fly	Insect
<i>Ceratitis cosyra</i>	Mango Fruit fly	Insect
<i>Ceratitis</i> spp.	Fruit fly	Insect
<i>Chaetanaphothrips signipennis</i>	Banana Thrips	Insect
Citrus Tristeza Virus	Citrus Quick Decline Virus	Virus (Closterovirus)
<u>D</u>		
<i>Ditylenchus dipsaci</i> (Kuhn)	Stem and Bulb Nematode	Nematode
<u>E</u>		
<i>Eichhornia crassipes</i> (Mart.)	Water Hyacinth	Plant
<u>F</u>		
<u>G</u>		
<i>Globodera rostochiensis</i> (<i>Globodera pallida</i>)	Potato Cyst Nematode/Golden Nematode of Potato	Nematode

Scientific Name	Common Name	Pest Type
<u>H</u>		
<i>Heilipus lauri</i> (Woodruff)	Avocado Seed Weevil	Insect
<i>Hellula phidilealis</i> (Pyralidae)	Cabbage bud moth	Insect
<i>Hemileia vastatrix</i>	Coffee Rust	Fungus
<i>Hypothenemus hampei</i>	Coffee Berry Borer	Insect
<i>Hypsipyla grandella</i> (Zeller)	Mahogany Shoot Borer	Insect
<u>I</u>		
<u>J</u>		
<u>K</u>		
<u>L</u>		
<i>Lachnosterna</i> spp.	White grubs	Insect
Lethal Yellowing Disease	Lethal Yellowing Disease	Phytoplasma
<i>Liberobacter asiaticus, africanus</i>	Huanglongbing/Citrus Dieback/Citrus Greening	Proteobacterium
<u>M</u>		
<i>Maconellicoccus hirsutus</i>	Pink Hibiscus Mealybug	Insect
<i>Megastes grandalis</i>	Sweet potato moth	Insect
<i>Minthea rugicollis</i> (Walker)	Powder Post Beetle	Insect
<i>Mycosphaerella fijiensis</i>	Black Sigatoka	Fungus
<u>N</u>		
<u>O</u>		
<i>Ovaclamus fulgens</i>	Jumping Snail	Mollusc
<u>P</u>		
<i>Phytomonas staheli</i> McGhee & McGhee	Cedros Wilt (Hartrot) of Coconut	Flagellate Protozoan
<i>Phytophthora infestans</i>	Potato Late Blight	Fungus
<i>Polyphagotarsonemus latus</i> (Banks)	Broad Mite	Insect
<i>Prodiplosis longifila</i> (Gagné)	Citrus Gall Midge	Insect
PRSV	Papaya Distortion Ringspot Virus	Virus (Potyvirus)
<u>Q</u>		
<u>R</u>		
<i>Radopholus citrophilus</i>	Burrowing Nematode of Citrus	Nematode
<i>Radopholus similis</i>	Burrowing Nematode/Banana Root Nematode	Nematode
<i>Ralstonia solanacearum</i> Race 2 (Smith)	Moko Disease	Bacterium
<i>Rottboellia cochinchinensis</i> (Lour.) Clayton	Corn Grass	Plant
<u>S</u>		
<i>Scapteriscus vicinus</i>	Mole Cricket	Insect
<i>Stenoma catenifer</i> (Walsh)	Avocado Moth	Insect
<i>Sternochetus mangiferae</i> (Fabricius)	Mango Seed Weevil	Insect
<i>Striga asiatica</i> (L.) Kuntze	Witchweed	Plant
<i>Synchytrium endobioticum</i>	Black Wart of Potato	Fungus
<u>T</u>		
<i>Thrips palmi</i>	Oriental/Palm/Melon Thrips	Insect

Scientific Name	Common Name	Pest Type
<i>Toxotrypana</i> spp.	Fruit fly	Insect
<i>Trogoderma granarium</i> (Everts)	Khapra Beetle	Insect
<u>U</u>		
<u>V</u>		
<i>Varroa destructor</i> (Anderson & Trueman)	Varroa Mite	Mite
<i>Varroa jacobsoni</i> (Oudemans)	Varroa Mite	Mite
<u>W</u>		
<u>X</u>		
<i>Xanthomonas axonopodis</i> pv. <i>citri</i>	Citrus Canker	Bacterium
<i>Xanthomonas axonopodis</i> pv. <i>manihotis</i>	Bacterial Blight	Bacterium
<u>Y</u>		
Yam Mosaic	Yam Mosaic Virus	Virus (Potyvirus)
<u>Z</u>		

SCHEDULE 2: Regulated Non-Quarantine Pests of Antigua and Barbuda

Scientific Name	Common Name	Pest Type
<i>Alabama argillacea</i>	Cotton leafworm	Insect
<i>Aleurodicus cocois</i>	Coconut Whitefly	Insect
<i>Anoplophora</i> spp.	Longhorned beetles	Insect
<i>Aphis gossypii</i>	Cotton aphid	Insect
<i>Bemisia tabaci</i>	Sweet potato/cotton whitefly	Insect
<i>Cylas formicarius</i>	Sweet Potato Weevil	Insect
<i>Dysdercus</i> spp.	Cotton Stainers	Insect
Gemini Virus Complex	Tomato Yellow leaf Curl Virus	Virus (Geminivirus)
<i>Gossypium</i> spp.	Wild cotton	Weed
<i>Helicoverpa zea</i>	Cotton bollworm	Insect
<i>Heliothis virescens</i>	Tobacco budworm	Insect
<i>Megalobulimus oblongus</i>	Giant South American Snail	Mollusc
<i>Myzus persicae</i>	Green peach aphid	Insect
<i>Nezara viridula</i>	Green stink bug	Insect
<i>Paracoccus marginatus</i>	Papaya mealybug	Insect
<i>Pectinophora gossypiella</i> (Saunders)	Pink bollworm	Insect
<i>Solenopsis invicta</i> Buren	Red Imported Fire Ant	Insect
<i>Spodoptera exigua</i>	Lesser cotton leafworm	Insect
<i>Spodoptera</i> spp.	Other leafworms	Insects
<i>Tetranychus</i> spp.	Spider mites	Mite
<i>Trichoplusia ni</i>	Cabbage semi-looper	Insect
<i>Veronicella cubensis</i>	Cuban Slug	Mollusc
<i>Veronicella sloanei</i>	Sloan's Slug	Mollusc

SCHEDULE 3: Commodities and their Import Requirements

<u>Commodity</u>	<u>Import Requirements</u>
All planting material, plant cuttings, live plants, cut flowers and ornamentals, other unprocessed plant products or other regulated item as indicated in Regulations to the Act	<ul style="list-style-type: none">• Import Permit from Antigua and Barbuda to be obtained prior to placement of order and presentation of permit to exporter upon ordering of consignment• Phytosanitary certificate from exporting country to accompany shipment• Quarantine Inspector to inspect consignment before shipment can be released• Chemical or other treatment as required and stipulated on Import Permit• Freedom from soil• Import Permit to be obtained for each individual consignment• Payment of relevant fees
Plants, plant products and other regulated items not previously imported, imported from a new country or not imported for a period exceeding two years	<ul style="list-style-type: none">• Pest Risk Assessment to be carried out by Risk Assessment team prior to issuance of import permit
Plant products not otherwise specified	<ul style="list-style-type: none">• Obtain clearance from Plant Protection

SCHEDULE 4: Prescribed Ports of Entry for Plants, Plant Products and Other Regulated Articles

V.C. Bird International Airport

St. John's Deep Water Harbour

Jolly Harbour Marina

Nelson's Dockyard

English Harbour

Codrington Airport

River Dock

SCHEDULE 5: Pest Free Areas and Areas of Low Pest Prevalence

Pest	Pest Free Area & Areas of Low Pest Prevalence
Mango seed weevil	Entire country
Pink Hibiscus Mealybug	Barbuda
Giant African Snail	Entire country
Citrus Black fly	Barbuda

SCHEDULE 8: Costing Methods for Treatment or Destruction of Plants, Plant Products or Other Regulated Articles

SCHEDULE 9: Fees

Item	Service or Product	Fee
01	<i>Phytosanitary Certificate</i>	
	a) Non-commercial consignments (up to 6 cases or 100 kilograms in weight)	\$10
	b) Commercial consignments (more than 6 cases or 100 kilograms in weight)	\$20
02	<i>Phytosanitary Certificate for Re-export</i>	
	a) Non-commercial consignments (up to 6 cases or 100 kilograms in weight)	\$15
	b) Commercial consignments (more than 6 cases or 100 kilograms in weight)	\$25
03	<i>Import Permit</i>	\$10
04	<i>Pest Risk Assessment</i>	
	o For each commodity or item from a country or part of a country of origin from which that commodity or item has never been imported or for which a PRA has not been conducted in the last two years	\$250
05	<i>Certificate of Spoilage</i>	\$15
06	<i>Consignment Detention</i>	
	o For holding of non-commercial consignments only (per day or part thereof)	\$5
07	<i>Inspection</i>	
	a) Container Inspection	
	o 20-foot container	\$100
	o 40-foot container	\$150
	o air cargo (per consignment)	\$50
	b) Inspection of commercial consignments (more than 6 cases or 100 kilograms in weight) not containerized as in (a) above	
	o Consignments of 7 to 200 cases or 100 to 3500 kilograms	\$50
	o Consignments of greater than 200 cases or 3500 kilograms	\$125
08	<i>Plant Pest Control</i>	
	a) Pesticide Application (per acre)	
	o Pesticide provided	\$15 + cost of pesticide
	o Application only	\$15
	b) Pest Trapping (per acre for each 6-month period)	
	o Trap provided plus servicing and interpretation	\$50 + cost of trap & accessories
	o Servicing and interpretation only	\$50
	c) Fumigation (per 5 cubic meters)	\$15

SCHEDULE 10: Fixed Penalties

SCHEDULE 15. Plant Protection Identification

(i) *Plant Protection logo*



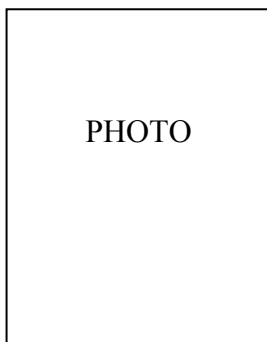
(ii) *Plant Protection Identification card*

FRONT – Coat-of-Arms watermark in background

LOGO

Government of Antigua & Barbuda
Plant Protection Unit – Department of Agriculture
IDENTIFICATION CARD

LOGO



Name:

Post:

Social Security No.:

Issue Date:

Expiration Date:

Signature of Employee

Validating Signature

(Official stamp)

BACK

PROPERTY OF THE GOVERNMENT OF ANTIGUA AND BARBUDA. If found, please return to Plant Protection, Department of Agriculture

-
- Keep this card securely.
 - This card should not be tampered with, duplicated, used if expired or used for purposes other than that for which it is intended.
-

I hereby certify that the information given is true and correct. Further, in the event of resignation, lay-off, transfer or card expiration, I assume the responsibility of returning this ID card to the Director of Agriculture or to the officer in charge of Plant Protection.

.....
Cardholder's signature

SCHEDULE 16. Requirements for Port Facilities

1.0 SECURITY

- i) Facilities must not be freely accessible to the public.
- ii) Port Operation must ensure that only cleared goods or uncleared goods directed by an inspector to an approved transitional facility (e.g., warehouse) leave the port.
- iii) The security system must allow inspectors performing their duties as legislated to have access to vessels, shipside, passenger arrival, baggage handling and cargo areas by issuance of appropriate identification card.

2.0 CARGO

- i) There must be at least one transitional facility for holding and processing uncleared goods.
- ii) Additional Facilities:
The Port may only receive vehicles, containers, machinery, fresh produce, foliage and live plant material if the following facilities are available:
 - a) For vehicles and machinery – a vehicle inspection area inclusive of a ramp
 - b) For containers – a suitable inspection area and stands if required
 - c) For fresh produce (e.g., vegetables, foliage and live plant material) – a fresh produce inspection facility
 - d) For bulk plant products – secure transportation/storage to importers' premises
 - e) Decontamination/disinsection/disinfection//fumigation and treatment facilities must be available to handle the appropriate type of goods being imported.

3.0 PASSENGER PROCESSING

3.1 *Biosecurity Control area*

Where a port is intending to receive permanently disembarking passengers from a cruise vessel/passenger vessel there must be a biosecurity control area adjacent to the vessel's berth.

The Biosecurity Control area must:

- be separated from any public areas
- have a separate search area for baggage examination, containing satisfactory search benches
- have adequate queuing space in the search area, sufficient to meet the passenger flow demand
- have adequate space for any processing equipment required
- be of appropriate size depending on passenger flow rate, the origin of the vessels, and equipment requirements
- have lighting of 600 lux over search benches
- have electricity outlets, computer cabling and three (3) direct telephone lines as well as switchboard extensions to each desk and work area
- allow for all waste from the biosecurity control area to go to the approved transitional facility for the destruction of waste.

3.2 *Inspection Room*

An inspection room must be available for inspecting, holding and/or treating passengers' goods. The room must be adjacent to the search benches. Basic requirements for this room would be:

- a stainless-steel sink with running hot and cold water
- bench-space with an impervious stainless steel surface

- cupboards and shelving for storage
- adequate space for secured quarantine bins
- adequate lighting (at least 1000 lux) over the examination table surface
- a refrigerator/freezer for holding plant produce
- must be air-conditioned.
- Enough space to keep plant material in an appropriate environment/area before the arrival of the inspector.

3.3 Office/Interview Room

- A room must be available for interviewing passengers who may have committed an offence. This room must be within the biosecurity control area and adjacent to the search benches. This room would double as the office space.
- Basic requirements for this room are:
 - i) it must be lockable
 - ii) there must be sufficient space to accommodate four people to be seated comfortably
 - iii) it must contain at least six (6) desks and twelve (12) chairs
 - iv) it must have walls or blinds to protect the privacy of those inside the room from outside view or hearing
 - v) there must be storage cupboards for documents, equipment and protective clothing (e.g, lab coats, etc.)
 - vi) must be air-conditioned and with natural ventilation option.

3.4 Other

- Toilet facilities must be available for use by inspectors
- All surfaces, including the floors, must be sealed for easy cleaning and disinfection.

4.0 SOLID WASTE

- i) There must be an approved method of solid waste destruction/treatment available to destroy and/or dispose of waste from vessels, cargo, etc., such as an incinerator, installed in an area accessible to the inspection area.
- ii) In the absence of an incinerator, secured containers for the temporary storage of confiscated materials must be installed in an area near to the inspection area. This should include the provision of quarantine bins that are leak-proof, made of metal or plastic material, properly labeled so that it can only be used for that purpose, and with a lockable close-fitting lid.

5.0 SIGNAGE

The port must display Plant Health signage and other information signs or warnings as required.

6.0 RISK CONTROL

- i) The Port must have suitable equipment to immediately clean up any spillage of regulated/controlled goods between the vessel and the approved transitional facility.
- ii) The Port areas that are transitional facilities must be kept free of vegetation and materials that may harbour unwanted organisms as indicated by the Director of Agriculture.
- iii) General Port Operation should have a disaster plan in place to include plant pest containment, etc.

SCHEDULE 17. Emergency Action Plan for Exotic Plant Pests & Diseases

DESCRIPTION OF EMERGENCY ACTION PLAN

The Emergency Action Plan for Exotic Pests and Diseases is an organised approach to prevent the introduction of exotic pests and diseases into a country and to contain or eradicate them if they enter. It provides for the creation of a National Emergency Plant Pest and Disease Committee (NEPPDC) which is responsible for its administration. The NEPPDC is headed by the Minister of Agriculture or the Permanent Secretary with membership from national agencies - governmental or non-governmental as may be required (Fig 1). It is an inter-ministerial, inter-sectoral and inter-institutional group, with representatives from various Government Ministries, statutory boards and the private sector. The nature of the representation ensures that it includes the required interest groups and obtains the necessary support to achieve its objectives. The composition of, and representation on the NEPPDC, is shown in Table 1. The proposed representation is not exhaustive and the Minister may invite other agencies as necessary. Annex 1 lists the names, addresses, telephone numbers and roles of NEPPDC members.

The task of the NEPPDC is to promulgate policies and coordinate inputs and activities of the different Government Ministries and other agencies. The agencies represented on the NEPPDC have been selected based on their role in the prevention of entry of exotic plant pest or disease into Antigua and Barbuda (Annex 2) and their possible role in the control, eradication and containment in case of an introduced pest or disease. The NEPPDC coordinates the activities and ensures that the functions of each agency are adequately implemented.

During normal times, the NEPPDC meets regularly (possibly twice per year) to review and refine the implementation of procedures and to update the members on any developments as necessary. In emergency situations, it meets as often as necessary.

The NEPPDC establishes the Emergency Pest and Disease Task Force or Technical Committee with the Director of Agriculture as the Task Force Coordinator. This is the technical operational committee and is responsible for all technical activities to be undertaken. It consists of four components: field component, police component, laboratory component and Plant Protection Board.

As part of the Emergency Action Plan, regular field exercises are conducted (at least once per year) to enhance the reactive capacity. There is need for strong coordination and for each person to know his/her role in the Plan. The system should be in a state of readiness at all times.

EMERGENCY ACTION PLAN FOR EXOTIC PESTS AND DISEASES FOR ANTIGUA AND BARBUDA

Routine Prevention of Introduction of Exotic Pests and Diseases

Component Activities

- Implementation of Legislation Relating to Plant Protection and Quarantine.
- Surveillance - Port inspection and field monitoring.
- Proper handling and disposal of international garbage.
- Public information.
- Monitoring and review of preventative measures.

Figure 1 ORGANISATIONAL CHART OF THE NATIONAL EMERGENCY PEST AND DISEASE COMMITTEE

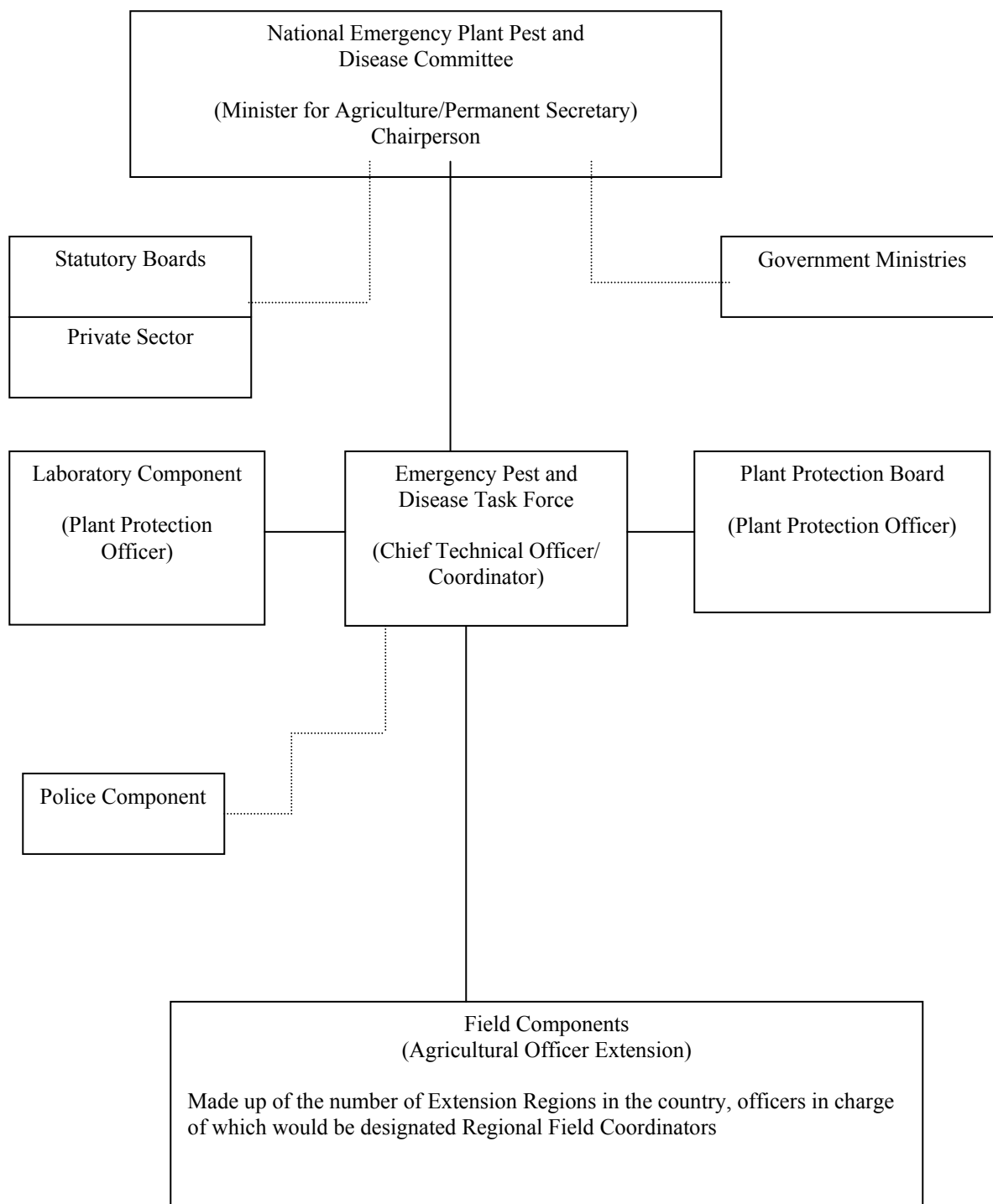


Table 1: Inter-Institutional Composition of the National Emergency Plant Pest and Disease Committee

AGENCY	DEPARTMENT/ DIVISION	REPRESENTATIVE
Ministry responsible for Agriculture	Administration Agriculture Information Legal	Permanent Secretary (CHAIRMAN) Director of Agriculture Plant Protection Officer Chief Veterinary Officer Communications Officer Legal Advisor
Ministry responsible for Health	Administration	Permanent Secretary
Ministry responsible for Public Utilities	Antigua Port Authority Aerodrome Department Transport Board	General Manager Aerodrome Superintendent Chairman
Ministry responsible for Public Works	Public Works	Permanent Secretary
Ministry responsible for Communication	Communication	Permanent Secretary
Ministry responsible for Finance	Customs & Excise Division Finance Headquarters	Comptroller of Customs Financial Secretary Budget Director
Ministry responsible for Planning, Economic Development, Trade, Industry & Commerce	Administration Planning Division	Permanent Secretary Director of Planning
Ministry responsible for Legal Affairs & Justice	Attorney General's Chambers Police Force Fire Department	Permanent Secretary Commissioner of Police Fire Chief
Ministry responsible for Home Affairs & Labour	Administration NODS	Permanent Secretary Director
Ministry responsible for Tourism	Administration	Permanent Secretary
Barbuda	Barbuda Council	Chairman
Statutory Boards	CMC NSWMA	General Manager Chairman
Private Sector	AHTA Chamber of Commerce Farmers Organizations Environmental Awareness Group Antigua Christian Council	Director Chairman Farmers' Coops, Associations & groups President Chairman

Plant Protection and Quarantine Legislation

The Plant Protection Act and Regulations of Antigua and Barbuda make provisions for the establishment of a Plant Protection Board, a component of the Emergency Pest Task Force which monitors plant protection and quarantine activities in the country on a regular basis. The Plant Protection Board should meet regularly.

Surveillance - Port (Air, Sea and Frontier) and Field

This section gives the main areas of the plant quarantine system related to surveillance activities at the international ports of entry and the field.

Import Permit

All planting material must be accompanied by an import permit. This is issued by a Plant Quarantine Officer with the approval of the Plant Protection Board. The decision taken should be based on a pest risk analysis.

Arrival Notification

The Comptroller of Customs or his/her representative shall notify an Officer of the plant quarantine service of the arrival at the port of any plant, planting material, fruit, vegetables, plant product, plant pest or disease, soil or any other article which may be regulated by the Plant Protection Act No ... of 20 ...

The Comptroller of Customs or his/her representative shall not release or dispose of the above-mentioned item(s), unless so authorised by the plant quarantine service.

An importer shall notify a plant quarantine service officer in advance of the arrival of regulated material.

Baggage Inspection

The passenger must hand to the Immigration Officer the signed Customs Declaration Form which indicates whether he/she is carrying any regulated item(s). The Immigration Officer stamps the form and indicates to Customs whether the passenger is carrying a regulated item. The Customs Officer also enquires from the passenger whether he/she is carrying any regulated item(s). The Customs Officer may examine the baggage.

If regulated material is present, the Customs Officer requests the services of the Plant Quarantine Inspector.

If the Plant Quarantine Inspector is not on site, the Customs Officer shall detain the material and may give the passenger a retention slip. The Customs Officer then informs the plant quarantine service and requests that an Officer inspects the material with minimal delay.

Container Inspection

It is the responsibility of the importer to ensure that the plant quarantine service is informed of the presence of regulated material in the container. The container is opened by the Customs Officer in the presence of the Plant Quarantine Officer. The Customs Officer shall not release any regulated material unless duly authorised by a Plant Quarantine Officer.

Mail Inspection

It is the responsibility of the importer to ensure that the plant quarantine service is informed of the presence of regulated material in the mail. The Customs Officer or the Postmaster shall not release any regulated material unless it is authorised by a Plant Quarantine Officer.

Ship and Aircraft Inspection

If a Plant Quarantine Officer is present at the port, he/she shall be a member of the boarding party which also includes Customs Officer, Immigration Officer and a Public Health Inspector. Otherwise a Plant Quarantine Officer may board a ship or aircraft if he/she suspects that it is carrying a regulated material.

If a Plant Quarantine Officer is not present at the ports, the Customs Officer may assist by giving the ship's captain to sign an appropriate declaration.

Survey Activities

Survey and monitoring activities for pests or diseases must be undertaken to determine their status in the country. The activities may be of a general nature or for a specific pest or disease. In both cases, the activities may involve the other sections of the Ministry of Agriculture, other governmental and non-governmental agencies and the public. If a specific pest or disease is targeted, training in survey procedures would be necessary and the surveyors would have to ensure that all areas are covered within a specific period of time.

Proper Handling and Disposal of International Garbage

All plant material or portion thereof, from an international carrier, to be disposed of must be placed in a metal container (in the carrier) that can be covered to ensure that no plant pests or diseases can leave the container. If there is no incinerator then the garbage is disposed of (after the carrier has left territorial waters) in a manner which would not cause the introduction of exotic pests and diseases into the country and according to international regulations.

If facilities for disposal exist, this shall be done under the supervision of the plant quarantine service.

Public Information

There should be continuous campaigns to create and maintain the public awareness of pests and diseases of quarantine importance and the need to be vigilant. Activities include:

- Regular press releases
- Radio and television spots, films, slides, videos
- Publication and dissemination of leaflets and placing of posters and/or billboards at conspicuous locations at ports of entry
- Provision of information to travellers, travel agents, shipping agents concerning the prohibition of entry of agricultural produce without a permit
- Talks to the Customs, Police and other appropriate agencies.

Monitoring and Review of Preventive Measures

- Monitoring and review of measures being undertaken in relation to the prevention of entry of

exotic pests and diseases shall be undertaken by the NEPC.

Person Responsible: Minister of Agriculture/Permanent Secretary (Chairman - NEPPDC)

- Conduct through the EPTF, regular education sessions for all personnel actively involved in the implementation of preventative measures, such as Port Personnel, Customs Officers, Plant Protection/Quarantine Officers and the like including the public.
- Ensures that information is available on sources of material and equipment in an emergency.
- Conduct (at least once per year) field exercises simulating introduction of an exotic pest or disease to test the reactive capacity of the mobilisation plan for control/eradication and containment of an exotic pest and disease.

Person Responsible: Director of Agriculture

- Regular training sessions for Plant Protection/Quarantine Officers, Extension Officers to educate and update them on symptoms of exotic pests and diseases.
- Ensures that the relevant plant protection laboratory knows of reference centres for pest confirmation and approved steps for preserving and submitting material.
- Ensures that the Plant Protection Board is active and involved in Plant Protection decisions.
- Knows where to source information on exotic pests.

Person Responsible: Chief Plant Protection Officer

CONTAINMENT, ERADICATION OR CONTROL OF EXOTIC PESTS AND DISEASES

Part A - Emergency Action Plan (Sequence of Events)

The EPTF implements the containment and eradication operation of the Action Plan. The sequence of events is given below and in the flow chart (Fig. 2).

Step 1 Suspicious case seen by farmer.

Step 2 Farmer reports to Extension Officer who investigates the case.

Step 2a Diagnosis reveals endemic pest or disease. Farmer advised of control measures by EO.
Sequence stops.

Step 2b EO unable to identify pest or disease. Reports to Chief Plant Protection Officer.

Step 3 CPPO investigates.

Step 3a Diagnosis reveals endemic pest or disease. EO advised of control measure.
Sequence stops.

Step 3b Diagnosis creates suspicion of the presence of new pest or disease. (Survey and

monitoring activities may detect the presence of new pest or disease). Farmer and EO given precautionary instructions, specimens collected and pictures taken for preliminary laboratory diagnosis, by CPPO.

Step 4 CPPO notifies Supervisor/Director of Agriculture who notifies the Permanent Secretary/Minister.

Step 5 Director of Agriculture activates Emergency Pest Task Force and additional samples and/or pictures are collected and dispatched by the CPPO to established Diagnostic Centres for more positive identification and confirmation. Information on the pest (biology, hosts, behaviour pattern and the like to help in eradication or containment) is requested by the CPPO from the Diagnostic Centres and Regional and International Organizations.

Step 6 The Minister/PS puts into operation the emergency mobilisation plan and activates the National Emergency Plant Pest and Disease Committee and notifies the relevant Ministries and Agencies of their role. Minister notifies Cabinet and issues declaration on internal plant quarantine regulation.

Step 7 Emergency Pest Task Force sets up the Headquarters and area centres, orders islandwide search (survey) for cases and collects additional specimens and takes pictures. Issues general information and instructs the Field Component and Quarantine Officers.

Step 8 Report received from Diagnostic Centre by the CPPO and eradication plan is put into operation by the CTO.

Part B - Components and Description of Tasks

A. Component: **National Emergency Plant Pest and Disease Committee (NEPPDC)**

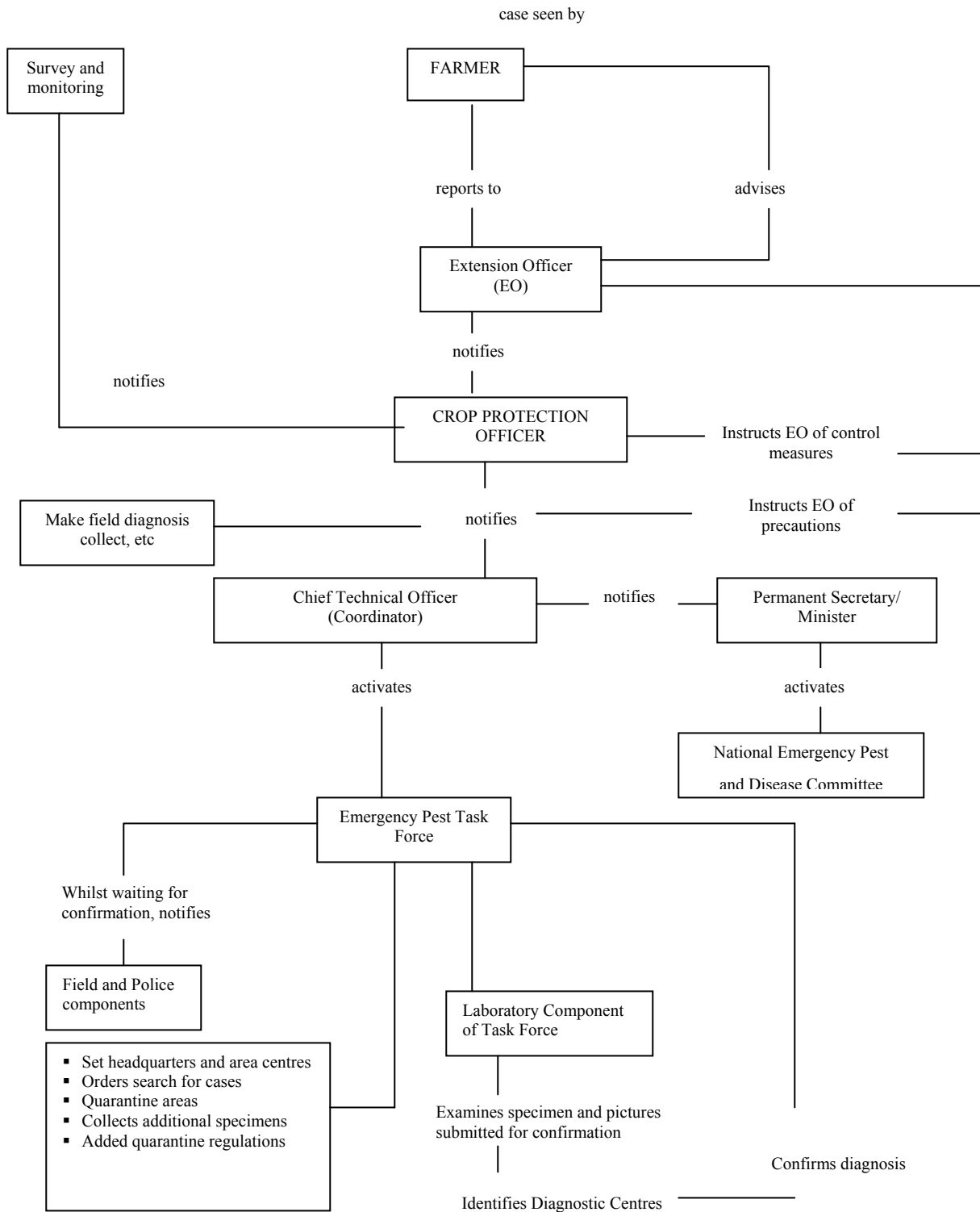
Responsibility: Promulgation of policies and coordination of input of the different Government Ministries and other agencies to prevent the entry of, control and/or eradicate any exotic pest or disease.

Functions

Person Responsible - Chairman (Minister of Agriculture)

- a) Through NEPPDC, promulgates policies for the prevention of entry, control and eradication of foreign pest and disease.
- b) Coordinates the various inputs and makes available the resources of the different Ministries and agencies in achieving (a).
- c) Makes representation to Cabinet for additional financial assistance needed and in the issuance of special orders or proclamations related to (a).
- d) Ensures that all policies promulgated by the NEPPDC are implemented by the EPTF.
- e) Designates the Director of Agriculture EPTF Coordinator.

Figure 2. Flow Chart for Mobilisation of the National Emergency Plant Pest and Disease Committee



B. Component: **Emergency Pest and Disease Task Force (EPTF)**

Responsibility: Mobilisation and execution of the national emergency action plan and implementation of policies promulgated by the NEPC.

Functions

Person Responsible - Task Force Coordinator/Director of Agriculture

- a) Serves as the Executive Officer of the NEPPDC and ensures that all policies promulgated are expeditiously and effectively implemented.
- b) Ensures that the EPTF is in constant alert and readiness, and schedules regular field exercises to enhance its reactive capacity.
- c) Activates mobilisation of the EPTF as soon as a report is made by the Chief Plant Protection Officer.
- d) Makes immediate notification of the NEPPDC for mobilisation of the EPTF.
- e) Coordinates the actions of the various components of the EPTF.
- f) Coordinates the activities of all the regions and assigns personnel as needed to the Regional Field Coordinator.
- g) Orders the RFCo to proceed with disinfection/disinfestation of infected/infested areas as soon as diagnosis has been confirmed.
- h) Through the RFCo, implements surveillance to monitor the efficacy of control/eradication measures.
- i) Through the RFCo, serves official quarantine notices.

C. Component: **Regional Field Coordination**

Responsibility: Execution of all the field operations in the event of an outbreak of an exotic pest or disease in that area.

Ideally, the RFC shall consist of personnel within the region where the outbreak occurs. Authority for movement of support personnel from another region is vested upon the TFCo through the Officer-in-Charge of Extension.

Functions

Responsible Person - Regional Field Coordinator (RFCo)

- a) Establishes a field operating unit
- b) Selects location of headquarters close to the infected/infested areas. Should not be more than an hour drive to the most distant area of the outbreak area.
- c) Selects suitable headquarters building with ample space for storage of supplies and equipment, suitable communications and eating facilities. There should be ample parking space for field vehicles and should be located where there is easy flow of traffic.
- d) Makes available a map of the area under his/her jurisdiction and points out areas of infection/infestation to all RFC personnel.
- e) Establishes communication with the local authorities, public, police in order to ensure security of the infected/infested area.
- f) Refers all requests for information regarding the outbreak by the news media to the TFCo until an

Information Officer from the Agricultural Information Service has been assigned to the RFCo; gives those requesting information the telephone number of the TFCo and explains that the latter has the most complete source of up-to-date information.

- g) Establishes means of communication with personnel stationed where the problem is.
- h) Lists personnel complement of RFC and assigns them specific tasks to enable them to be put to work immediately upon arrival in the affected area.
- i) Gives specific assignments to support personnel arriving from the other regions.
- j) Requests the assignment of a secretary.
- k) Meets with all personnel every evening for debriefing on the day's activities and problems, institutes remedial measures to problems, and plans for activities for the following day.
- l) Instructs all personnel that information to be released to the media will be through the Information Officer only.
- m) Gives daily debriefing report to the TFCo.

D. Component: **Laboratory Services**

Responsibility: Handling preliminary diagnosis and submitting specimens to reference laboratory for confirmation of field diagnosis, and development of local capability for laboratory diagnosis.

Functions

Responsible Person: Laboratory Team Leader/CPPO or Senior Laboratory Assistant

- a) Collection of specimens for laboratory diagnosis.
- b) Assembles and keeps in constant readiness additional emergency kits for further collection and shipment of specimens.
- c) Makes prior arrangement with airlines or courier service and the reference laboratory on how specimen could be shipped as quickly as possible.
- d) Supervises shipment of hand-carried specimens.
- e) Once the EPTF is activated, makes arrangements to receive incoming specimens from the RFC and store them until confirmation is made and local laboratory diagnostic capabilities are established.
- f) Once local laboratory capabilities are established to handle diagnosis, supervises the operation of said laboratory.

E. Component: **Quarantine Component**

Responsibility: Establishment and staffing of quarantine and buffer zones.

Functions

Responsible person - Quarantine Officer

This person is a plant protection staff member or a senior member of the extension service.

- a) Assists the TFCo in planning and establishing quarantine and buffer zones.
- b) Posts pest and disease warning signs on all roads at the outer perimeters of the quarantine and buffer zones.
- c) Coordinates the establishment of 24-hour police patrol (if necessary) to cover roads in both buffer, and quarantine zones to control movement of plants and other products.

- d) Establishes a list of all farms or areas that have received plants or plant products or any products which are capable of transmitting the pest or disease.
- e) Arranges for the inspectors to visit these farms or areas and establish control measures.
- f) At his/her discretion, allows the movement, on a permit basis, of perishable crops for human consumption and other non-plant products from affected farms and farms not known to be affected within the quarantine area.
- g) Trains sufficient field personnel and establishes teams to disinfect the areas.

F. Component: **Information Service**

Responsibility: Dissemination of information to the media and the public

Functions

Responsible Person - Information Officer

This person is from the Agricultural Information Service. The TFCo will request the Minister of Agriculture to immediately assign and dispatch this person to the Regional Office.

- a) Compiles list(s) of local news outlets (eg radio, newspaper, television) to notify of the situation.
- b) Prepares pertinent information, publication, background, materials, and photographs for distribution to media personnel.

G. Component: **Local Field Operations**

Responsibility: Provision of support to operations

Functions

Responsible Persons - Extension Officers

- a) Examine plants referred by farmers.
- b) Report to the Chief Plant Protection Officer without delay, the presence of suspicious pest or disease cases.
- c) Implements all instructions of the CPPO to prevent spread of pest or disease.
- d) After confirmation of exotic pest and under the supervision of the RFCo, searches for cases and identifies all affected plants.
- e) Supervises and carries out destruction of all affected plants and plant parts.
- f) Implements on-the-spot disinfection and/or disinfestation of the area.

H. Component: **Police Component**

Responsibility: Provision of security

Functions

Responsible Person - Commissioner of Police

- a) Assists quarantine officials in securing the area.
- b) Prevents access as directed by the Quarantine Officer.

I. Component: **Fire Department**

Responsibility: Supervise, monitor and assist with cutting burning and disposal.

Functions

Responsible Person - Chief Fire Officer

- a) Makes fire equipment available for use in cleaning.
- b) Supervises clearing and burning of infected material.

ANNEXES

Annex 1. List of Names, Addresses and Telephone Numbers of Members of National Emergency Plant Pest and Disease Committee

Annex 2. Map of Antigua and Barbuda by Agricultural Region and Ports of Entry (Insert the map of the country indicating the agricultural regions and ports of entry).

Annex 3. Customs Declaration Form

Annex 4. Cabinet Decisions