

EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (WOOD and BARK) (AMENDMENT) ORDER
(NORTHERN IRELAND) 2012

SR 2012 No. 400

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 2, 3(1), 3A, 3B(1) and 4(1) of the Plant Health Act (Northern Ireland) 1967 and paragraph 1A of Schedule 2 to the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Order amends The Plant Health (Wood and Bark Order) (Northern Ireland) 2006 (S.R. 2006 No. 66) ("the principal Order") to introduce emergency measures to prevent the introduction and spread of *Chalara fraxinea* T.Kowlaski, including its teleomorph *Hymenoscyphus pseudoalbidus*, a cause of Ash dieback.

3. Background

- 3.1. Ash dieback is a serious disease of ash trees caused by the fungus *Chalara fraxinea*, and has been found in a number of locations in England and Scotland, and at a site in Co. Leitrim. Emergency legislation has been introduced in Northern Ireland, GB and Ireland to restrict the importation of ash trees and planting material. A Rapid Risk Assessment of the threat posed by *Chalara fraxinea* considered wood to be a moderately likely pathway for transmission of the disease. The current view of UK Government scientists is that wood and wood products will not spread the disease if simple treatment of wood is carried out. Preliminary surveys for symptoms of *Chalara fraxinea* have been undertaken by DARD officials in plant nurseries, recently established ash plantations and semi-natural ash woodland and no diagnoses of *Chalara fraxinea* were made in samples taken. Northern Ireland's position on the island of Ireland presents an important opportunity to control the import of plant pests which may occur in GB, and continental Europe. This Order will effectively mean that ash timber may only be moved to Northern Ireland from the EU, or imported from a third country outside the EU if it is accompanied by an official statement that it originates in an area free from ash dieback, or is treated in one of the ways set out in the Order.

4. Consultation

- 4.1. A 12 week consultation carried out by the Food and Environment Research Agency between 31 August and 26 October 2012 included a Rapid Risk assessment which stated that movement of wood was a possible pathway for transmission of the disease. The majority of

responses called for legislation to restrict imports of ash plants for planting. Subsequently, at a meeting convened by the Minister, stakeholders made officials aware of importations of ash logs for the manufacturing of firewood. This is a potential pathway for the disease and emergency legislation is required so that ash wood can only be imported under certain technical conditions.

5. Equality Impact

- 5.1. The proposed legislation will apply in equal measure to all section 75 groups. It is not expected that any of these changes will impact differentially across any of these groups.

6. Regulatory Impact

- 6.1. The Statutory Rule may increase the financial burden on the industry by increasing the costs of supply to those companies who use timber in manufacturing processes. These businesses will incur additional costs to saw or dry the wood before landing, or to find ash timber grown in areas known to be free of disease, or to substitute alternative species.
- 6.2. There will be additional Departmental monitoring of wood imports, and additional businesses will come within the scope of the Plant Health regulations.
- 6.3. This is therefore an increase in regulation, justified by the imminent threat that unregulated trade in untreated ash wood is a possible pathway for introducing the pest.
- 6.4. A formal RIA has not been prepared in view of the urgency of the threat.

7. Financial Implications

- 7.1. There are minimal financial implications associated with the Order.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Order complies with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Article 16(2) of Council Directive 2000/29/EC requires Member States to take protection measures only where it considers there is an imminent danger of the introduction or spread of harmful organisms not listed in certain annexes of that Directive. The Department has taken steps to formally inform the European Commission of its action.

10. Parity or Replicatory Measure

- 10.1. Similar measures are being introduced in the South in a "fortress Ireland" approach, but not in GB, which continues to permit ash wood to be imported from EU countries. Northern Ireland's position on the island of Ireland presents an important opportunity to control the importation of materials associated with plant health pests and disease which appear in GB and continental Europe. There is significant trade in ash timber with bark attached for firewood and to manufacture hurley sticks, and there are concerns that this comes from parts of Europe known to be infected with disease. The Department has drawn the attention of DEFRA to the risk

and has asked DEFRA to inform the European Commission of our position.

11. Additional Information

11.1. Not applicable.