

SCHEDULE 13

Regulation 5(6)

Emergency measures: *Bursaphelenchus xylophilus*
(Steiner et Buhner) Nickle et al. (the pinewood nematode)

PART A

Application and interpretation

1. This Schedule applies where there is evidence that *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. is present in a susceptible plant in a relevant UK territory in which it was previously not known to occur or where there is evidence that it is present in a relevant UK territory by other means.

2. In this Schedule—

“appropriate samples”, in relation to a susceptible plant, means samples from several parts of the plant, including the crown, and any part where signs of activity of insect vectors are visible;

“appropriate sampling scheme” means a sampling scheme which is able to confirm with 99% reliability that the level of the plant pest in the plants being sampled and tested is below 0.1%;

“appropriate time”, in relation to the felling of susceptible plants, means—

(a) in the case of any plant identified outside the flight season of the vector, before the start of the next flight season;

(b) in the case of any plant identified during the flight season of the vector, immediately;

“authorised treatment facility” means a treatment facility authorised by an appropriate UK plant health authority for the purposes of this Schedule;

“demarcated area” means an area demarcated under paragraph 3;

“exempt plant” means any susceptible plant which the appropriate UK plant health authority has concluded it would be inappropriate to fell;

“flight season of the vector” means the period beginning on 1st April and ending on 31st October or such other period as the appropriate UK plant authority considers appropriate;

“pest free area” means a demarcated area in respect of which there is evidence from surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area for at least three consecutive years;

“the plant pest” means *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pinewood nematode);

“relevant movement restrictions”, in relation to susceptible plants, susceptible wood or susceptible bark, mean any restrictions that apply to their movement under the relevant Plant Health Order;

“residual material” means cut stems, cutting residues and naturally occurring debris showing signs of activity of insect vectors which are located in a part of the demarcated area where wilt symptoms of the susceptible plants are not expected to occur or are expected to be delayed;

“susceptible bark” means bark of conifers (Coniferales);

“susceptible plants” means plants, other than fruit and seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr.;

“susceptible wood” means wood of conifers (Coniferales), other than sawn wood or logs of *Taxus* L or *Thuja* L., which—

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- (a) retains part or all of its natural round surface, with or without bark, or is in the form of chips, particles, shavings, sawdust, wood waste or scrap;
- (b) has not retained its round surface; or
- (c) is in the form of beehives or bird nesting boxes;

“the vector” means beetles belonging to the genus *Monochamus* Megerle in Dejean, 1821.

PART B

Establishment of a demarcated area

3. The appropriate UK plant health authority must by notice and without delay demarcate an area in relation to the infestation consisting of—

- (a) the infested zone (being the area in which the plant pest was found to be present); and
- (b) a buffer zone around the infested zone.

4. The buffer zone must have a diameter of at least 20 km, which may be reduced to 6 km, if the eradication measures referred to in paragraph 9 are being taken and the appropriate UK plant health authority considers that the reduction will not jeopardise the effectiveness of the eradication measures.

5. Where the plant pest is found to be present in the buffer zone and eradication measures are not being taken in the demarcated area, the appropriate UK plant health authority must demarcate a further area in accordance with paragraphs 3 and 4 to take account of that finding.

6. Where the plant pest is found to be present in the buffer zone and eradication measures are being taken in the demarcated area, the appropriate UK plant health authority must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 and 4 to take account of that finding.

7. This Part does not apply in so far as any part of the area to be demarcated would be in Scotland.

PART C

Eradication measures

8. This Part applies where an area is demarcated under paragraph 3 by an appropriate UK plant health authority.

9. The appropriate UK plant health authority must ensure that the following measures are taken under official supervision to eradicate the plant pest—

- (a) the establishment of a clear-cut zone around each susceptible plant in which the plant pest has been found to be present in accordance with paragraph 10;
- (b) the felling, removal and disposal of all susceptible plants, other than any exempt plants, in a clear-cut zone, taking all necessary precautions to avoid spreading the plant pest and the vector during felling;
- (c) the taking of appropriate samples from the susceptible plants felled and any residual material in the clear-cut zone;
- (d) the testing of those samples for the presence of the plant pest;
- (e) the carrying out of the following surveys—

- (i) surveys of the susceptible plants and residual material in the demarcated area, during and outside the flight season of the vector, in accordance with paragraph 11; and
- (ii) surveys of the vector itself during the flight season of the vector in accordance with paragraph 12, which must be intensive in any area affected by fire or storm;
- (f) the identification of all susceptible plants in the demarcated area which are infested with the plant pest or which are dead, in poor health or affected by fire or storm;
- (g) the felling, at the appropriate time, of—
 - (i) all susceptible plants in the demarcated area which have been found to be infested with the plant pest;
 - (ii) in the case of any plants in a pest free area, all susceptible plants which have been found to be infested following their sampling and testing using an appropriate sampling scheme; and
 - (iii) in the case of any plants in a demarcated area which is not a pest free area, all susceptible plants in the demarcated area which are dead, in poor health or affected by fire or storm;
- (h) in the case of felled susceptible plants in the demarcated area in which the plant pest has not already been found to be present, the sampling and testing of those plants using an appropriate sampling scheme;
- (i) the disposal of all felled susceptible plants and the resulting logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector during felling, by their destruction on site or their removal and the treatment of their wood and bark in accordance with paragraph 13;
- (j) in the case of any place of production of plants for planting in which the plant pest has been detected on susceptible plants grown at the place of production since the beginning of the last complete growing cycle, the removal and disposal of those plants, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (k) the identification of all felled susceptible plants in the buffer zone which are not subject to the preceding measures and the removal of those plants and their logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (l) in the case of any exempt plants, the application of alternative eradication measures to their felling, removal and disposal to prevent any possible spread of the plant pest from the plants;
- (m) in the case of any clear-cut zone which has been reduced for the reasons specified in paragraph 10(a)—
 - (i) the inspection, during or after the flight season of the vector, of those susceptible plants which are located between 100m and 500m of an infested susceptible plant for signs or symptoms of the presence of the plant pest;
 - (ii) the taking of appropriate samples of any plant inspected under paragraph (i) which shows signs or symptoms of the presence of the plant pest and the testing of those samples for the presence of the plant pest;
 - (iii) the carrying out of intensive surveys of the vector by sampling and testing individual vectors for the presence of the plant pest in the area located between 100m and 500m of an infested susceptible plant; and
 - (iv) the application of alternative eradication measures to their felling, removal and disposal to prevent any possible spread of the plant pest from the susceptible plants; and

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- (n) the production of a hygiene protocol setting out the hygiene procedures for vehicles transporting forest products and machinery for processing forest products to ensure that the plant pest cannot be spread with those vehicles and machinery.
- 10.** Any clear-cut zone must be established promptly in light of the risk of transmission of the plant pest by the vector from the susceptible plant in which it was found and must have a minimum initial radius of 500 m, which may be reduced to 100 m if—
- (a) the appropriate UK plant health authority concludes that the creation of a clear-cut zone with a radius of 500 m would have unacceptable social or environmental impacts; or
 - (b) the appropriate UK plant health authority has evidence from surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area during the preceding three years.
- 11.** When carrying out any survey of any susceptible plants and residual material in a demarcated area, the survey must—
- (a) include the inspection, sampling and testing of those plants and that material for the presence of the plant pest;
 - (b) focus in particular on susceptible plants which are dead, in poor health or affected by fire or storm; and
 - (c) be carried out at an appropriate rate which ensures that the intensity of the survey in the area lying within a radius of 3000 m of an infested susceptible plant is at least four times higher than in the rest of the buffer zone outside that area.
- 12.** When carrying out any survey of the vector in a demarcated area during the flight season, the survey must include the inspection, sampling and testing of the vector for the presence of the plant pest.
- 13.** In the case of susceptible wood identified in the demarcated area during the flight season of the vector, the logs must either—
- (a) be—
 - (i) stripped of their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately after felling;
 - (ii) promptly removed to a storage place or to an authorised treatment facility; and
 - (iii) in the case of any logs retaining their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately on arrival at the storage place or the authorised treatment facility; or
 - (b) where the appropriate UK plant health authority concludes that the actions described in paragraph (i) would not be effective, immediately destroyed on site and chipped into pieces less than 3 cm thick and 3 cm wide.

PART D

Containment measures

14. This Part applies—

- (a) where—
 - (i) annual surveys carried out pursuant to paragraph 9(e) over a minimum period of four consecutive years and the experience gathered by the appropriate UK plant health

authority shows that, in the particular circumstances, it is impossible to eradicate the plant pest; or

- (ii) there is evidence of the presence of the plant pest throughout the infested zone of a demarcated area, the infested zone exceeds 20 km and the experience gathered shows that in the particular circumstances, it is impossible to eradicate the plant pest in the infested area; and

- (b) where the appropriate UK plant health authority has concluded that it would not be appropriate to continue to apply the eradication measures in Part C.

15. The appropriate UK plant health authority must ensure that the following measures are taken under official supervision to contain the plant pest—

- (a) the carrying out of annual surveys of susceptible plants and the vector in the infested zone or zones in the demarcated area;
- (b) the felling of all susceptible plants in the infested zone or zones in which the plant pest has been found to be present and the removal and disposal of those plants and their felling remains, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (c) the carrying out of the following surveys in the buffer zone of the demarcated area in accordance with paragraphs 16 and 17—
 - (i) surveys, during and outside the flight season of the vector, of susceptible plants and residual material; and
 - (ii) surveys, during the flight season of the vector, of the vector itself;
- (d) the identification of all susceptible plants in the buffer zone which are infested with the plant pest or which are dead, in poor health or affected by fire or storm;
- (e) the felling, at the appropriate time, of all susceptible plants in the buffer zone which have been found to be infested with the plant pest, taking all necessary precautions to avoid spreading the plant pest and the vector during felling;
- (f) the disposal of all felled susceptible plants and the resulting logging remains in the buffer zone, taking all necessary precautions to avoid spreading the plant pest and the vector during their disposal, by—
 - (i) their immediate destruction on site;
 - (ii) their movement under official control from the buffer zone into the infested zone or zones; or
 - (iii) their removal and the treatment of their wood and bark in accordance with paragraph 18;
- (g) in the case of felled susceptible plants in the buffer zone in which the plant pest has not already been found to be present, the removal of those plants and their logging remains, taking all necessary precautions to ensure that they do not attract the plant pest or the vector;
- (h) the identification of all felled susceptible plants in the buffer zone which are not subject to any of the preceding measures in this paragraph and the removal of those plants and their logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector; and
- (i) the production of a hygiene protocol setting out the hygiene procedures for vehicles transporting forest products and machinery for processing forest products to ensure that the plant pest cannot be spread with those vehicles and machinery.

16. When carrying out a survey of susceptible plants and residual material in a demarcated area, the survey must—

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- (a) include the inspection, sampling and testing of those plants and that material for the presence of the plant pest;
- (b) focus in particular on susceptible plants which are dead, in poor health or affected by fire or storm; and
- (c) be carried out at an appropriate rate which ensures that the intensity of the survey in the area lying within a radius of 3000 m of an infested susceptible plant is at least four times higher than in the rest of the buffer zone outside that area.

17. When carrying out any survey of the vector in a demarcated area during the flight season, the survey must include the inspection, sampling and testing of the vector for the presence of the plant pest.

18. In the case of susceptible wood identified in the demarcated area during the flight season of the vector, the logs must either—

- (a) be—
 - (i) stripped of their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately after felling;
 - (ii) promptly removed to a storage place or to an authorised treatment facility; and
 - (iii) in the case of any logs retaining their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately on arrival at the storage place or the authorised treatment facility; or
- (b) where the appropriate UK plant health authority concludes that the actions described in sub-paragraph (a) would not be effective, immediately destroyed on site and chipped into pieces less than 3 cm thick and 3 cm wide.

PART E

Other measures

19. Where an area is demarcated under paragraph 3 by an appropriate UK plant health authority, the appropriate UK plant health authority must ensure that—

- (a) operators and the public are informed of the measures taken in accordance with Parts C and D; and
- (b) frequent random checks are carried out on susceptible plants, susceptible wood and susceptible bark which are being moved from the demarcated area to another demarcated area or from the infested zone to the buffer zone in the demarcated area.

20. The appropriate UK plant health authority must ensure that the checks referred to in paragraph 19(b) are based on the risk that the plants or wood and bark in question carry live pinewood nematodes, taking into account the provenance of the consignment, the degree of susceptibility of the plants or wood and bark in question and past compliance by the operator of any relevant movement restrictions or any other measure imposed on the operator to eradicate or contain the plant pest.

21. Any checks must be carried out—

- (a) at the points where they are moved from the infested zone into the buffer zone;
- (b) at the points where they are moved from the buffer zone into an area outside the demarcated area;
- (c) at their place of destination in the buffer zone; and

(d) at their place of origin in the infested zone, including sawmills.

22. The checks must include—

- (a) an examination to ascertain that the plants, wood or bark is accompanied by a UK plant passport;
- (b) an examination to ascertain the identity of the relevant material being moved; and
- (c) an examination of the plants, wood or bark to ascertain whether they meet the requirements under the relevant Plant Health Order relating to their movement, and testing for the presence of the plant pest where the movement of material is or is suspected to be in breach of restrictions on the movement of susceptible plants, susceptible wood or susceptible bark under the relevant Plant Health Order or with any other measure imposed on the operator to eradicate or contain the plant pest.

23. Each appropriate UK plant health authority must ensure that random checks are carried out on susceptible plants, susceptible wood and susceptible bark moving from a demarcated area situated outside its territory into its territory.

24. Where any random check reveals that the susceptible plants, susceptible wood or susceptible bark are being moved in contravention of any movement restrictions referred to in paragraph 22(c), the appropriate UK plant health authority must ensure that—

- (a) the susceptible plants, susceptible wood or susceptible bark are destroyed under official supervision;
- (b) the susceptible plants, susceptible wood or susceptible bark are moved under official supervision to an authorised treatment facility for heat treatment; or
- (c) where the susceptible material consists of wood packaging material actually in use in the transport of objects, the wood packaging material is returned under official supervision to the place of dispatch or a location nearby the place of interception for repackaging those objects and destruction of the wood packaging material.

PART F

Authorisation of treatment facilities

25. Where an area is demarcated under paragraph 3 by an appropriate UK plant health authority, the appropriate UK plant health authority must by notice designate the treatment facilities that are authorised by the appropriate UK plant health authority to—

- (a) carry out appropriate heat treatment for the purposes of item 7 of Part E of Schedule 4;
- (b) issue UK plant passports for susceptible wood and bark which it has treated for the purposes of item 7 of Part E of Schedule 4;
- (c) treat wood packaging material for the purposes of item 7 of Part E of Schedule 4; and
- (d) mark beehives and bird nesting boxes for the purposes of item 7 of Part E of Schedule 4.

26. The appropriate UK plant health authority must ensure that—

- (a) each treatment facility which is authorised for the purposes of paragraph 25 has systems in place to guarantee the traceability of any susceptible wood or susceptible bark that it treats;
- (b) each treatment facility which is authorised to apply the mark specified in Annex 2 to ISPM No. 15 uses wood which has been treated by an authorised treatment facility and has systems in place to guarantee the traceability of the treated wood back to the treatment facility at which it was treated.

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27. The appropriate UK plant health authority must ensure that the treatment facilities that it has authorised are subject to official supervision.

28. The appropriate UK plant health authority must withdraw any authorisation granted to a treatment facility where it becomes aware of the presence of the plant pest in susceptible wood, susceptible bark or wood packaging material treated by the treatment facility or in susceptible wood packaging material marked by the treatment facility.

PART G

Lifting of demarcation

29. The appropriate UK plant health authority may lift the demarcation which applies to a demarcated area if—

- (a) official surveys show that the plant pest has not been found to be present in the demarcated area in the four years prior to the lifting of the demarcation; or
- (b) the appropriate UK plant health authority has evidence from the surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area for the three years prior to the lifting of the demarcation, and the absence of the vector has been confirmed by sampling and testing.