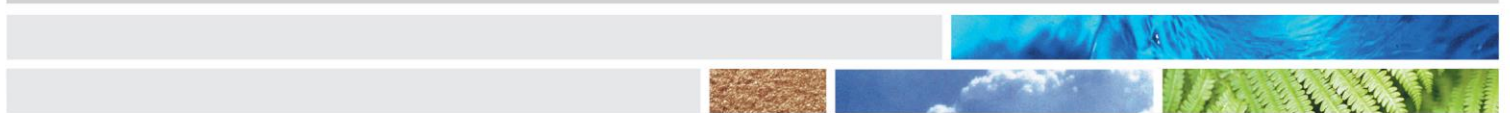




Environmental
Protection Authority
Te Mana Rauhi Taiao

EPA advice on application APP201722 – s26 determination on the Present in New Zealand status of *Ficus watkinsiana*

April 2013



ADVICE TO THE DECISION MAKING COMMITTEE

Executive summary and recommendation

Application APP201722 from the Ministry of Primary Industries (MPI) seeks a determination on the new organism status of the tree *Ficus watkinsiana*.

MPI has presented information to the Environmental Protection Authority (EPA) for consideration, stating that while there are plants currently growing on a private property in New Zealand, there is no evidence that the species has been in New Zealand since 1998.

After reviewing the information presented by MPI, we consider that there is no evidence that *F. watkinsiana* was present in New Zealand immediately before 29 July 1998, and we therefore recommend that the Hazardous Substances and New Organisms (HSNO) Decision Making Committee determines that *Ficus watkinsiana* is a new organism for the purposes of the HSNO Act.

Should any information to the contrary come to hand, we can reconsider the determination in the future.

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1. Introduction

- 1.1. The application from MPI was made under section 26 of the HSNO Act (the Act), to determine whether *Ficus watkinsiana* is a new organism for the purposes of the Act.
- 1.2. MPI has provided information in regards to the presence or absence of *F. watkinsiana* in New Zealand, and we have evaluated that evidence against the legislative criteria for determining whether *F. watkinsiana* is a new organism.

2. Background

- 2.1. *Ficus watkinsiana* has been found growing on a private property in New Zealand and MPI believe the owner may have additional older plants on the property that MPI have not observed. However, there is no evidence to indicate that these plants have been in New Zealand since before 2001, and there are no records of sales or imports that would imply that the plants arrived in New Zealand prior to 1998.

3. Organism description

- 3.1. *Ficus watkinsiana* (syn. *F. bellingeri*: *F. simmondsii*), commonly known as Strangler fig, Watkins' fig, Nipple fig or the Green-leaved Moreton Bay Fig is a hemiepiphytic¹ fig, endemic to Australia. The species exists in three natural populations; one in northeast Queensland, one in southeast Queensland and one in northeast New South Wales. It is a monoecious² tree which grows up to 50 m tall. Its leaves are 51-217 mm long and 26-97 mm wide. Its fruit are deep purple to black, 24-37 mm long and 18-29 mm in diameter (Dixon 2003).

4. Summary and review of information supplied

- 4.1. *Ficus watkinsiana* is not recorded on the MPI Plant Biosecurity Index (PBI). Neither of the accepted synonyms (*F. bellingeri* or *F. simmondsii*) appears on the PBI either.
- 4.2. *Ficus watkinsiana* and its synonyms do not appear on the Landcare Research database on the flora of New Zealand.

¹ A hemiepiphyte is a plant that spends part of its life cycle as an epiphyte. The seeds of primary hemiepiphytes germinate in the canopy and initially live epiphytically. They send roots downward, and these roots eventually make contact with the ground. Secondary epiphytes begin as rooted vines growing upward from the forest floor, but later break their connection to the ground (Kritcher 2011).

² Monoecious plants have both male and female flowers growing separately on the same plant.

- 4.3. MPI have provided information to the effect that they made enquiries to the Auckland Botanic Gardens, the Dunedin Botanic Gardens and the Tikorangi Gardens and were informed that none had any records of importing or growing *F. watkinsiana*. EPA staff made an enquiry to the Wellington Botanic Garden and they have no record of importing or growing *F. watkinsiana*.
- 4.4. Searches of all scholarly articles relating to the presence and distribution of *F. watkinsiana* show no indication that the species is or has ever been imported or grown in New Zealand.

4.5. The Department of Conservation

5. Evaluation against statutory criteria

- 5.1. For an organism to be determined as “not new” under section 26 of the Act, the organism must be shown to not fit the definition of a new organism as defined in S2A91) of the Act:

- a) *An organism belonging to a species that was not present in New Zealand immediately before 29 July 1998:*
- b) *An organism belonging to a species, subspecies, infrasubspecies, variety, strain, or cultivar prescribed as a risk species, where that organism was not present in New Zealand at the time of promulgation of the relevant regulation:*
- c) *An organism for which a containment approval has been given under this Act:*
 - ca) *An organism for which a conditional release has been given:*
 - cb) *A qualifying organism approved for release with controls.*
 - d) *A genetically modified organism*
 - e) *An organism that belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that has been eradicated from New Zealand.*

- 5.2. We consider that the information provided by MPI can be evaluated under section 2A(1)(a), as there is no evidence that *F. watkinsiana* was in New Zealand immediately before 29 July 1998.

6. Evaluation and recommendation

- 6.1. Given that the Act requires a species to have been present in New Zealand since immediately before 29 July 1998, and we have found no evidence that it was, we recommend that *Ficus watkinsiana* should be regarded as a new organism for the purposes of the Act.

7. Impact on international obligations

7.1. We are not aware of any international obligations that may be impacted by this determination.

8. References

- 8.1. Dixon, Dale J. (2003). "A taxonomic revision of the Australian *Ficus* species in the section *Malvanthera* (*Ficus* subg. *Urostigma*: *Moraceae*)". *Telopea* 10 (1): 125–53.
- 8.2. Kricher, J (2011). *Tropical Ecology*. Princeton University Press. pp. 101–102.

9. Appendix A

Figure 17: Decision path for applications under Section 26 for determination as to whether an organism is a new organism

Context

This decision path describes the decision-making process for applications under Section 26 for determination as to whether an organism is a new organism.

Introduction

The purpose of the decision path is to provide the HSNO decision maker³ with guidance so that all relevant matters in the HSNO Act and the Methodology have been addressed. It does not attempt to direct the weighting that the HSNO decision maker may decide to make on individual aspects of an application.

In this document 'section' refers to sections of the HSNO Act, and 'clause' refers to clauses of the Methodology.

The decision path has two parts –

- Flowchart (a logic diagram showing the process prescribed in the HSNO Act and the Methodology to be followed in making a decision), and
- Explanatory notes (discussion of each step of the process).

Of necessity the words in the boxes in the flowchart are brief, and key words are used to summarise the activity required. The explanatory notes provide a comprehensive description of each of the numbered items in the flowchart, and describe the processes that should be followed to achieve the described outcome.

For proper interpretation of the decision path it is important to work through the flowchart in conjunction with the explanatory notes.

³ The HSNO decision maker refers to either the EPA Board or any committee or persons with delegated authority from the Board.

Figure 17 Flowchart: Decision path for applications under Section 26 for determination as to whether an organism is a new organism

For proper interpretation of the decision path it is important to work through the flowchart in conjunction with the explanatory notes.

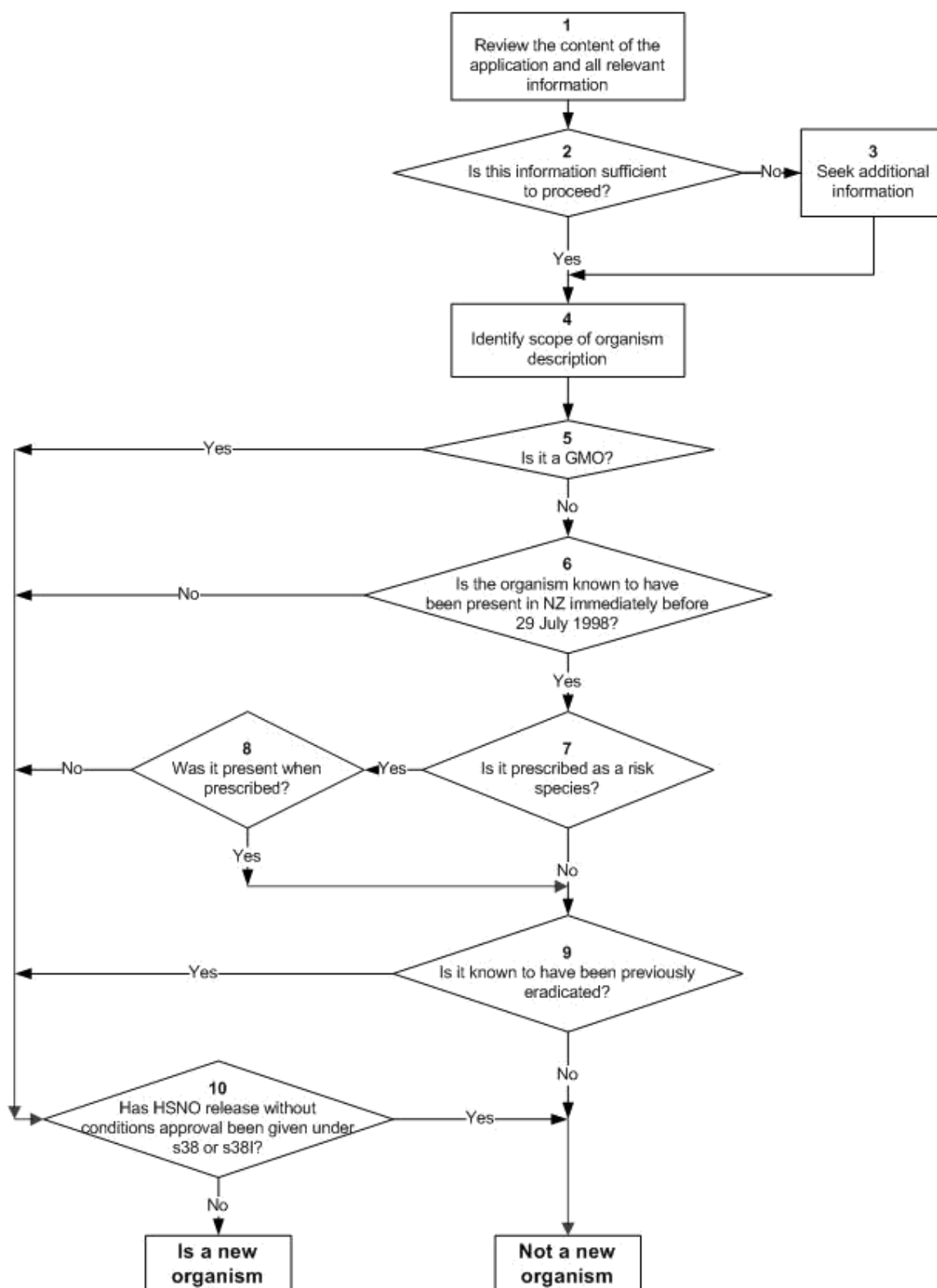
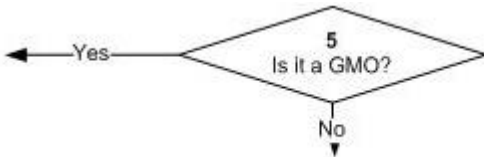


Figure 17 Explanatory Notes

Item 1	Review the content of the application and all relevant information Review the application, Agency advice and any relevant information held by other Agencies, and advice from experts. Determine whether further information is required.
Item 2	Is this information sufficient to proceed? Review the information and determine whether or not there is sufficient information available to make a decision.
Item 3:	Seek additional information <p>If the HSNO decision maker considers that further information is required, then this may be sought either from the applicant (if there is an external applicant) or from other sources.</p> <p>If the HSNO decision maker considers that the information may not be complete but that no additional information is currently available, then the HSNO decision maker may proceed to make a determination⁴.</p> <p>If the application is not approved on the basis of lack of information (or if the organism is considered new) and further information becomes available at a later time, then the HSNO decision maker may choose to revisit this determination. In these circumstances the HSNO decision maker may choose to adopt a precautionary approach under section 7 of the Act.</p>
Item 4:	Identify scope of organism description The identification of the organism must be at an appropriate taxonomic classification. For applications involving potentially genetically modified organisms, the organism should be identified by describing the host organism and the processes to which it has been subjected to (for example injection with a non-replicative, non-integrative plasmid DNA vaccine).
Item 5:	 <p>Is it a GMO?</p> <p>Determine whether the organism is a GMO using the definitions in Section 2 of the Act and in the Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Regulations 1998.</p>
Item 6:	Is the organism known to have been present in NZ immediately before 29 July 1998? <p>Determine on the basis of the available information whether on balance of probabilities the organism is known to belong to a species that was present in New Zealand immediately prior to 29 July 1998.</p> <p>For the purposes of making a section 26 determination an organism is considered to be present in New Zealand if it can be established that the organism was permanently existing in New Zealand and was not present solely by way of being contained in a recognised safekeeping facility, immediately prior to 29 July 1998. The key phrases 'permanently existing', 'recognised</p>

⁴ Alternatively the application may lapse for want of information.

	safekeeping facility' and 'immediately' are defined in the Protocol <i>Interpretations and Explanations of Key Concepts</i> ⁵
Item 7:	<p>Is it prescribed as a risk species?</p> <p>Determine whether the organism has been prescribed as a risk species by regulation established under section 140(1)(h) of the Act.</p> <p>Note: at this point it may become apparent that the organism is an unwanted organism under the Biosecurity Act. If this is the case, then MAF BNZ and DOC may be advised (they may already have been consulted under items 1, 2 and 3).</p>
Item 8:	<p>Was it present when prescribed?</p> <p>If the organism is prescribed as a risk species, determine whether it was present when it was prescribed. The organism is a new organism if it was not present in New Zealand at the time of the promulgation of the relevant regulation (Section 2A (1)(b) of the Act).</p>
Item 9:	<p>Is it known to have been previously eradicated?</p> <p>Determine whether the organism is known to have been previously eradicated.</p> <p>Eradication does not include extinction by natural means but is considered to be the result of a deliberate act (see the interpretation in the <i>Protocol Interpretations and Explanations of Key Concepts</i>¹).</p>
Item 10:	<p>Has HSNO release without conditions approval been given under section 38 or 38I of the Act?</p> <p>If a HSNO release approval has been given under section 35 of the Act, then the organism remains a new organism.</p> <p>If a release approval has been given under section 38 of the Act then the organism is not a new organism.</p> <p>If a release approval has been given under section 38I of the Act, then if the approval has been given with controls then the organism remains a new organism, however, if this approval has been given without controls then it is not a new organism.</p>

⁵<http://www.epa.govt.nz/Publications/ER-PR-03-22-Key-Concepts-Master-File.pdf>



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