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Finlay Carson MSP
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Scottish Parliament
EDINBURGH
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30 November 2022

Dear Finlay

**EU Exit Legislation Protocol 2 with Scottish Parliament
The Phytosanitary Conditions (Amendment) (No.3) Regulations 2022 – “PH/039”**

I refer to your letter of 26 October where you agreed to Scottish Government’s decision to consent to the provisions set out in the notification being included in UK, rather than Scottish, subordinate legislation regarding the above SI. At the same time, you sought further information on *Thekopsora minima* (Blueberry rust), and I have set out the information requested below.

- the available data on the rising prevalence of the Blueberry rust pest.

Thekopsora minima, the causal agent of Blueberry rust, requires two hosts to complete its lifecycle, firstly on ericaceous plants e.g., blueberry (from the *Vaccinium* genus), huckleberry (*Gaylussacia*) and *Rhododendron* species and secondly some species of conifer (*Tsuga* species). According to the EPPO global database in Europe, *T. minima* is present in Germany, the Netherlands, Portugal and Spain.

For Scotland and the rest of Great Britain, the likelihood of *T. minima* establishing outdoors and under protected conditions on host plants is very high. Natural spread of *T. minima* spores is thought to be limited to a few hundred metres by wind, whilst human-assisted spread (trade or movement of infected plants, equipment or people) is considered more significant. It is also considered likely that *T. minima* would be able to maintain itself in the absence of *Tsuga* species.

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The disease has been identified at plant nurseries in Scotland and England on blueberries destined for the retail trade. For Scotland, 68% of the stocks inspected by Scottish plant health inspectors were found to be infected with *T. minima*. Over 150 garden centres and online customers have been supplied with these plants across Great Britain. Additional inspections carried out at retail outlets have also identified this disease on plants for sale. In conclusion this infers that *T. minima* is widespread across the country and therefore can no longer be classified as a GB quarantine pest.

- any analysis of the reasons behind the rising prevalence of the Blueberry rust pest.

Blueberry rust was initially classified as a GB provisional quarantine pest at the time of Brexit. However, as part of the ongoing UK pest risk analysis process to maintain robust GB biosecurity, based on the information available at the time, the status of the pest changed to being a GB quarantine pest. This change in status was to come into force on 2 December 2021.

However, in November 2021, this pathogen was detected at a Scottish nursery. Under the trace back/trace forward exercise, it concluded the pathogen arrived through consignments sourced from England. Separately, Defra also confirmed that this pathogen had now been found at various locations in England (one being a major blueberry grower in Europe). The investigation further revealed that there is a strong possibility that the disease was introduced five years ago from imports from the US and on recent imports from the Netherlands. The Netherlands do not take any action against this pathogen. The plant health challenges faced by the sector in Scotland to stop this disease being introduced are high particularly because they are dependent on imported *Vaccinium corymbosum* (host plants) propagating material. Following APHA notification of *T. minima* found on plants received from a Scottish supplier, Scottish plant health inspectors undertook surveillance activities at the grower's premises and at retail outlets supplying the public. Positive findings were recorded at the retail outlets. Based on this, it was concluded, given the nature of its spread, this pathogen is now established in parts of the UK.

- what steps relevant ministers are taking to control or eradicate the Blueberry rust pest.

Biosecurity measures have been implemented at plant nurseries under statutory notice and inspections have been undertaken on imported plants. However, given the high population of *Vaccinium* species being grown in Scotland and rest of Great Britain and the climate conditions which tend to favour this disease, it is not possible to eradicate this pathogen in the UK. Also, under the definition of the International Standards for Phytosanitary Measures it can now no longer be considered as a quarantine pest. However, to prevent unacceptable economic impacts, particularly for commercial production, measures to mitigate the risk and control further spread of the disease must continue to be taken.

By moving *T. minima* from the list of GB quarantine pests to the list of GBS regulated non-quarantine pests allows *Vaccinium* (such as blueberry) plants to be moved within the scope of the fruit marketing directives (i.e., marketed for the purpose of fruit production). This will mean that plants will be subject to a zero tolerance for *T. minima* which in turn will provide growers with healthy production material to produce good quality fruit.

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I am also writing to you under the EU Exit Legislation Protocol 2 with Scottish Parliament and in accordance with paragraph 34, concerning the outcome of PH/039.

PH/039 was subject to the negative resolution procedure and made on 1 November 2022 under the powers conferred by Articles 5(3), 30(1), 37(5), 41(3), 72(3) and 105(6) of retained Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (the Plant Health Regulation). I can now confirm that this SI is consistent with the consent granted.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Kind regards



LORNA SLATER

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