

# Implications of the Biodiversity Act on the Nursery Industry®

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## BIODIVERSITY ACT

### Where Did It Come From?

- Nineteen drafts dating back to 1992
- Part of an International initiative
- Rio de Janeiro Earth Summit – 1992
- Johannesburg Earth Summit – 2002
- Gazetted as law in June 2004

### Integrated Legislation to Protect Biodiversity: National Environmental Management Act (NEMA)

- Protected Areas Act – 2003
- Biodiversity Act – 2004
- Coastal Zone Bill

## WHAT DOES THE LEGISLATION DO?

**National Environmental Management Biodiversity Act (NEMBA).** The purpose is to protect ecosystem integrity and the survival of species in the wild by:

- Institutional arrangements.
- Planning and monitoring.
- Protecting ecosystems and species.
- Introducing permits.

## BIODIVERSITY ACT DEFINITIONS

**Species.** A kind normally not interbreeding with another kind, includes subspecies, cultivar, variety, geographic race, strain, hybrid, or geographically separated population.

**Indigenous Species.** A species that occurs or has historically occurred naturally in a free state in nature within the borders of South Africa — but excludes a species that has been introduced to the Republic of South Africa (RSA) as a result of human activity.

### Alien Species.

- A species that is not an indigenous species.
- An indigenous species translocated or intended to be translocated outside its natural distribution range in nature.

**Biodiversity Act.** The law stated that unless you have a permit you may not:

- Acquire in any way, by any means, method or device, any specimen or derivative.
- Grow, breed, or propagate in any way.

- Have possession of or physically control specimens in any way.
- Convey, move, or otherwise translocate.
- Import plants into RSA or export from the RSA.
- Sell, trade, give, donate, or in any way dispose of plants.
- Any other prescribed activity.

## **INTERNATIONAL ACTION VS. LOCAL ACTION**

### **What Are Green Industries Around the World Doing About the Problem?**

*St. Louis Declaration of 2001.* Addresses the spread of IAP's by setting up voluntary codes of conduct for botanical gardens, nursery, and landscaping organisations – such as SALI, IPSA, LIA, and SANA – in South Africa.

### *Yellow Flag Declaration – June 2005*

**SA Landscapers' Institute Pledge.** My company will have:

- A working knowledge of the IAP laws.
- Know how to remove IAPs.
- Shall never trade in IAPs.
- Know the alternatives to plant in place of IAPs.

### **A SALI Member Undertook to...**

- Make clients aware of IAPs in writing.
- Fly the yellow flag on documentation and at my business.
- Conduct ongoing training into IAPs.
- Accept that Category 1 IAPs will result in disqualification in the SALI Awards.
- Abide by the spirit of the Yellow Flag Movement.

### **New Biodiversity Structures for South Africa — South African National Biodiversity Institute**

- Management Flora of SA — National Botanical Institute.
- Management Fauna of SA — National Zoological Gardens.

### **International Trends — What Do the Green Industries Think?**

- All imports undergo a risk assessment.
- “Polluter pays” principle.
- Government vs. industry regulation?
- Should authorities declare a “species” as an IAP?
- Species be declared — “guilty until proven innocent” or “innocent until proven guilty.”

## **CONCEPTS UNDER DISCUSSION**

### **The South African Scenario — What Does the Green Industry Think?**

- Five categories vs. three categories?
- Yellow Flag vs. Green Flag?
- Voluntary vs. compulsory registration?
- Industry vs. government registration authorities?
- Government agencies with capacity to oversee the permit system?
- Indigenous seeds going abroad?

### **Five Versus Three Categories**

- 1a . Prohibited species. Remove and destroy.
- 1b. Government control programme.
2. Control by area. No trade.
3. Control by activity. No trade.
4. Indigenous invaders. No trade.
5. Plants under surveillance; trade with a warning tag.

### **Category 5: Plants Under Surveillance, Labelling Ideas.**

- Scientific and common name.
- Indication that the species is being assessed for potential invasive status and may need to be controlled in future.
- Landscaping plants — label in batches.
- Cut flowers do not need a label.

### **South African National Biodiversity Institute.**

- National Botanical Institute.
- National Zoological Gardens.
- Invasive Species.

### **Plant Registering Authorities**

- South African Nurserymen's Association (SANA).
- South African Landscaping Institute (SALI).
- And anyone else who applies.

### **Green Flag Registration — What Would Sellers of Plants Need to Provide to a Registering Authority?**

- Name and address.
- Location of stock.
- List of nursery suppliers.
- You must display your Green Flag.
- Your licence to operate is valid for 1 year.

### **CONCEPTS UNDER DISCUSSION — INDIGENOUS SEED SALES**

#### **Suggestion That Seed That Is Potentially Invasive in Any Other Country Should Carry:**

- A "colour" band around the perimeter of the label.
- A label that states that the purchaser must check for the potential invasiveness of the seed outside South Africa.
- A warning that a permit may be required by the receiving country for the seeds.