

FEDERAL ORDER

Import restrictions for tomato (*Solanum lycopersicum*) and pepper (*Capsicum spp.*) hosts of *Tomato brown rugose fruit virus* (ToBRFV)

DA-2020-12

The purpose of this Federal Order is to prevent the introduction into the United States of the Tomato brown rugose fruit virus (ToBRFV) by restricting the importation of host material.

This Federal Order is issued in accordance with the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). The Act authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce and the export or import of any plant, plant part, or article if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States. The regulatory authority provided by 7 U.S.C. 7754 allows the Secretary to issue orders to carry out this provision of the Plant Protection Act. This Federal Order is also issued pursuant to the regulations promulgated under the Plant Protection Act and found in the *Code of Federal Regulations* at 7 CFR Part 319.

The APHIS Administrator determined that the introduction and establishment of ToBRFV poses a serious threat to U.S. agriculture. The restrictions to prevent the introduction and establishment of ToBRFV are needed and warranted to mitigate the plant pest risks associated with imports of tomato and pepper material. This Federal Order amends and replaces a previous Federal Order (DA-2019-28) issued by APHIS on November 15, 2019, that imposed entry requirements for tomato and pepper material entering the United States. APHIS recently detected ToBRFV in tomato fruit imported from the Dominican Republic and received official notification that ToBRFV has been found in France, and Spain. This Federal Order adds entry requirements for tomato and/or pepper fruit from the Dominican Republic, France, and Spain for consumption to the United States.

ToBRFV is a member of the *Tobamovirus* genus. The virus is transmitted through propagative plant parts (seeds, plants for planting, grafts, and cuttings), and spreads locally by contact (direct plant to plant contact, contaminated tools, hands, or clothing). ToBRFV can remain infective in seeds, plants debris and contaminated soil for months. The virus naturally infects tomato and pepper. Foliar symptoms include chlorosis, mosaic and mottling. Necrotic spots may appear on peduncles, calyces and petioles. Fruit show yellow or brown spots, with rugose symptoms rendering the fruits non-marketable. Fruits may be deformed and mature irregularly.

The disease caused by ToBRFV was first noted in 2014 on tomatoes from Israel. Since then, ToBRFV has been reported present in China, the Dominican Republic, France, Germany (eradicated), Greece, Italy, Jordan, Mexico, the Netherlands, Spain, Turkey, and the United Kingdom. Given the global nature of the seed production and the international movement of seeds, the distribution may be greater than reported.

Requirements for Propagative Material

To prevent the introduction of ToBRFV into the United States via propagative material, lots of *S. lycopersicum* and *Capsicum* spp. propagative material (including plants for planting, seeds, grafts, and cuttings) from all countries must be accompanied by a Phytosanitary Certificate or a re-export Phytosanitary Certificate with an additional declaration (AD) certifying that the lots fulfill the following requirements prior to importation into the United States and territories:

- The *Solanum lycopersicum* and/or *Capsicum* spp. plants for planting or seeds originated from a country certified free from Tomato brown rugose fruit virus, as established by the national plant protection organization of that country;

OR

- A representative sample of the *Solanum lycopersicum* and/or *Capsicum* spp. plants for planting or seed lot has been tested and found free of Tomato brown rugose fruit virus.

Small lotsⁱ of *S. lycopersicum* and *Capsicum* spp. seed originating from a single mother plant or a single breeder line intended for breeding purposes and not for immediate commercial sale may be imported from all countries with a Phytosanitary Certificate or a re-export Phytosanitary Certificate with an alternative AD stating that the seed lots meet the following requirement prior to importation:

- All mother plants of *Solanum lycopersicum* and/or *Capsicum* spp. from which the seed lot originated have been tested no more than 10 days prior to fruit harvest and found free of Tomato brown rugose fruit virus.

Requirements for Fresh Fruit

To prevent the introduction of ToBRFV into the United States via fresh tomato or pepper fruit, only commercial consignments of fresh *S. lycopersicum* or *Capsicum* spp. fruit may be imported into the United States from all countries. Commercial consignments from Canadaⁱⁱ, the Dominican Republic, France, Israel, Mexico, the Netherlands, and Spain are subject to all applicable current requirements for the country of origin, and must meet additional applicable requirements for ToBRFV as stated below.

Imports from France, Israel, the Netherlands, and Spain

Tomatoes and/or pepper fruit from countries that already require a phytosanitary certificate, such as France, Israel, the Netherlands, and Spain must now also include the following additional declaration: “The *Solanum lycopersicum* and/or *Capsicum* spp. fruit have been inspected and been found free of symptoms of Tomato brown rugose fruit virus.”

Imports from Canada and Mexico

Tomatoes and pepper fruit from countries that currently do not require a phytosanitary certificate, such as Canada and Mexico, may be accompanied by an inspection certification document issued by the grower or packer that contains the following language: “The *Solanum lycopersicum* and/or *Capsicum* spp. fruit have been inspected and been found free of symptoms of Tomato brown rugose fruit virus.” The inspection certificate must include the date of the inspection, the name, title, office, and address of the person issuing the inspection certificate, as well as the names and addresses of the grower(s) and packinghouse(s).

Imports from the Dominican Republic

Tomato fruit from the Dominican Republic already requires a phytosanitary certificate, and must now include the following additional declaration: “The *Solanum lycopersicum* and/or *Capsicum* spp. fruit have been inspected and been found free of symptoms of Tomato brown rugose fruit virus.”

Pepper fruit from the Dominican Republic currently does not require a phytosanitary certificate. To meet the conditions of this Federal Order, in lieu of a phytosanitary certification with the additional declaration, pepper fruit from the Dominican Republic may be accompanied by an inspection certification document issued by the grower or packer that contains the following language: “The *Solanum lycopersicum* and/or *Capsicum* spp. fruit have been inspected and been found free of symptoms of Tomato brown rugose fruit virus.” The inspection certificate must include the date of the inspection, the name, title, office, and address of the person issuing the inspection certificate, as well as the names and addresses of the grower(s) and packinghouse(s).

Any consignment of fresh tomato and/or pepper fruit arriving at a port of entry without the required documentation will be refused entry and be subject to re-export or destruction.

For additional information regarding this Federal Import Order, please contact Marc Phillips at 301-851-2114 or Marc.Phillips@usda.gov.

This Federal Order is effective June 5, 2020.

ⁱ Permits for importing seed may be considered under the ‘small lots of seed’ permit conditions when there is a maximum 50 seeds of 1 taxon (taxonomic category such as genus, species, cultivar, etc.) per packet; or a maximum weight not to exceed 10 grams of seed of 1 taxon per packet; and there are a maximum of 50 seed packets per shipment. For additional requirements, see https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/plants-for-planting/ct_smalllots_seed

ⁱⁱ Canada imports tomato fruit from Mexico that are re-exported to the United States, and is included in the list of countries required to meet the additional restrictions for tomato fruit listed in this Federal Order.