

FEDERAL ORDER

APHIS Amends Entry Requirements for Tomato (*Solanum lycopersicum*) and Pepper (*Capsicum* spp.) Seeds Imported from All Countries into the United States

DA-2019-21

August 9, 2019

Effective September 8, 2019, the Animal and Plant Health Inspection Service (APHIS) is amending the entry requirements for tomato (*Solanum lycopersicum*) and pepper (*Capsicum* spp.) seeds imported from all countries into the United States.

Since November 2018, APHIS has tested imported tomato seed to manage the risks of seed-borne pathogens. The test used by APHIS detects the following six pospiviroids of quarantine significance for the United States: *Columnea latent viroid* (CLVd), *Pepper chat fruit viroid* (PCFVd), *Potato spindle tuber viroid* (PSTVd), *Tomato apical stunt viroid* (TASVd), *Tomato chlorotic dwarf viroid* (TCDVd) and *Tomato planta macho viroid* (TPMVd; synonym *Mexican papita viroid*).

Since testing began, shipments of tomato seeds from several countries tested positive for PSTVd, PCFVd, CLVd, TASVd or TCDVd. Pospiviroids are known to cause disease in potatoes, tomatoes, peppers, and other agricultural crops. Certain pospiviroids can cause disease symptoms including severe stunting, leaf or stem necrosis, flowering alterations, and foliar and fruit deformation. Pospiviroids may be transmitted mechanically, e.g. by tools and farm machinery, or by infected seed, aphids, or pollen.

The purpose of this Federal Order is to prevent the entry and introduction of any quarantine significant pospiviroids associated with tomato and pepper seeds. The APHIS Administrator has determined it is necessary to require that all shipments of tomato and pepper seed from all countries are tested for pospiviroids of quarantine significance prior to entry into the United States or that the seeds are produced in a country in which these quarantine significant pospiviroids are not known to occur. APHIS will require all shipments of tomato and pepper seed to be accompanied by a phytosanitary certificate or re-export phytosanitary certificate with one of the following additional declarations, or a combination of the two declarations addressing each of the six pospiviroids:

The *Solanum lycopersicum* (tomato) and/or *Capsicum* spp. (pepper) seeds in the shipment have been tested and found free of the following pospiviroids: *Columnea latent viroid*, *Pepper chat fruit viroid*, *Potato spindle tuber viroid*, *Tomato apical stunt viroid*, *Tomato chlorotic dwarf viroid*, and *Tomato planta macho viroid*.

OR

The *Solanum lycopersicum* (tomato) and/or *Capsicum* spp. (pepper) seeds in the shipment were produced in [country] where *Columnea latent viroid*, *Pepper chat fruit viroid*, *Potato spindle*

tuber viroid, Tomato apical stunt viroid, Tomato chlorotic dwarf viroid, and Tomato planta macho viroid are not known to occur.

As a result of this import requirement, tomato and pepper seeds are no longer eligible for importation using a small lots of seed permit. The requirement for a phytosanitary certificate with the above additional declaration applies to all tomato and pepper seed entering the United States, including small lots of seed.

This Federal Order is issued pursuant to the regulatory authority provided by the Plant Protection Act (PPA) of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). Under the Act, the Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination of a plant pest or noxious weed 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.

For additional information regarding this Federal Order, please contact Regulatory Policy Specialist Rosemarie Rodriguez-Yanes at 301-851-2313 or Rosemarie.Rodriguez-Yanes@usda.gov.