

FOR INFORMATION AND ACTION

DA-2018-36

October 4, 2018

Subject: APHIS Rescinds Federal Order Prohibiting the Importation of Pomegranate Arils from Peru and Restricts Pomegranate Arils from Peru, India, and All Other Countries

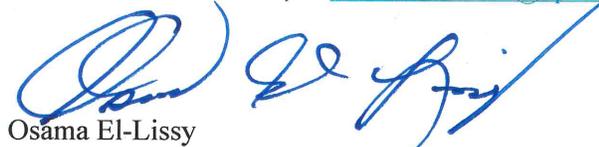
To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is lifting the Federal Order (DA-2018-19), which prohibited the importation of pomegranate arils from Peru. APHIS will allow importation of pomegranate arils from Peru, in accordance with an approved systems approach described in an operational workplan between APHIS and the Peru National Plant Protection Organization (NPPO), after both parties finalize and sign the operational workplan. APHIS is also restricting the importation of fresh pomegranate arils from India by requiring adherence to a systems approach documented in an operational workplan between APHIS and the India NPPO. Until the operational workplan is implemented, fresh pomegranate arils from India are suspended. APHIS is taking this action in response to a detection of an Oriental fruit fly larva in a commercial shipment of pomegranate arils from India. APHIS is also requiring shipments of fresh pomegranate arils from non-restricted countries to be accompanied by a phytosanitary certificate with an additional declaration issued by the NPPO in the country of origin stating that the consignment was inspected and found free of Tephritidae fruit flies.

Prior to the Federal Order, pomegranate arils were commercially enterable into the United States with inspection at the first port of entry. On June 11, 2018, APHIS issued the Federal Order which prohibited the importation of pomegranate arils from Peru into the United States in response to two detections of Mediterranean fruit fly larvae in commercial shipments of pomegranate arils from Peru. On July 11, 2018, U.S. Customs and Border Protection Agriculture Specialists at Los Angeles International Airport detected an Oriental fruit fly larva in a commercial consignment of pomegranate arils from India.

Due to the pest risk, APHIS determined that restriction of pomegranate arils from India and Peru is necessary to prevent the entry of fruit flies into the United States. This restriction applies to both commercial shipments and passenger baggage. This restriction does not affect the commercial importation of whole pomegranate fruit from Peru and India, which remain enterable with treatment.

For additional information regarding this Federal Order, please contact Senior Risk Manager Walter Gould at 301-851-2187, or Walter.P.Gould@aphis.usda.gov.



Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER

Lifting the suspension of imports of pomegranate arils (*Punica granatum* L.) from Peru, requiring imports of pomegranate arils from India and Peru to follow an operational workplan, and restricting pomegranate arils from other countries

DA-2018-36
October 4, 2018

This Federal Order updates and replaces a Federal Order issued on June 11, 2018 (DA-2018-19) that suspended the importation of fresh pomegranate arils from Peru into the United States following interceptions of Mediterranean fruit fly (*Ceratitis capitata* or Medfly) larvae in Peruvian pomegranate arils. This Federal Order lifts the prohibition of fresh pomegranate arils from Peru and requires the pomegranate arils from Peru to be produced under a systems approach to allow imports. APHIS and the Peru National Plant Protection Organization are finalizing the operational workplan, which documents an approved systems approach, and imports can resume when it is bilaterally signed. This Federal Order also requires fresh pomegranate arils from India to be produced under a systems approach to allow imports. Until a systems approach is implemented, market access for pomegranate arils from India is suspended. This is following the detection of an Oriental fruit fly (*Bactrocera dorsalis*) larva in Indian pomegranate arils. Also effective immediately, this Federal Order requires fresh pomegranate arils from all countries other than Peru and India to be accompanied by a phytosanitary certificate with an additional declaration stating that the consignment was inspected and found free of Tephritidae fruit flies by the national plant protection organization of the country of origin.

This Federal Order is issued pursuant to the authority provided by the Plant Protection Act (PPA) of June 20, 2000. As amended, Section 412(a), 7 U.S.C. 7712(a), authorizes the Secretary of Agriculture to 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 pomegranate arils from India and Peru must be exported in accordance with the operational workplan, which includes a systems approach consisting of orchard and packinghouse registration, fruit fly trapping, packinghouse inspections, lot identification, phytosanitary certificate, and inspection upon arrival. Fresh consignments of pomegranate arils from India and Peru require a phytosanitary certificate with additional declaration stating the consignment was produced and prepared for export in accordance with the operational workplan agreement between APHIS and India or Peru.

The purpose of this Federal Order is to prevent the entry or introduction of Medfly and Oriental fruit fly, both harmful plant pests, from Peru and India into the United States. The APHIS Administrator has determined that the introduction and establishment of Medfly and/or Oriental fruit fly poses a serious threat to United States agriculture, including certain fruits or vegetables grown in the United States, and that this serious plant pest threat must be immediately addressed.

APHIS has determined that Medfly has a minimum of 636 host species and the Oriental fruit fly has a minimum of 490 host species of fruits and vegetables. Medfly and Oriental fruit fly are not known to occur in the United States except in Hawaii. Medfly is a widespread tropical fruit fly species, ranging from southern Mexico south to Argentina, as well as throughout the Mediterranean region, parts of Australia and all of Africa. Oriental fruit fly is also a widespread tropical fruit fly species found in most of tropical Asia and Africa. It is estimated that both Medfly and Oriental fruit fly would be able to establish populations in southern regions of the United States (USDA Plant Hardiness Zones 9-11).

In May 2018, U.S. Customs and Border Protection at Los Angeles International Airport in the United States detected Medfly larvae in two commercial consignments of pomegranate arils from Peru. In July 2018, U.S. Customs and Border Protection at Los Angeles International Airport in the United States detected an Oriental fruit fly larva in one commercial consignment of pomegranate arils from India.

Effective immediately, APHIS is requiring all importation of fresh pomegranate arils from India be imported following an operational workplan with mitigations to prevent the introduction of Oriental fruit fly into the United States. Until a systems approach is implemented, market access for pomegranate arils from India is suspended. Effective June 7, 2018, APHIS suspended all importation of pomegranate arils from Peru to prevent the introduction of Medfly into the United States, pending an investigation and appropriate remedial measures. Effective immediately, APHIS is lifting the suspension on Peru pomegranate arils and requiring all importation of fresh pomegranate arils from Peru to be imported following an operational workplan with mitigations to prevent the introduction of Mediterranean fruit fly into the United States. APHIS and the Peru National Plant Protection Organization are finalizing the workplan, and imports can resume when it is bilaterally signed. This prohibition does not affect the commercial importation of whole pomegranate fruit from Peru and India, which remain enterable with treatment.

APHIS is also prohibiting overland in-bond transit movements of such materials from India or Peru not imported following an operational workplan south of 39° latitude in the United States. These prohibitions apply to all importation and movement, including commercial and non-commercial cargo, passenger baggage, international mail, and express courier shipments.

For additional information regarding this Federal Order, please contact Senior Risk Manager, Walter Gould at 301-851-2187 or Walter.P.Gould@aphis.usda.gov.