

FOR INFORMATION AND ACTION  
DA-2019-13  
June 10, 2019

Subject: APHIS Modifies Conditions for Interstate Movement of Regulated Articles in Areas Quarantined for European Cherry Fruit Fly (*Rhagoletis cerasi*)

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is modifying conditions for the interstate movement of regulated articles from core areas quarantined in 2018 for European cherry fruit fly (ECFF). These conditions include a systems approach to allow the interstate movement of cherry fruit without methyl bromide fumigation from areas in a half-mile radius of ECFF detections. This action also modifies which locations are prohibited from receiving cherry fruit from the quarantine area.

APHIS regulates the interstate movement of ECFF host articles from all ECFF quarantine areas in the United States in accordance with the regulations in 7 CFR 301.32 and any applicable provisions of this Federal Order. The current ECFF quarantine areas, the ECFF host list, and this Federal Order are posted at the following site:

<https://www.aphis.usda.gov/plant-health/ff>

For additional information about the ECFF program, you may contact Fruit Fly National Policy Manager Richard Johnson at 301-851-2109.



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Deputy Administrator  
Plant Protection and Quarantine

Attachment: Federal Order

## FEDERAL ORDER

### Designation of Regulated Host Articles for the European Cherry Fruit Fly (*Rhagoletis cerasi*) and Conditions for the Interstate Movement of Regulated Articles from Quarantined Areas

DA-2019-13  
June 10, 2019

Effectively immediately, the Animal and Plant Health Inspection Service (APHIS) is modifying the conditions governing the interstate movement of certain regulated articles from European cherry fruit fly (ECFF) quarantined areas. This Federal Order provides for the interstate movement of ECFF host articles from core areas of the United States quarantined for ECFF, including a systems approach for cherry fruit. The systems approach allows producers within the restricted core area to move cherry fruit without the use of fumigation, which is otherwise required for host articles. This systems approach applies only to commercially-produced cherry fruit.

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). The Act authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce 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. This Federal Order is also issued pursuant to the domestic fruit fly regulations promulgated under the Plant Protection Act and found in the Code of Federal Regulations (CFR) at 7 CFR 301.32. This Federal Order supersedes previous Federal Orders for ECFF.

ECFF is a major pest of cherry crops and is a quarantine pest. It is native to Europe, and its presence was first confirmed in Canada in 2016 and in the United States in 2017. Important U.S. crops at risk include sweet cherries, sour cherries, and other crops. Damage occurs when the female deposits eggs in unripe fruit. The eggs hatch into larvae, which tunnel through the flesh of the fruit making it unfit for consumption.

On May 20, 2019, in accordance with the process described in 7 CFR 301.32, APHIS issued a State Plant Regulatory Official letter designating Niagara and Erie Counties and a portion of Orleans County, New York, as a quarantined area for ECFF. The APHIS website below describes the current ECFF quarantine areas in the United States:

<http://www.aphis.usda.gov/plant-health/ff-quarantine>

Because ECFF has not been previously detected in the United States, the Code of Federal Regulations do not contain a host list for ECFF.

This Federal Order is necessary to provide the host list for ECFF, as well as conditions for interstate movement of host articles from restricted core areas of the United States quarantined for ECFF. Effective immediately, all interstate movement of host articles of ECFF must be in accordance with this Federal Order and applicable conditions of 7 CFR 301.32.

## **Rationale for the Systems Approach**

Currently, federal regulations specify that host articles must be treated prior to shipment from a quarantined area, with limited exceptions. For articles originating from a core area within a quarantined area, a post-harvest fumigation treatment is the only way the articles may be moved interstate. There are a limited number of post-harvest treatments.

Producers require a means for shipping cherry fruit from ECFF-quarantined areas that does not require post-harvest treatment, which often reduces the shelf-life and commercial viability of the fruit. This document provides a systems approach under which articles originating from a quarantined core area may be moved interstate without post-harvest treatment.

USDA-APHIS-PPQ Science and Technology (S&T) prepared a systems approach risk assessment document entitled “**Quantifying a Quarantine Systems Approach for Mitigating the Risk of European Cherry Fruit Fly, *Rhagoletis cerasi* (L.), in New York State Cherry Fruit.**” Based on the findings of this document, APHIS has determined that fresh cherry fruit may be safely moved from a core area quarantined for ECFF, without methyl bromide fumigation, under certain conditions. These conditions are specified within this Federal Order below.

### **I. Quarantined Area for *Rhagoletis cerasi* (European Cherry Fruit Fly, ECFF); Designation and Removal of Quarantined Areas**

- A. Areas of the United States quarantined for ECFF are listed at the following website: <http://www.aphis.usda.gov/plant-health/ff-quarantine>
- B. Areas are designated and removed from quarantine in accordance with 7 CFR 301.32-3. APHIS communicates changes to the quarantined area to the public through State Plant Regulatory Official (SPRO) letters.

### **II. Host List**

The fruit of the following listed plant species are considered host articles for ECFF. Unless proven otherwise, all cultivars, varieties, and hybrids of the plant species listed herein are considered suitable hosts of ECFF. APHIS will communicate changes to this host list by SPRO letter.

<b><u>Scientific Name</u></b>	<b><u>Common Name</u></b>
<i>Berberis aquifolium</i> Pursh	Holly barberry
<i>Berberis heteropoda</i> Schrenk ex Fisch. & C. A. Mey.	N/A
<i>Berberis vulgaris</i> L.	Common barberry
<i>Cornus sanguinea</i> L.	Common dogwood
<i>Lonicera alpigena</i> L.	Alpine honeysuckle
<i>Lonicera</i> spp.	Honeysuckle <sup>1</sup>
<i>Lonicera tatarica</i> L.	Tatarian honeysuckle
<i>Lonicera xylosteum</i> L.	European fly honeysuckle
<i>Prunus avium</i> (L.) L.	Sweet cherry
<i>Prunus cerasus</i> L.	Sour cherry
<i>Prunus mahaleb</i> L.	Mahaleb cherry
<i>Prunus serotina</i> Ehrh.	Black cherry
<i>Prunus</i> spp.	Cherries <sup>2</sup>
<i>Symphoricarpos albus</i> (L.) S. F. Blake	Common snowberry
<i>Symphoricarpos orbiculatus</i> Moench	Coralberry

<sup>1</sup> All honeysuckle species are regulated.

<sup>2</sup> All cherry species are regulated.

### **III. Conditions for the Interstate Movement of Host Articles**

- A.** Except as provided in paragraph B of this section, the conditions for the interstate movement of host articles for ECFF are those found in 7 CFR 301.32 *et seq.* Certificates, limited permits, and compliance agreements are issued and revoked in accordance with the provisions of that subpart.
- B.** The interstate movement of fresh cherry fruit is prohibited from areas within 0.5 mile of an ECFF detection site, unless moved in accordance with (1) the regulations contained in 7 CFR 301.32; (2) the regulations contained in 7 CFR 301.32-10, (3) all applicable state laws, and (4) the systems approach requirements in Section IV below.

### **IV. Systems Approach for the Interstate Movement of Cherry Fruit from ECFF Quarantined Core Areas of the United States**

#### **A. General Requirements**

1. Orchards engaged in growing and interstate movement of fresh cherry fruit in a quarantined area must meet the conditions specified in paragraph B of this section in order to ship under the conditions of the systems approach.
2. Growers and packers engaged in growing and shipping fresh cherry fruit in a quarantine core area must enter into a compliance agreement with their state department of agriculture (e.g. New York State Department of Agriculture and Markets) before shipping under the systems approach option. This compliance agreement specifies the terms of the systems approach, as well as any other orchard-specific requirements determined to be necessary to prevent the spread of ECFF. The state department of agriculture evaluates the location of the orchard in relation to the quarantine boundary prior to

initiation of the compliance agreement.

3. Fresh cherry fruit found eligible for interstate movement under the systems approach must be accompanied by an APHIS limited permit verifying that all conditions of this protocol and any additional requirements listed in the compliance agreement have been met. A copy of the limited permit must be attached to the consignee's copy of the accompanying waybill.
4. Cherry fruit must be properly labeled. Boxes or other containers of regulated cherry fruit and shipping documents accompanying the boxes must be clearly marked with the statement, "**Limited Permit: USDA-APHIS-PPQ, Not for distribution in California; Idaho; Michigan; Montana; Oregon; Utah; Washington; and the counties of Chautauqua, Columbia, Orleans (outside the quarantined areas), Schuylar, Ulster and Wayne in New York.**"
5. If ECFF is detected within the orchard under the systems approach, the orchard is suspended from shipping under the terms of the systems approach for the remainder of the shipping season.
6. The adoption and use of this protocol is subject to monitoring by an inspector.

## **B. Orchard Requirements**

1. APHIS determines whether an orchard is an area of low pest prevalence for ECFF. To be considered an area of low pest prevalence when an ECFF detection triggers a quarantine action, APHIS must confirm that appropriate trapping, treatment, and specimen identification confirmation have taken place. In addition, cherry orchards must undergo 30 days of regulatory trapping prior to harvest. Regulatory trapping requires that each cherry orchard participating in the systems approach have at least one ECFF trap if the orchard is less than five acres. Cherry orchards of five acres or more must have a minimum of two traps for each five acres. The trap must be placed inside of the orchard. The state department of agriculture monitors these traps on a weekly basis, beginning approximately 30 days prior to and through harvest.
2. The orchard must have no current-season ECFF detections.
3. APHIS and the state department of agriculture must complete regulated trapping program activities.
4. Pre-harvest foliar bait spray treatments in orchards must be conducted beginning approximately 30 days prior to harvest and must continue through the end of harvest using certified applicators.
5. If a portion of an orchard block within a quarantine core area falls within an area not eligible for the systems approach, the entire contiguous cherry orchard is ineligible.

For further information on the Fruit Fly Program, please contact Fruit Fly National Policy Manager Richard Johnson at 301-851-2109.