

FOR INFORMATION AND ACTION
DA-2024-21
June 17, 2024

Subject: APHIS amends Federal Order for U.S. Imports of tomato (*Solanum lycopersicum*) and pepper (*Capsicum* spp.) hosts of Tomato brown rugose fruit virus (ToBRFV)

To: State, Tribal, and Territory Agricultural Regulatory Officials

Effective June 17, 2024, the USDA Animal and Plant Health Inspection Service (APHIS) is amending the restrictions for the importation of tomato (*Solanum lycopersicum*) and pepper (*Capsicum* spp.) hosts of Tomato brown rugose fruit virus (ToBRFV) by rescinding the import requirements for tomato and pepper fruit for consumption from all countries. APHIS provided stakeholders two ToBRFV pathway analyses that assessed the likelihood of introducing ToBRFV into the United States via fresh fruit for consumption and via propagative plant material, including seed. APHIS concluded fresh fruit for consumption is an unlikely pathway for the introduction of ToBRFV into tomato and pepper production areas, whereas propagative plant material remains a risk.

ToBRFV is a member of the Tobamovirus genus, which contains other economically important pathogens that infect vegetable crops, including Tobacco mosaic virus (TMV), Tomato mosaic virus (ToMV), and Cucumber green mottle mosaic virus (CGMMV). The disease caused by ToBRFV was first reported in 2014 in tomatoes in Israel and has since spread to China, the Dominican Republic, France, Germany (eradicated), Greece, Italy, Jordan, Mexico, the Netherlands, Peru, Spain, Turkey, and the United Kingdom. Infected tomato fruits can be unmarketable or reduced in quality, and necrosis can occur on susceptible pepper fruit.

To continue to safeguard against the introduction of ToBRFV into the United States, APHIS will maintain restrictions for the importation of tomato and pepper plant propagative material. Propagative material, including seed, is considered a high-risk pathway for the introduction of ToBRFV. Imports of plant material intended for propagation must be free from ToBRFV either based on diagnostic testing or by sourcing the material from an area free of the pest.

For additional information regarding this Federal Import Order, please contact Robert Bishop at 970-803-0078 or robert.m.bishop@usda.gov.



Mark Davidson
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER

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

DA-2024-21

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 has determined the introduction of ToBRFV poses a serious threat to U.S. agriculture, and that imported plant propagative material (including seed) is a likely pathway for pest introduction into U.S. tomato and pepper fruit production, whereas introduction via tomato and pepper fruit for consumption is unlikely. Effective June 17, 2024, APHIS is amending the restrictions for the importation of tomato (*Solanum lycopersicum*) and pepper (*Capsicum spp.*) hosts of ToBRFV by rescinding the import requirements for tomato and pepper fruit for consumption from all countries. All requirements concerning propagative plant material listed in Federal Order DA-2020-12 remain unchanged.

This Federal Order supersedes Federal Order DA-2020-12.

The disease caused by ToBRFV was first noted in 2014 on tomatoes from Israel. Since then, ToBRFV has been reported present in Austria, Belgium, Bulgaria, China, Czechia, Estonia, Finland, France, Greece, Hungary, Italy, Jordan, Malta, Mexico, the Netherlands, Norway, Peru, Poland, Portugal, Slovenia, Spain, Switzerland, Turkey, the United Kingdom, and Uzbekistan.

Requirements for Propagative Material

To prevent the introduction of ToBRFV into the United States via propagative material, lots of *Solanum 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 lots¹ 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.

For additional information regarding this Federal Import Order, please contact Robert Bishop at 970-803-0078 or at robert.m.bishop@usda.gov.

This Federal Order is effective June 17, 2024.

¹ 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/plant-imports/buy-plants-seeds-online/seeds-additional-requirements>