

FOR INFORMATION AND ACTION

DA-2025-02

January 15, 2025

Subject: APHIS Updates Import Requirements for Fresh Bell Peppers (*Capsicum annuum*) from Spain Due to Interception of Mediterranean Fruit Fly (*Ceratitis capitata* or Medfly)

To: State, Tribal, and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is updating requirements for importation of fresh bell peppers (*Capsicum annuum*) from Spain. Specifically, this Federal Order adds a new import requirement stipulating the National Plant Protection Organization (NPPO) of Spain adhere to an operational workplan (OWP) jointly developed with APHIS detailing the activities and responsibilities the NPPO of Spain will carry out to meet the systems approach requirements for fresh bell peppers, which includes mitigation measures for Mediterranean fruit flies (*Ceratitis capitata* or Medfly).

This Federal Order supersedes Federal Orders DA-2024-01 and DA-2022-42. In December 2022, APHIS issued Federal Order DA-2022-42, which at the time prohibited the importation of fresh bell peppers from Spain after U.S. Customs and Border Protection (CBP) inspectors at John F. Kennedy Airport, New York, intercepted five live Medfly larvae and one pupa in commercial consignments of fresh bell peppers from Spain. On January 19, 2024, APHIS issued Federal Order DA-2024-01 allowing the importation of fresh bell peppers from Spain to resume and requiring the NPPO of Spain to implement a set of corrective actions and enhanced safeguarding measures necessary to prevent the entry of Medfly into the United States.

APHIS is taking this current action in response to an interception of a live Medfly larva by CBP inspectors in a commercial consignment of fresh bell peppers from Spain during a port-of-entry inspection at John F. Kennedy Airport, New York, in March 2024. The NPPO of Spain subsequently ended its export season for fresh bell peppers and, as a result, no fresh bell peppers are being imported from Spain into the United States at this time. This Federal Order states that fresh bell peppers from Spain may only resume importation into the United States following the establishment of an Operational Workplan (OWP) developed jointly with the NPPO of Spain and APHIS detailing the activities and responsibilities the NPPO of Spain will carry out to ensure exported fresh bell peppers from Spain are free of Mediterranean fruit fly (*Ceratitis capitata* or Medfly).

The attached Federal Order supersedes Federal Order DA-2024-01 and outlines the updated importation requirements for fresh bell peppers (*Capsicum annuum*) from Spain. For additional information regarding this Federal Order, please contact Senior Regulatory Policy Specialist Mafalda Santos at 585-300-3558 or via email at Mafalda.Santos@usda.gov.

A handwritten signature in blue ink, appearing to read 'Mark L. Davidson', is positioned above the printed name.

Dr. Mark L Davidson
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

**United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine**

Federal Order

APHIS Updates Import Requirements for Fresh Bell Peppers (*Capsicum annuum*) from Spain Due to Interception of Mediterranean Fruit Fly (*Ceratitis capitata* or Medfly)

**DA-2025-02
January 15, 2025**

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is updating our requirements for the importation of fresh bell peppers (*Capsicum annuum*) from Spain. Specifically, this Federal Order now requires the National Plant Protection Organization (NPPO) of Spain to implement an operational workplan (OWP) jointly developed with APHIS detailing the activities and responsibilities the NPPO of Spain will carry out to ensure exported fresh bell peppers from Spain are free of Mediterranean fruit fly (*Ceratitis capitata* or Medfly). This Federal Order supersedes Federal Orders DA-2024-01 and DA-2022-42.

APHIS is taking this action in response to an interception of a live Medfly larva by Customs and Border Protection (CBP) inspectors in a commercial consignment of fresh bell peppers from Spain at John F. Kennedy Airport, New York, in March 2024. This action is necessary to prevent the entry of Medfly into the United States.

Medfly is a tropical and subtropical insect species with a wide distribution including South and Central America, the Mediterranean region, Africa, and western Australia. Medfly is not known to be established in the continental United States, but it is predicted the species could establish in southern regions (Plant Hardiness Zones 9-11), where hosts are known to occur.

APHIS is issuing Federal Order DA-2025-02 pursuant to the authority provided by the Plant Protection Act 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.

Effective upon the publication of this Federal Order, fresh bell peppers from Spain may only be imported into the United States following the establishment of an Operational Workplan (OWP) developed jointly between the NPPO of Spain and APHIS. The NPPO of Spain must agree to carry out the activities, requirements, and responsibilities detailed in the OWP and as listed in this Federal Order and in the [Agricultural Commodity Import Requirements](#) (ACIR) database. APHIS will be directly involved with the NPPO of Spain in monitoring and auditing required mitigation measures. The OWP will include a requirement for a cooperative service agreement (CSA) to reimburse APHIS for the cost of conducting program audits or site visits.

This Federal Order further requires the NPPO of Spain to maintain the following measures put in place by the previous Federal Order (DA-2024-01). These measures enhance the already-listed safeguarding measures in the ACIR database that prevent entry of quarantine pests into bell pepper production facilities and were necessitated by reported structural damage and tears in the plastic covers during the 2022/2023 export season on 7 bell pepper-growing greenhouses in the Almeria region, Spain. An investigation by the NPPO of Spain at the time attributed the damage to rainstorms and strong winds resulting in the Medfly infestation of the bell peppers. To prevent the risk of future Medfly breaches, the NPPO of Spain will, among other things, maintain the following corrective measures:

- Ensure production facilities maintain the structural integrity of the double-closing doors of the greenhouses. One set of doors should close before the second set opens.
- Ensure production facilities maintain the structural integrity between the greenhouse walls (plastic covers) and greenhouse floor as stated in the NPPO's guidelines to prevent risk of Medfly entry.
- Limit the service life of the greenhouse plastic covers to a maximum of 3 years or as agreed upon in the OWP based on technical justifications.
- Cover outlets of greenhouse drainage gutters with insect-proof mesh to prevent the risk of Medfly entry.
- Require and ensure growers report noncompliance issues, such as a Medfly detection or a breach in the integrity of the greenhouse, to the NPPO of Spain.
- Inspect registered greenhouses as agreed upon in the OWP to ensure safeguards are intact (e.g., no holes or breaks).
- Remove noncompliant greenhouses from the fresh bell pepper export program until the noncompliance issue has been resolved.
- Provide Medfly trapping records to APHIS prior to each shipping season or as agreed upon in the OWP.
- Upon request by APHIS, provide inspection reports for registered greenhouses and packinghouses.

APHIS has determined these phytosanitary import requirements for fresh bell pepper from Spain will adequately mitigate the risk of Medfly introduction via this commodity pathway.

For additional information regarding this Federal Order, please contact Regulatory Policy Specialist Mafalda Santos at 585-300-3558 or via email at Mafalda.Santos@usda.gov.