



FedEx Regulatory Alerts & Updates

Regulatory Alert: APHIS Amends Entry Requirements for Tomato and Pepper Seeds Imported into the U.S.

October 14, 2019

BACKGROUND

Since November 2018, the Animal and Plant Health Inspection Service (APHIS) has tested imported tomato seed to manage the risks of seedborne pathogens. The test used by APHIS detects six pospiviroids of quarantine significance for the U.S. Pospiviroids most commonly infect important economic crops such as potatoes, tomatoes, peppers, and other agricultural crops. Symptoms include severe stunting, flowering alterations, and fruit deformation.

WHAT HAS CHANGED?

Since testing began, shipments of tomato seeds from several countries tested positive for pospiviroids of quarantine significance for the U.S. Since these diseased seeds can spread the pathogens in a number of ways, APHIS issued a Federal Order on August 9, 2019, to prevent the entry and introduction of any quarantine-significant pospiviroids associated with tomato and pepper seeds.

Effective September 8, 2019, APHIS amended the entry requirements for tomato (*Solanum lycopersicum*) and pepper (*Capsicum* spp.) seeds imported from ALL countries into the U.S.

The actions taken by the APHIS administrator are as follows:

1. All shipments of tomato and pepper seeds from ALL countries are tested for pospiviroids of quarantine significance prior to entry into the U.S. OR that the seeds are produced in a country where these quarantine-significant pospiviroids are not known to occur.
2. APHIS requires all shipments of tomato and pepper seeds 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:
 - A. The tomato (*Solanum lycopersicum*) and/or pepper (*Capsicum* spp.) seeds in the shipment have been tested and found free of the following pospiviroids: *columnnea latent viroid*, *pepper chat fruit viroid*, *potato spindle tuber viroid*, *tomato apical stunt viroid*, *tomato chlorotic dwarf viroid*, and *tomato planta macho viroid*.
 - OR
 - B. The tomato (*Solanum lycopersicum*) and/or pepper (*Capsicum* spp.) seeds in the shipment were produced in [name of country], where *columnnea 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.

Q&A

Q1: Do commercial shipments of tomato and pepper seeds require an import permit?

A1: No, an import permit is required for commercial consignments of tomato and/or pepper seeds. However, imports of tomato or pepper seeds require a phytosanitary certificate with the required additional declaration as stated in the Federal Order.

Q2: Can the tomato and pepper seeds be imported using the small lots of seed permit and avoid the actions mandated by APHIS?

A2: No, the tomato and pepper seeds are no longer eligible for importation using the small lots permit.

Q3: What happens if the tomato or pepper seed shipments arrive in a shipment and do NOT have the mandated phytosanitary certificate with the required declaration statement?

A3: The shipment will be refused entry into the U.S.

Q4: Is there anyone to contact at APHIS if there are specific questions about this Federal Order?

A4: The contact at APHIS is Regulatory Policy specialist Rosemarie Rodriguez-Yanes at 301.851.2313 or Rosemarie.Rodriguez-Yanes@usda.gov.

REFERENCES:

APHIS Federal Order DA-2019-21

https://www.aphis.usda.gov/import_export/plants/plant_imports/federal_order/downloads/2019/DA-2019-21.pdf

APHIS Tomato and Pepper Seeds Federal Order FAQs

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/federal-import-orders/tomato+and+pepper+seeds>