



FedEx Regulatory Alerts & Updates

Regulatory Alert: Update – Additional Entry Requirements for Tomato and Pepper Seeds into the U.S.

May 3, 2021

BACKGROUND

The Animal Plant and Health Inspection Service (APHIS) Import Federal Order has been in effect since November 22, 2019. This was communicated by Regulatory Alert in October 2019.

APHIS may revise the Federal Order, such as the Tomato Brown Rugose Fruit Virus (ToBRFV) Federal Import Order on June 5, 2020 to modify import requirements for tomato and/or pepper fruit or propagative material imported into the United States. This can occur when new scientific information or interceptions of ToBRFV require a modification to import requirements for tomato and/or pepper fruit or propagative material.

WHAT NEW APHIS ENTRY DETAILS ARE REQUIRED?

APHIS amended the restrictions for the importation of tomato (*Solanum lycopersicum*) and pepper (*Capsicum spp.*) hosts of ToBRFV on June 5, 2020. The specific changes to the APHIS import requirements for tomato and pepper fruit for consumption were to add restrictions for tomatoes and peppers from the Dominican Republic, France, and Spain.

Customers must understand that import tomato and/or pepper seed shipments into the U.S. without the required Sept. 8, 2019 Phytosanitary Certificate with the required additional declaration statement may be denied entry.

The two additional declarations cited in the Tomato and Pepper Seeds Federal Order are:

The Solanum lycopersicum (tomato) and/or Capsicum spp. (pepper) seeds in the shipment have been tested and found free of the following pospiviroids: Columnea latent viroid, Pepper chat fruit viroid, Potato spindle tuber viroid, Tomato apical stunt viroid, Tomato chlorotic dwarf viroid, and Tomato planta macho viroid.

OR

The Solanum lycopersicum (tomato) and/or Capsicum spp. (pepper) seeds in the shipment were produced in [country] where Columnea 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

Q 1 - Are there any other options to use the two “additional declarations” cited above?

A 1 - Yes, there are several ways to utilize the additional declarations. In the example below, the National Plant Protection Organization (NPPO) has stated their country has Potato spindle tuber viroid (PSTVd), but none of the other pospiviroids. The importer is importing only tomato seeds and three declaration options are provided.

Option #1: A modified additional declaration statement on the Phytosanitary Certificate

The Solanum lycopersicum (tomato) seeds in the shipment have been tested and found free of the following pospiviroid: Potato spindle tuber viroid.

The Solanum lycopersicum (tomato) seeds in the shipment were produced in [country] where Columnea latent viroid, Pepper chat fruit viroid, Tomato apical stunt viroid, Tomato chlorotic dwarf viroid, and Tomato planta macho viroid are not known to occur.

Option #2: Two additional declaration statements on the Phytosanitary Certificate

The Solanum lycopersicum (tomato) seeds in the shipment have been tested and found free of the following pospiviroid: Potato spindle tuber viroid, and seeds in the shipment were produced in [country] where Columnea latent viroid, Pepper chat fruit viroid, Tomato apical stunt viroid, Tomato chlorotic dwarf viroid, and Tomato planta macho viroid are not known to occur.

Option #3: Single declaration for testing all pospiviroids

The Solanum lycopersicum (tomato) seeds in the shipment have been tested and found free of the following pospiviroids: Columnea latent viroid, Pepper chat fruit viroid, Potato spindle tuber viroid, Tomato apical stunt viroid, Tomato chlorotic dwarf viroid, and Tomato planta macho viroid.

Q 2 - Did APHIS identify any specific countries that are sources for the ToBRFV?

A 2 - These countries were listed as having the virus - China, the Dominican Republic, France, Germany (eradicated), Greece, Italy, Jordan, Mexico, the Netherlands, Palestine, Spain, Turkey, and the United Kingdom

Q 3 – Are there any exceptions to these required APHIS declarations?

A 3 – Yes, there are a number of exceptions which essentially remove the need for a Phytosanitary Certificate and therefore remove the declaration requirement. Two specific shipment types are tomato or pepper seeds imported for diagnostic purposes as well as research, developmental or therapeutic purposes.

Q 4 – Should U.S. importers work with their shippers to encourage the separation of tomato or pepper seed shipments from other seed shipments?

A 4 - Yes, in order to avoid potential delays or potential shipment refusal, APHIS recommends that tomato or pepper seed shipments are separated from other species of seeds.

REFERENCES:

FedEx Regulatory Alert: APHIS Amends Entry Requirements for Tomato and Pepper Seeds Imported into the U.S. (posted on 10/14/19)

https://www.fedex.com/content/dam/fedex/us-united-states/International/images/2020/Q2/RegAlert_20_025_APHIS_Amends_Entry_Requirements_for_Tomato_and_Pepper_Seeds_Imported_into_U_S_768517279.pdf

APHIS June 5, 2020 ToBRFV Import Federal Order:

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/federal-import-orders/tobrfv/faqs>

Tomato and Pepper Seeds Federal Order FAQs:

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

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