

FOR INFORMATION AND ACTION

DA-2019-28

November 15, 2019

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

To: State and Territory Agricultural Regulatory Officials

Effective November 22, 2019, after issuance of this notice, the USDA's Animal and Plant Health Inspection Service (APHIS) will restrict the importation of tomato (*Solanum lycopersicum*) and pepper (*Capsicum* spp.) hosts of Tomato brown rugose fruit virus (ToBRFV). APHIS has determined it is necessary to restrict the importation of these plant species to prevent the introduction of ToBRFV into the United States.

ToBRFV is a recently described member of the Tobamovirus genus. This virus genus also 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. Since then, ToBRFV has been reported in China, Mexico, Germany (eradicated), Italy, Jordan, Turkey, Greece, the United Kingdom, and the Netherlands. Given the global nature of seed production and the international movement of seeds, the distribution may be greater than reported.

Tomato and pepper are the two main hosts. Symptoms caused by ToBRFV include bubbling and mosaic on leaves of susceptible pepper, and fern leaf and mosaic on tomato leaves. On fruit, symptoms include smaller fruit size with a rough surface, fruit drop, delay in ripening, and fruit discoloration including blotching, pale color and/or brown necrotic spots. Infected tomato fruits can be unmarketable or reduced in quality. Necrosis can occur on susceptible pepper fruit.

Tobamoviruses are mechanically transmitted and seedborne viruses. ToBRFV is mechanically transmissible through infected sap of both tomato and pepper. Transmission occurs through touching and manipulating infected plants. Transmission is common during transplant productions or in crop production systems in which plants are regularly handled, such as greenhouse operations.

To safeguard against the introduction of ToBRFV into the United States, APHIS is restricting the importation of tomato and pepper by requiring imported plants and plant products to be free of evidence of ToBRFV, as specified in the attached Federal Order. Currently, propagative hosts are considered high risk pathways for the introduction of ToBRFV and under the conditions of the Federal Order, imports of propagative material must be free from ToBRFV based on origin from an area where the pest is absent or based on negative results of diagnostic testing.

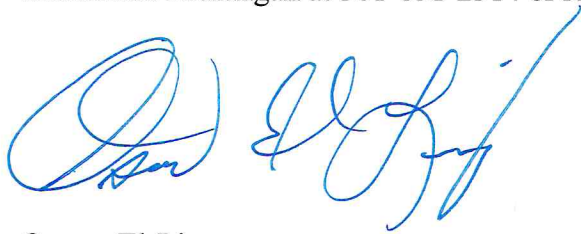
APHIS is placing restrictions on imports of fresh tomato and pepper fruit from those countries where ToBRFV is present and that are approved to export to the United States. Although the

phytosanitary risk associated with infected fruit is historically considered to be low, in light of reports of the transmission of the virus from fruit, these interim measures are necessary to safeguard U.S. tomato and pepper production while APHIS fully evaluates emerging scientific evidence on ToBRFV. Specifically, APHIS will require tomato and pepper fruit imported from Mexico, Israel, and the Netherlands (countries approved to export tomatoes where ToBRFV is present) to be inspected at the point of origin to ensure it is free of disease symptoms. Because Canada imports tomato and pepper fruit from Mexico that are re-exported to this country, APHIS will also require tomato and pepper fruit from Canada to be inspected at the point of origin to ensure it is free of disease symptoms. In addition, U.S. Customs and Border Protection (CBP) will increase inspections at U.S. ports of entry to ensure imported tomato and pepper fruit entering from Mexico, Israel, the Netherlands, and Canada do not show any signs of disease upon arrival.

We will also restrict importation of tomato and pepper fruit worldwide to commercial consignments only and prohibit imports in passenger baggage.

These requirements for imported fruit will remain in place until APHIS completes its risk analysis of the fruit pathway for ToBRFV introduction into the United States and determines appropriate regulatory action.

For additional information regarding this Federal Import Order, please contact Dr. Angela McMellen-Brannigan at 301-851-2314 or [Angela.McMellen-Brannigan@usda.gov](mailto:Angela.McMellen-Brannigan@usda.gov).

A handwritten signature in blue ink, appearing to read 'Osama El-Lissy', is positioned above the printed name and title.

Osama El-Lissy  
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-2019-28

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 determined that the introduction and establishment of ToBRFV poses a serious threat to U.S. agriculture. The restrictions to prevent the introduction and establishment of ToBRFV are needed and warranted to mitigate the plant pest risks associated with imports of tomato and pepper material. This Federal Order imposes updated entry requirements for material entering the United States.

ToBRFV is a member of the *Tobamovirus* genus. The virus is transmitted through propagative plant parts (seeds, plants for planting, grafts, and cuttings), and spreads locally by contact (direct plant to plant contact, contaminated tools, hands, or clothing). ToBRFV can remain infective in seeds, plants debris and contaminated soil for months. The virus naturally infects tomato and pepper. Foliar symptoms include chlorosis, mosaic and mottling. Necrotic spots may appear on peduncles, calyces and petioles. Fruit show yellow or brown spots, with rugose symptoms rendering the fruits non-marketable. Fruits may be deformed and mature irregularly.

The disease caused by ToBRFV was first noted in 2014 on tomatoes from Israel. Since then, ToBRFV has been reported present in China, Mexico, Italy, Jordan, Turkey, Greece, the United Kingdom, and the Netherlands. Given the global nature of the seed production and the international movement of seeds, the distribution may be greater than reported.

### Requirements for Propagative Material

To prevent the introduction of ToBRFV into the United States via propagative material, lots of *S. lycopersicum* and *Capsicum spp.* propagative material (including plants for planting, seeds, grafts, obscured seed<sup>i</sup>, 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 officially tested and found free of Tomato brown rugose virus.

Small lots<sup>ii</sup> 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 officially tested no more than 10 days prior to fruit harvest and found free of Tomato brown rugose fruit virus.

#### Requirements for Fresh Fruit

To prevent the introduction of ToBRFV into the United States via fresh tomato and pepper fruit, only commercial consignments of fresh *S. lycopersicum* and *Capsicum* spp. may be imported into the United States from all countries. Commercial consignments from Mexico, Israel, and the Netherlands must be imported under permit, be subject to all applicable current requirements for the country of origin, and must meet additional applicable requirements for ToBRFV stated below.

Although ToBRFV has not been reported in Canada, because Canada imports tomato and pepper fruit from Mexico that are re-exported to this country, APHIS will also require tomato and pepper fruit from Canada to be inspected at the point of origin to ensure it is free of disease symptoms and certified by either document listed below.

- Accompanied by a phytosanitary certificate issued by a National Plant Protection Organization of the country of origin containing the following additional declaration: “The *Solanum lycopersicum* and/or *Capsicum* spp. fruit have been inspected and been found to be free of symptoms of Tomato brown rugose fruit virus.”

OR

- Accompanied by an inspection certification document issued by the grower or packer with the following language, in lieu of a phytosanitary certificate: “The *Solanum*

*lycopersicum* and/or *Capsicum* spp. fruit have been inspected and been found free of symptoms of Tomato brown rugose fruit virus.” The inspection certificate must include the date of the inspection, the name, title, office, and address of the person issuing the inspection certificate, as well as the names and addresses of the grower and packinghouse.

Any consignment of fresh tomato and pepper fruit arriving at a port of entry without one of the documents required above will be refused entry and be subject to re-export or destruction.

For additional information regarding this Federal Import Order, please contact Dr. Angela McMellen-Brannigan at 301-851-2314 or [Angela.McMellen-Brannigan@usda.gov](mailto:Angela.McMellen-Brannigan@usda.gov).

This Federal Order is effective November 22, 2019.

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<sup>i</sup> Obscured seed includes seed that is coated, pelleted, or embedded in tape, mats or any other substrate that obscures visibility. For additional requirements, see

[https://www.aphis.usda.gov/plant\\_health/permits/downloads/SeedsInspectionProtocol.pdf](https://www.aphis.usda.gov/plant_health/permits/downloads/SeedsInspectionProtocol.pdf)

<sup>ii</sup> 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/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/plants-for-planting/ct\\_smalllots\\_seed](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/plants-for-planting/ct_smalllots_seed)