

# Tomato and Pepper Seeds Federal Order FAQ's

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**Q. What will happen if the tomato and/or pepper seed shipments do not have a Phytosanitary Certificate with the required additional declaration statement, as required by the Federal Order effective September 8, 2019?**

A. Shipments of tomato or pepper seeds without the required additional declaration will be refused entry into the United States.

**Q. What are some examples of the additional declaration?**

A. 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.

There are several options to utilize these additional declarations. In the example below, the NPPO has stated their country has *Potato spindle tuber viroid* (PSTVd), but none of the other pospiviroids. The importer is importing only tomato seeds.

**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. Will the Animal Plant Health Inspection Service (APHIS) accept third party laboratory testing?**

A. For importations of tomato and pepper seed, APHIS requires a phytosanitary certificate with an additional declaration stating the seeds are free from quarantine pospiviroids, as stated in the Federal Order. APHIS will not accept third party laboratory testing for quarantine

pospiviroids in lieu of an additional declaration on the original phytosanitary certificate from the exporting country. Please contact the National Plant Protection Organization (NPPO) of the exporting country to determine their requirements for issuing the phytosanitary certificate and additional declaration.

**Q.Can the importer provide a copy of the laboratory testing results in their documentation package?**

A. The shipment must be accompanied by a phytosanitary certificate with the required additional declaration issued by the exporting NPPO. If the importer wishes to include the laboratory testing results in their documentation package, they may do so. However, APHIS will not consider the testing results as meeting the requirements of the Federal Order.

**Q. Do commercial shipments of tomato and pepper seeds require a permit?**

A. No 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, issued by the exporting country's NPPO, as stated in the Federal Order.

**Q. What type of permit do I need to import tomato or pepper seeds for diagnostic purposes? Do I need to comply with the requirements of the Federal Order?**

A.For tomato or pepper seed imported for **diagnostic** purposes, the importer must apply for a PPQ-526 permit "Application and Permit to Move Live Plant Pests or Noxious Weeds". A phytosanitary certificate is not required for seed imported under a PPQ-526 permit. For more information see the [USDA Organism and Pest Permits Page](#).

**Q. What type of permit do I need to import tomato or pepper seeds for research, developmental, or therapeutic purposes? Do I need to comply with the requirements of the Federal Order?**

A. If the shipment is for research, developmental or therapeutic purposes (for example, seeds imported for germination tests or variety trials) the importer must apply for a PPQ-588 Controlled Import Permit (CIP). A phytosanitary certificate is not required for seed imported under a PPQ-588 permit. For more information see the [USDA Plant and Plant Products Page](#).

**Q. How can I send tomato or pepper seeds to the United States to be tested for pospiviroids?**

A. Tomato or pepper seeds may be sent to the United States for pospiviroids testing using a PPQ-526 diagnostic permit. For more information see the [USDA Organism and Pest Permits Page](#). A phytosanitary certificate is not required for seed imported under a PPQ-526 permit. Please contact the NPPO of the exporting country to confirm that test results from the United States are eligible to meet the requirements of phytosanitary certificate with the additional declaration.

**Q. Can I continue to use a Small Lots of Seed (SLS) permit to import small lots of tomato or pepper seeds?**

A. No. Tomato and pepper seeds are no longer eligible for SLS permits. Small lots of tomato or pepper seeds must now be accompanied by a Phytosanitary Certificate with the required additional declaration or a combination of the two additional declarations. Small lots may also be imported under a Contained Import Permit (CIP). For more information see the [USDA Plant and Plant Products Page](#).

**Q. Can I continue to use a PPQ-587 Obscured Seed permit to import tomato or pepper seeds?**

A. No. Tomato and pepper seeds are no longer eligible for Obscured Seed permits. Obscured seeds of tomato or pepper seeds do not meet the conditions and are prohibited entry under this Federal Order.

**Q. Can APHIS test the tomato or pepper seed shipments for the quarantine pospiviroids if I do not have the required additional declaration in the original Phytosanitary Certificate?**

A. No. Shipments must be accompanied by a phytosanitary certificate that includes the required additional declaration upon arrival at the port of entry.

**Q.Does APHIS recommend that importers separate tomato or pepper seed shipments from other seed shipments?**

**A.** Yes. To avoid potential delays and/or refusal, APHIS recommends that tomato or pepper seed shipments are separated from other species of seeds.

## **Additional Information**

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[Plant Health Federal Import Orders Website](#)