

FOR INFORMATION AND ACTION
DA-2023-03
April 7, 2023

Subject: APHIS Amends Federal Order for Entry Requirements for Tomato (*Solanum lycopersicum*) and Pepper (*Capsicum* spp.) Seeds Imported from All Countries into the United States

To: State, Tribal, and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is amending the entry requirements for pepper (*Capsicum* spp.) seeds imported into the United States from all countries. APHIS is updating Federal Order DA-2019-21 for tomato and pepper seeds for planting to manage the phytosanitary risk from pospiviroids to reflect current scientific information on quarantine-significant pospiviroids.

APHIS conducted a risk assessment that found no evidence that four of the six quarantine-significant pospiviroids in Federal Order DA-2019-21 follow the pepper seed pathway: *Columnnea latent viroid* (CLVd), *Tomato apical stunt viroid* (TASVd), *Tomato chlorotic dwarf viroid* (TCDVd), and *Tomato planta macho viroid* (TPMVd). However, the risk assessment determined that two of the quarantine-significant pospiviroids, *Pepper chat fruit viroid* (PCFVd) and *Potato spindle tuber viroid* (PSTVd), can follow the pepper seed pathway and therefore could cause disease in peppers including severe stunting, leaf or stem necrosis, flowering alterations, and foliar and fruit deformation.

Based on the risk assessment, APHIS is updating the import requirements for pepper seeds from all countries. To prevent an introduction of PCFVd or PSTVd, APHIS will require pepper seeds be either tested and found free of PCFVd and PSTVd or be produced in a country free from PCFVd and PSTVd. Shipments of pepper seeds must be accompanied by a phytosanitary certificate or a re-export phytosanitary certificate with an additional declaration. The additional declaration must verify that the seeds have been tested and found free of PCFVd and PSTVd prior to entry into the United States or produced in a country in which these pospiviroids are not known to occur. The requirement for a phytosanitary certificate with the additional declaration applies to all pepper seed shipments entering the United States including small lots of pepper seeds.

As for tomato seeds, APHIS concluded that all six pospiviroids can follow this pathway. Therefore, no changes were made to the tomato seed import requirements. Both tomato and pepper seeds remain ineligible for importation using a Small Lots of Seed Permit.

For additional information regarding this Federal Order amendment, please contact Senior Regulatory Policy Specialist Indira Singh at 301-851-2020 or Indira.Singh@usda.gov.

A handwritten signature in blue ink, appearing to read "Mark L Davidson". The signature is fluid and cursive, with the first name "Mark" and last name "Davidson" clearly distinguishable.

Dr. Mark L Davidson
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

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

Federal Order

APHIS Amends Federal Order for Entry Requirements for Tomato (*Solanum lycopersicum*) and Pepper (*Capsicum* spp.) Seeds Imported from All Countries into the United States

DA-2023-03
April 7, 2023

Effective immediately, the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is amending the entry requirements for pepper (*Capsicum* spp.) seeds imported from all countries to prevent the introduction of *Pepper chat fruit viroid* (PCFVd) and *Potato spindle tuber viroid* (PSTVd) into the United States.

Prior to the issuance of Federal Order DA-2023-03, APHIS regulated the imports of tomato and pepper seed for planting for six quarantine pospiviroids in Federal Order DA-2019-21: *Columnnea latent viroid* (CLVd), *Pepper chat fruit viroid* (PCFVd), *Potato spindle tuber viroid* (PSTVd), *Tomato apical stunt viroid* (TASVd), *Tomato chlorotic dwarf viroid* (TCDVd), and *Tomato planta macho viroid* (TPMVd). Federal Order DA-2019-21 requires all tomato and pepper seed shipments, from all countries, be tested for the quarantine-significant pospiviroids prior to entry into the United States or be produced in a country in which these quarantine-significant pospiviroids are not known to occur.

APHIS conducted a risk assessment for the six quarantine pospiviroids. The results of the risk assessment concluded that tomato seeds are a pathway for all six pospiviroids, and pepper seeds are a pathway for PCFVd and PSTVd only.

In this Order, APHIS is updating the import requirements for pepper seeds from all countries. Pepper seeds must either be tested and found free of PCFVd and PSTVd or be produced in a country free from these two quarantine-significant pospiviroids.

Shipments of pepper seeds must be accompanied by a phytosanitary certificate or a re-export phytosanitary certificate with one of the following additional declarations, or a combination of the two declarations addressing each of the two quarantine-significant pospiviroids:

The *Capsicum* spp. (pepper) seeds in the shipment have been tested and found free of the following pospiviroids: *Pepper chat fruit viroid* and *Potato spindle tuber viroid*.

OR

The *Capsicum* spp. (pepper) seeds in the shipment were produced in [country] where *Pepper chat fruit viroid* and *Potato spindle tuber viroid* are not known to occur.

Shipments of tomato seeds must continue to be accompanied by a phytosanitary certificate or a re-export phytosanitary certificate with one of the following additional declarations, or a combination of the two declarations addressing each of the six quarantine-significant pospiviroids:

The *Solanum lycopersicum* (tomato) 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

The *Solanum lycopersicum* (tomato) seeds in the shipment were produced in [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.

Because of these import requirements, tomato and pepper seeds are not eligible for importation using a Small Lots of Seed Permit. The requirement for a phytosanitary certificate with the above additional declaration(s) applies to all pepper and tomato seeds entering the United States, including small lots of seed.

This Federal Order (DA-2023-03) will replace the previous Federal Order (DA-2019-21).

This action is necessary because APHIS has determined that the entry of quarantine-significant pospiviroids poses a serious threat to U.S. agriculture. This Federal Order is issued pursuant to the regulatory authority provided by the Plant Protection Act (PPA) of June 20, 2000, as amended Section 412(a), 7 U.S.C. 7712(a). Under the Act, the Secretary may 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. The regulatory authority provided by 7 U.S.C. 7745 allows the Secretary to issue orders to carry out this provision of the Plant Protection Act.

For additional information regarding this Federal Order, please contact Senior Regulatory Policy Specialist Indira Singh at 301-851-2020 or Indira.Singh@usda.gov.