

FOR INFORMATION AND ACTION
DA-2024-01
January 19, 2024

Subject: APHIS Amends the Federal Order Prohibiting Importation of Fresh Bell Peppers (*Capsicum annuum*) from Spain Due to Mediterranean Fruit Fly (*Ceratitis capitata*)

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is amending the Federal Order (DA-2022-42) issued on December 29, 2022, which prohibited importing fresh bell peppers (*Capsicum annuum*) from Spain into the United States to prevent Mediterranean fruit fly (*Ceratitis capitata* or Medfly) introduction. The below amended Federal Order (DA-2024-01) allows importation of fresh bell peppers from Spain to resume under the import requirements currently listed in the Agricultural Commodity Import Requirements (ACIR) database and the corrective actions listed in the below amended Federal Order.

The original action was taken after Customs and Border Protection (CBP) inspectors at John F. Kennedy Airport, New York, intercepted 5 live Medfly larvae and 1 pupa in commercial consignments of fresh bell peppers from Spain in December of 2022 and was necessary to prevent the entry of Medfly into the United States.

The National Plant Protection Organization (NPPO) of Spain traced the interceptions to 11 greenhouses in Almeria province. The NPPO found slight structural damage and minor tears in the plastic covers of 7 of the greenhouses. These greenhouses had passed official inspections in August of 2022. The NPPO reported rainstorms and strong winds had occurred in the Almeria region in the interim and concluded these weather events caused the structural damage and subsequent breaches of the greenhouses by Medfly. The NPPO immediately suspended all 11 non-compliant greenhouses from the pepper export program. Internal investigation of the registered packing houses associated with the 11 non-compliant greenhouses did not detect any non-compliance issues. Therefore, to prevent the recurrence of future infestations, the NPPO developed corrective measures aimed at strengthening the physical integrity of the greenhouses to minimize the risk of the greenhouses becoming compromised by severe weather events.

In October 2023, an APHIS team conducted a site visit of the bell pepper-growing facilities in Almeria, Spain, to verify the Medfly mitigation measures in place met current U.S. import requirements. The team inspected Medfly mitigation measures that included the greenhouses, Medfly traps set inside and outside of the greenhouses, the frequency of trap inspections, and Medfly trapping records. The Medfly mitigation measures were found to be compliant with current U.S. import requirements. Although the site visit occurred outside the export season for Spain bell pepper, the team also inspected and noted packinghouses have the capacity to successfully implement existing import requirements such as safeguarding fruit and packing fruit within 24 hours of harvest.

Overall, APHIS has determined the phytosanitary import requirements for fresh bell pepper from Spain that have been outlined in this Federal Order will adequately mitigate the risk of Medfly introduction via this commodity pathway.

Therefore, APHIS is amending the Federal Order that prohibited imports of bell peppers from Spain to the United States, effective immediately, and the importation of fresh bell peppers from Spain may resume under the import requirements currently listed in the Agricultural Commodity Import Requirements (ACIR) database and the additional requirements listed in DA-2024-01.

For additional information regarding this Federal Order, please contact Regulatory Policy Specialist Mafalda Santos at 585-300-3558 or via email at Mafalda.Santos@usda.gov.

A handwritten signature in blue ink, appearing to read "Mark L. Davidson".

Dr. Mark L Davidson
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER

Amending the Federal Order Prohibiting Importation of Fresh Bell Peppers (*Capsicum annuum*) from Spain Due to Mediterranean Fruit Fly (*Ceratitis capitata*)

DA-2024-01
January 19, 2024

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is amending the Federal Order (DA-2022-42) issued on December 29, 2022, which prohibited importing fresh bell peppers (*Capsicum annuum*) from Spain into the United States to prevent Mediterranean fruit fly (*Ceratitis capitata* or Medfly) introduction. The original action was taken in response to interception of 5 live Medfly larvae and 1 pupa in commercial consignments of fresh bell peppers from Spain in December 2022, and was necessary to prevent the entry of Medfly into the United States.

Medfly is a tropical and subtropical insect species, with a wide distribution range that includes South and Central America, the Mediterranean region, Africa, and western Australia. Medfly is not known to be established in the continental United States, but it is predicted the species could establish in southern regions of the United States (Plant Hardiness Zones 9-11), where hosts are known to occur.

APHIS issued the Federal Order DA-2022-42 pursuant to the authority provided by the Plant Protection Act of June 20, 2000. As amended, Section 412(a), 7 U.S.C. 7712(a), authorizes the Secretary of Agriculture to 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. Pursuant to this same authority, APHIS is issuing this Federal Order to amend the Federal Order DA-2022-42.

The importation of fresh bell peppers from Spain may resume under the import requirements currently listed in the Agricultural Commodity Import Requirements (ACIR) database and the following corrective actions to be carried out by the parties specified below:

The NPPO of Spain will ensure that bell pepper growers:

- Reinforce the double closing doors of the greenhouse following guidelines provided by the NPPO of Spain.
- Strengthen the hermeticity between the greenhouse walls (plastic covers) and greenhouse floor following guidelines provided by the NPPO of Spain.
- Limit the service life of the greenhouse plastic covers to a maximum of 3 years.
- Cover outlets of greenhouse drainage gutters with insect-proof mesh to prevent the risk of Medfly entry; the mesh will have holes no larger than 1.6 mm at the widest point.

- Report non-compliance issues, such as a Medfly detection or a breach in the integrity of the greenhouse, to the NPPO of Spain.

The NPPO of Spain will also:

- Conduct ad hoc inspections of registered greenhouses to ensure they remain compliant with import requirements following severe weather events.
- Delay the start of the bell pepper export season if it determines the temperature trend prior to the start of the export season is above average and associated with increased Medfly prevalence. However, this option does not supersede the existing medfly trapping requirements and remedial measures that are currently listed in ACIR.
- Remove non-compliant greenhouses from the fresh bell pepper export program until the non-compliance issue has been resolved.
- Provide Medfly trapping records to APHIS prior to each shipping season.
- Provide inspection reports for registered greenhouses and packinghouses upon request by APHIS.

APHIS will:

- Review the Medfly trapping data after receipt.
- Review greenhouse and packinghouse inspection reports after receipt and conduct in-person inspections as deemed necessary.

APHIS has determined these phytosanitary import requirements for fresh bell pepper from Spain will adequately mitigate the risk of Medfly introduction via this commodity pathway.

For additional information regarding this Federal Order, please contact Regulatory Policy Specialist Mafalda Santos at 585-300-3558 or via email at Mafalda.Santos@usda.gov.