

FOR INFORMATION AND ACTION

DA-2018-23

July 16, 2018

Subject: APHIS Establishes a Host List for European Cherry Fruit Fly (*Rhagoletis cerasi*) and Conditions for Interstate Movement of Regulated Articles in Quarantined Areas

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) has developed a host list for European cherry fruit fly (ECFF, *Rhagoletis cerasi*), and established conditions for the interstate movement of regulated articles from core areas quarantined for ECFF. These conditions include a systems approach to allow the interstate movement of cherry fruit from areas in a half-mile radius of quarantine ECFF detections without methyl bromide fumigation.

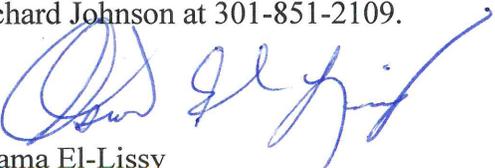
This action is required because the current fruit fly host list in the domestic quarantine regulations for fruit flies in 7 CFR 301.32 does not include ECFF hosts. The list is needed to identify ECFF hosts and to prevent the spread of this pest within the United States. Previous APHIS actions related to ECFF did not specify conditions for interstate movement of ECFF hosts from a quarantined area. This action specifies that, with the exception described below, all host articles must be moved in accordance with the conditions for interstate movement of host articles in 7 CFR 301.32-4 and 301.32-5.

As an exception, the conditions for interstate movement of host articles in 7 CFR 301.32-4 and 301.32-5 do not specify the conditions under which cherries, a host of ECFF, may be moved from the core (0.5 mile radius from ECFF detections) areas quarantined for ECFF without methyl bromide fumigation. However, APHIS has developed a systems approach, which would allow for such movement.

APHIS will regulate the interstate movement of ECFF host articles from all ECFF quarantine areas in the United States in accordance with the regulations in 7 CFR 301.32 and any applicable provisions of this Federal Order. The current ECFF quarantine areas, the ECFF host list, and this Federal Order are posted at the following site:

<https://www.aphis.usda.gov/plant-health/ff>

For additional information about the ECFF program, you may contact National Policy Manager Richard Johnson at 301-851-2109.



Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine

FEDERAL ORDER

Designation of Regulated Host Articles for the European Cherry Fruit Fly (*Rhagoletis cerasi*) and Conditions for the Interstate Movement of Regulated Articles from Quarantined Areas

DA-2018-23

July 16, 2018

Effectively immediately, the Animal and Plant Health Inspection Service (APHIS) has established the European cherry fruit fly (ECFF) host list and the conditions governing the interstate movement of certain regulated articles from the fruit fly quarantined areas. This Federal Order provides for the interstate movement of host articles of ECFF from core areas of the United States quarantined for ECFF, including a systems approach for cherry fruit. The systems approach provides producers within the restricted core area with a means to move cherry fruit without the use of fumigation, which is otherwise required for host articles. This systems approach applies to commercially-produced cherry fruit only.

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). The Act authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce 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. This Federal Order is also issued pursuant to the domestic fruit fly regulations promulgated under the PPA and found in the Code of Federal Regulations at 7 CFR 301.32.

ECFF is a major pest of cherry crops. It is a native of Europe and its presence was first confirmed in Canada in 2016 and in the US in 2017. Important U.S. crops at risk include sweet cherries, sour cherries, and other crops. Damage occurs when the female lays eggs in the fruit. The eggs hatch into larvae, which tunnel through the flesh of the fruit making it unfit for consumption.

On June 7, 2018, in accordance with the process described in 7 CFR 301.32, APHIS issued a State Plant Regulatory Official letter designating a portion of portion of Niagara Country in New York as a quarantined area for ECFF. The current ECFF quarantine areas in the United States are described on the Plant Protection and Quarantine website located here:

<http://www.aphis.usda.gov/plant-health/ff-quarantine>

In general, when APHIS establishes a domestic fruit fly quarantine, hosts of that fruit fly species, which are listed in 7 CFR 301.32, become subject to the conditions for interstate movement listed in 7 CFR 301.32 and 301.32. However, because ECFF has not previously been detected in the United States, the regulations do not contain a host list for ECFF.

This Federal Order is necessary to provide the host list for ECFF, as well as the conditions for interstate movement of host articles from restricted core areas of the United States quarantined for ECFF. Effective immediately, all interstate movement of host articles of ECFF must be in accordance with this Federal Order and applicable conditions of 7 CFR 301.32.

Rationale for the Systems Approach

Currently, the regulations specify that host articles must be treated prior to shipment from a quarantined area, with limited exceptions. For articles originating from a core area within a quarantined area, a post-harvest treatment is the only way the articles may be moved interstate. There are a limited number of post-harvest treatments.

Producers in the quarantined area of New York require a means for shipping cherry fruit from ECFF-quarantined areas that does not require such post-harvest treatment. The producers also have stated that treatment often reduces the shelf-life and commercial viability of the fruit.

In response to this requirement, USDA-APHIS-PPQ Science and Technology (S&T) prepared a systems approach risk assessment document entitled “**Quantifying a Quarantine Systems Approach for Mitigating the Risk of European Cherry Fruit Fly, *Rhagoletis cerasi* (L.), in New York State Cherry Fruit.**” Based on the findings of this document, APHIS has determined that fresh cherry fruit may safely be moved from a core area quarantined for ECFF, without methyl bromide fumigation, under certain conditions. These conditions are specified within this Federal Order below.

I. Quarantined Area for *Rhagoletis cerasi* (European Cherry Fruit Fly, ECFF); Designation and Removal of Quarantined Areas

- A. Areas of the United States quarantined for ECFF are listed at the following website: <http://www.aphis.usda.gov/plant-health/ff-quarantine>
- B. Areas will be designated and removed from quarantine in accordance with 7 CFR 301.32-3. Changes to the quarantined area will be communicated to the public through State Plant Regulatory Official (SPRO) letters.

II. Host List

The berries, fruit, nuts and vegetables of the following listed plant species are considered host articles for ECFF. Unless proven otherwise, all cultivars, varieties, and hybrids of the plant species listed herein are considered suitable hosts of ECFF. Changes to this host list will be communicated by SPRO letter.

Scientific Name	Common Name
<i>Berberis aquifolium</i> Pursh	Holly barberry
<i>Berberis heteropoda</i> Schrenk ex Fisch. & C. A. Mey.	N/A
<i>Berberis vulgaris</i> L.	Common barberry
<i>Cornus sanguinea</i> L.	Common dogwood
<i>Lonicera alpigena</i> L.	Alpine honeysuckle
<i>Lonicera</i> spp.	Honeysuckle
<i>Lonicera tatarica</i> L.	Tatarian honeysuckle
<i>Lonicera xylosteum</i> L.	European fly honeysuckle

<i>Prunus avium</i> (L.) L.	Sweet cherry
<i>Prunus cerasus</i> L.	Sour cherry
<i>Prunus mahaleb</i> L.	Mahaleb cherry
<i>Prunus serotina</i> Ehrh.	Black cherry
<i>Prunus</i> spp.	Cherries ¹
<i>Symphoricarpos albus</i> (L.) S. F. Blake	Common snowberry
<i>Symphoricarpos orbiculatus</i> Moench	Coralberry

¹ All cherry species are regulated

III. Conditions for the Interstate Movement of Host Articles

- A. Except as provided in paragraph B of this section, the conditions for the interstate movement of host articles for ECFF are those found in 7 CFR 301.32 *et seq.*, and certificates, limited permits, and compliance agreements will be issued and revoked in accordance with the provisions of that subpart.
- B. The interstate movement of fresh cherry fruit is prohibited from areas within 0.5 mile of an ECFF detection site, unless moved in accordance with (1) the regulations contained in 7 CFR 301.32; (2) the regulations contained in 7 CFR 301.32-10, (3) all applicable State laws, and (4) the systems approach requirements in Section IV below.

IV. Systems Approach for the Interstate Movement of Cherry Fruit from ECFF Quarantined Core Areas of the United States

A. General Requirements

1. Orchards engaged in growing and interstate movement of fresh cherry fruit in an area quarantined for ECFF must meet the conditions specified in paragraph B of this section in order to ship under the conditions of the systems approach.
2. Growers and packers engaged in growing and shipping fresh cherry fruit in a quarantine core area for ECFF must enter into a compliance agreement with their State Department of Agriculture before shipping under the systems approach option. This compliance agreement will specify the terms of the systems approach as well as any other orchard-specific requirements determined to be necessary to prevent the spread of ECFF. An evaluation of the local ECFF delimitation program is required prior to initiation of the compliance agreement.
3. Fresh cherry fruit found eligible for interstate movement under systems approach must be accompanied by a limited permit verifying that all conditions of this protocol and any additional requirements listed in the compliance agreement have been met. A copy of the limited permit must be attached to the consignee's copy of the accompanying waybill.

4. Cherry fruit must be properly labeled. Boxes or other containers of regulated cherry fruit, and shipping documents accompanying the boxes must be clearly marked with the statement “**Limited Permit: USDA-APHIS-PPQ, Not for distribution in California; Michigan; Oregon; Washington; and the counties of Chautauqua, Columbia, Dutchess, Delaware, Niagara (outside the quarantined area), Orleans, Oswego Schuyler, Seneca, Tompkins, Ulster and Wayne in New York; and the counties of Adams, Erie, York and Lancaster in Pennsylvania.**”
5. If ECFF is detected within the orchard under the systems approach, the orchard will be suspended for the remainder of the shipping season from shipping under the terms of the systems approach.
6. The adoption and use of this protocol must be subject to monitoring by an inspector who is responsible for documenting inspection and compliance.

B. Orchard Requirements

1. Orchards must be determined to be areas of low pest prevalence for ECFF. To be considered an area of low pest prevalence when an ECFF quarantine action is triggered, appropriate delimitation trapping and verification activities must take place. The cherry orchard must be under approximately 30 days of regulatory trapping prior to harvest. Regulatory trapping requires that each cherry orchard participating in the systems approach must have at least 1 ECFF trap and a minimum of 2 traps for each five acres. The trap will be placed on the inside of the orchard. The State Department of Agriculture will monitor these traps on a weekly basis beginning approximately 30 days prior to and through harvest.
2. The orchard must have no current season ECFF detections.
3. APHIS and the State Department of Agriculture will complete regulated trapping program activities.
4. Pre-harvest foliar bait spray treatments in orchards beginning approximately 30 days prior to harvest and continuing through the end of harvest using certified applicators must be conducted.
5. If a portion of an orchard block within a core area of a quarantine falls within an area not eligible for the systems approach, the entire contiguous cherry orchard is ineligible.

For further information on the Fruit Fly Program, please contact Fruit Fly National Policy Manager Richard Johnson at 301-851-2109.