

FOR INFORMATION AND ACTION

DA-2019-18
August 1, 2019

Subject: Federal Order for U.S. Imports of Hosts of Tomato Leaf Miner (*Tuta absoluta*)

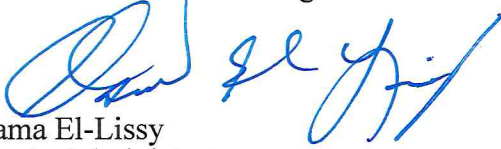
To: State and Territory Agricultural Regulatory Officials

The purpose of the attached Federal Order is to prevent the entry or introduction of the tomato leaf miner (*Tuta absoluta*) into the United States. The Animal and Plant Health Inspection Service (APHIS) has previously issued Federal Orders that imposed import requirements for tomato leaf miner hosts from infested countries. This Federal Order, effective August 16, 2019, replaces the current Federal Order DA-2014-33. This Federal Order updates the host materials with *Salpichroa spp.*, and the list of countries infested by tomato leaf miner with Haiti. The following 33 countries have market access for tomatoes into the United States, if they are able to meet the import requirements of this Federal Order:

- Algeria
- Belgium
- Benin
- Burkina Faso
- Cabo Verde
- Chile
- Costa Rica
- Cote d'Ivoire
- Cyprus
- France
- Gambia
- Ghana
- Greece
- Guinea
- Guinea-Bissau
- Haiti
- Israel
- Italy
- Liberia
- Mali
- Morocco
- Netherlands
- Niger
- Nigeria
- Panama
- Poland
- Portugal
- Senegal
- Sierra Leone
- Spain
- Togo
- United Kingdom
- Western Sahara

The Federal Order also includes a list of 109 countries currently considered infested with tomato leaf miner, and which also prohibits imports of two propagative host materials, *Datura spp.* and *Salpichroa spp.*, and synonyms, except seeds, from these countries.

For additional information regarding this Federal Order, please contact Senior Regulatory Policy Specialist Ms. Claudia Ferguson at 301-851-2352, or via email at Claudia.Ferguson@usda.gov.



Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine
Attachment: Federal Order

FEDERAL ORDER
Tomato Leaf Miner (*Tuta absoluta*)
DA-2019-18
August 1, 2019

The purpose of this Federal Order is to prevent the entry or introduction of the harmful plant pest known as the tomato leaf miner (*Tuta absoluta*) into the United States. In 2009, 2010, 2011, 2012, and 2014 the Animal and Plant Health Inspection Service (APHIS) issued Federal Orders that imposed entry requirements for tomato leaf miner hosts materials from infested countries. This Federal Order, effective August 16, 2019, replaces the current Federal Order DA-2014-33. This Federal Order provides a list of 109 countries considered infested by *Tuta absoluta*, and which also prohibits imports of two propagative materials, *Datura spp. and Salpichroa spp.* and synonyms, except seeds, from all 109 countries considered infested. In addition, this Federal Order adds Haiti to update the list of countries APHIS designates to be infested by tomato leaf miner, but who have market access for tomato fruit (*Solanum lycopersicum*) into the United States. Only the following 33 countries may import tomato fruit into the United States, if they are able to meet one of three import requirements included in this Federal Order.

- Algeria
- Belgium
- Benin
- Burkina Faso
- Cabo Verde
- Chile
- Costa Rica
- Cote d'Ivoire
- Cyprus
- France
- Gambia
- Ghana
- Greece
- Guinea
- Guinea-Bissau
- Haiti
- Israel
- Italy
- Liberia
- Mali
- Morocco
- Netherlands
- Niger
- Nigeria
- Panama
- Poland
- Portugal
- Senegal
- Sierra Leone
- Spain
- Togo
- United Kingdom
- Western Sahara

The following 109 countries in this Federal Order are currently considered infested with tomato leaf miner, and prohibits imports of two propagative host materials, *Datura spp.* and *Salpichroa spp.*, and synonyms, except seeds.

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 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 regulations promulgated under the Plant Protection Act and found in the *Code of Federal Regulations* at 7 CFR 301.53.

APHIS determined that the introduction and establishment of tomato leaf miner poses a serious threat to U.S. agriculture. Restrictions to prevent the introduction and establishment of tomato leaf miner are needed and warranted to address the pest risks associated with imports of tomato fruit and propagative material of *Datura spp.* and *Salpichroa spp.*, and synonyms except seeds.

The tomato leaf miner is widely distributed in South America. In 2006, it was reported in Spain and later spread to other European, African, and Asian countries. The insect is considered a serious pest of all parts of the tomato plant as well as potato (*Solanum tuberosum*) leaves and tubers, and causes major damage if left untreated.

Since the 2014 Federal Order, *Tuta absoluta* has continued to spread and more countries have become infested with *Tuta absoluta*. As amended by this Federal Order, APHIS considers the following 109 countries to be infested with tomato leaf miner, and therefore prohibits imports of propagative materials from *Datura spp.* and *Salpichroa spp.*, and synonyms except seeds.

- Afghanistan
- Albania
- Algeria
- Argentina
- Austria
- Bahrain
- Bangladesh
- Belgium
- Benin
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil
- Bulgaria
- Burkina Faso
- Cabo Verde
- Chile
- Colombia
- Costa Rica
- Cote d'Ivoire
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Ecuador
- Egypt
- Estonia
- Ethiopia
- Finland
- France
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Guernsey
- Guinea
- Guinea-Bissau
- Haiti
- Hungary
- India
- Iran, Islamic Republic of
- Iraq
- Ireland
- Israel
- Italy
- Jordan
- Kenya
- Kosovo
- Kuwait
- Kyrgyzstan
- Latvia
- Lebanon
- Liberia
- Libya
- Lithuania
- Luxembourg
- Mali
- Malta
- Mayotte
- Montenegro
- Morocco
- Mozambique
- Namibia
- Nepal
- Netherlands
- Niger
- Nigeria
- Norway
- Oman
- Panama
- Paraguay
- Peru
- Poland
- Portugal (including the Azores)
- Qatar
- Romania
- Russian Federation
- Rwanda
- Saudi Arabia
- Senegal
- Serbia
- Sierra Leone
- Slovakia
- Slovenia
- South Africa
- South Sudan
- Spain (including the Balearic Islands and Canary Islands)
- Sudan
- Sweden
- Switzerland
- Syrian Arab Republic
- Tajikistan
- Tanzania, United Republic of
- Togo
- Tunisia
- Turkey
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom (including Bermuda, Cayman Islands, Montserrat,

- regions of England, Orkney Islands, Scotland, Wales, and the Channel Islands)
- Uruguay
- Uzbekistan
- Venezuela
- West Bank (Palestinian Authority)
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

Import Requirements for tomatoes from *Tuta absoluta* infested countries

This Federal Order requires tomato fruit to be imported from infested countries **without vines, stems, or calyces** unless they were produced in a pest-free area, or fumigated with methyl bromide treatment schedule T101-c-3-1 in a preclearance program. Commercial shipments of tomato fruit from countries that are infested with tomato leaf miner and are approved to export tomato fruit to the United States, must meet one of the following U.S. import requirements:

1. Tomato Leaf Miner Pest-free area

- Tomato fruit must be imported as commercial consignments only.
- Each tomato consignment must include a phytosanitary certificate of inspection issued by the national plant protection organization of the country of origin and bearing an additional declaration verifying that the tomato fruit was produced in an area free of *Tuta absoluta* that meets the requirements of 7 CFR 319.56-5.

2. Systems approach

The systems approach **must** include **all** of the following:

- Tomato fruit must be imported as commercial consignments only.
- Tomato fruit must be imported **without** vines, stems, or calyces.
- Tomatoes must be grown in pest exclusionary structures (PES), for example, greenhouses or screen houses that are registered with the national plant protection organization (NPPO) of the country of origin.
- The PES must be equipped with double self-closing doors, and all vents or openings in the PES (other than the double closing doors) must be covered with 1.6 mm or smaller screening to prevent the entry of quarantine pests into the PES.
- The PES must be equipped with pheromone-baited traps for tomato leaf miner at a minimum rate of two traps per hectare and with no fewer than two traps per PES.
- All traps must be placed at least two months prior to harvest, maintained throughout the growing season, and monitored and serviced weekly.

- The registered PES must be inspected by the NPPO or its designee throughout the growing season for evidence of tomato leaf miner. The NPPO must maintain trapping records of tomato leaf miner throughout the growing season for APHIS review.
 - If, within 30 days of harvest, two tomato leaf miners are captured inside the PES or a single tomato leaf miner is found inside the fruit or in a consignment, then shipments from the PES will be suspended until APHIS and the NPPO determine that risk mitigation is achieved.
 - The NPPO must maintain an APHIS-approved quality control program to monitor or audit the program. A list of approved PES must be provided to APHIS, and the NPPO must notify APHIS when a PES is removed or added to the program. APHIS may conduct periodic site visits to monitor the program.
 - After harvest, tomatoes must be safeguarded by an insect-proof mesh, size 1.6 mm or smaller screen, or plastic tarpaulin while in transit from the PES to the packinghouse and while awaiting packing.
 - Tomatoes must be packed within 24 hours of harvest in a pest-exclusionary packinghouse.
 - When the packinghouse processes tomatoes for export to the United States, it must accept only tomatoes from a registered PES.
 - For transit to the United States, tomatoes must be packed in insect-proof cartons or containers or covered with insect-proof 1.6 mm mesh or plastic tarpaulin. These safeguards must remain intact until arrival in the United States. Otherwise, the consignment may be refused entry.
 - Each consignment of tomatoes must be accompanied by either:
 - A phytosanitary certificate of inspection issued by the NPPO of the country of origin and bearing the following additional declaration: “Tomato fruit in this consignment was produced and prepared for export in accordance with an APHIS-approved systems approach, and was inspected and found free of *Tuta absoluta*.”
- or**
- A re-export phytosanitary certificate accompanied by a copy of the phytosanitary certificate from the country of origin including the additional declaration: “Tomato fruit in this consignment was produced and prepared for export in accordance with an APHIS-approved systems approach and was inspected and found free of *Tuta absoluta*.”

3. Phytosanitary Treatment for a Preclearance Program

- As provided in 7 CFR 305, methyl bromide treatment schedule T101-c-3-1 is approved for green, red, or pink tomatoes produced in areas infested with tomato leaf miner.

- The methyl bromide treatment may only be applied in a preclearance program. Any tomato leaf miner infested country that is interested in forming a preclearance program should contact APHIS Plant Protection and Quarantine.

For more information regarding this Federal Order you may contact Senior Regulatory Policy Specialist Claudia Ferguson at 301-851-2352, or via email at Claudia.Ferguson@usda.gov.