

February 23, 2009

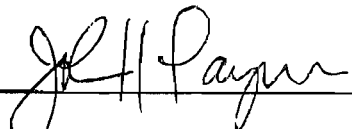
SUBJECT: Federal Order for tomatoes from countries where *Tuta absoluta* is known to occur

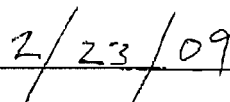
This Federal Order is being issued to prevent the introduction or the dissemination of the harmful pest, *Tuta absoluta*, into the United States. This Federal Order is effective on the 15th day after its issuance (March 10, 2009).

Pursuant to this Federal Order, APHIS will require that shipments of field-grown green tomatoes from Algeria, France, Morocco, and Spain meet additional import requirements to prevent the introduction and establishment of *Tuta absoluta*. Those requirements are described in detail in the attached Federal Order.

Current regulations provide for the importation of pink or red tomatoes from France, Morocco, and Spain if grown in accordance with a systems approach to mitigate the risk associated with the Mediterranean fruit fly, *Ceratitis capitata*. APHIS believes that the existing systems approach, with some additional requirements, will provide the appropriate level of phytosanitary security for tomatoes originating from areas infested with *Tuta absoluta*. Those specific requirements are described in the attached Federal Order.

For additional information regarding this Federal Order, please contact Dr. Devaiah A. Muruvanda, Senior Risk Manager-Entomology, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, (301) 734-0870, Devaiah.A.Muruvanda@aphis.usda.gov.


for Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine


Date

FEDERAL ORDER

Tomato leafminer, *Tuta absoluta* (Meyrick)

February 23, 2009

The purpose of this Federal Order is to prevent the entry or introduction of the harmful plant pest, the tomato leafminer, *Tuta absoluta* (Meyrick, 1917), from foreign countries into the United States. This Federal Order is issued pursuant to the plant pest authority provided by the Plant Protection Act (PPA) of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a), which 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.

This Federal Order action is necessary because the Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that the introduction and establishment of *Tuta absoluta* poses a serious plant pest threat to United States agriculture including certain fruits or vegetables grown in the United States.

Tuta absoluta is a small moth in the family Gelechiidae, Order Lepidoptera. Other serious insect pests in this family include: the angoumois grain moth, *Sitotroga cerealella*; the pink bollworm, *Pectinophora gossypiella* and the potato tuber moth *Phthorimaea operculella*. *Tuta absoluta* has a high reproductive potential. The adult female is approximately 7 mm in length and lays about 260 eggs during their lifetime. The oval eggs are laid on the aerial parts of their host plants. Depending on environmental conditions the life cycle is completed from 29 to 38 days and there may be 10 to 12 generations per year. The larvae attack, feed, and develop on all plant parts above ground. On leaves, larvae feed between the epidermal layers causing irregular mines that may later become necrotic. Fruits can be attacked upon formation and the galleries formed inside them can be infected by secondary pathogens causing fruit rot. Pupation can be either in the soil, on the leaf surface, or within mines.

The moth is widely distributed in South America including; Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Uruguay, and Venezuela. In 2007 it was reported in Spain and in 2008 from Algeria, France and Morocco. Accordingly, the following countries are currently infested with *Tuta absoluta*: Algeria, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, France, Morocco, Paraguay, Spain, Uruguay, and Venezuela.

The main host for *Tuta absoluta* is tomato (*Solanum lycopersicum*) and it is considered a serious plant pest of tomato causing major damage if left untreated. It has also been reported to feed on potato leaves (*Solanum tuberosum*) and eggplant leaves (*Solanum melongena*). Nevertheless, since leaves and plant parts are not allowed to be entered with imported commodities, the pest is not likely to be in the pathway on these commodities.

In addition, it attacks certain other wild hosts such as black nightshade (*Solanum nigrum*), jimson weed (*Datura stramonium*) and tree tobacco (*Nicotiana glauca*), which are also not likely pathways.

Currently, Algeria, Chile, France, Morocco, and Spain are the only countries infested with *Tuta absoluta* that are authorized to export tomatoes to the United States, and field-grown tomatoes that are harvested green currently are admissible from these countries. APHIS already has regulations in place that enable Chile to export field grown tomatoes to the U.S. despite the presence of *Tuta absoluta* provided they are either fumigated with methyl bromide in an established preclearance program as per requirements listed in 7 CFR 319.56-28(d)(1) or grown in accordance with the systems approach outlined in 319.56-28(d)(2).

In order to prevent the introduction or the dissemination of this harmful pest, *Tuta absoluta*, into the United States, the APHIS Administrator has determined that it is necessary to restrict the importation of all currently admissible tomatoes (green, pink or red) from the infested countries, Algeria, France, Morocco, and Spain, unless mitigation measures that provide the appropriate level of phytosanitary security are applied and complied with as required by this Federal Order.

These restrictions to prevent the introduction and establishment of *Tuta absoluta* are immediately needed and warranted to address plant pest risks associated with currently admissible green tomatoes grown in the field. Pursuant to this Federal Order, we will require that shipments of field-grown green tomatoes from Algeria, France, Morocco, and Spain must meet one of the three following import requirements:

- A phytosanitary certificate accompanying the tomato shipment which must also include an additional declaration that the tomatoes in this shipment originate from an area recognized as free of *Tuta absoluta*, as per conditions listed in 7 CFR 319.56-5, or
- Before being shipped for importation into the United States, the tomatoes to be imported are treated with methyl bromide in accordance with 7 CFR 305, treatment schedule T101-c-3-1, an approved treatment for green, red or pink tomatoes produced in areas infested with *Tuta absoluta*. This treatment can only be applied in a preclearance program. Any country desiring establishment of a preclearance program should contact Quarantine Policy Analysis and Support (QPAS) within APHIS, or
- A phytosanitary certificate accompanying the tomato shipment which must also include an additional declaration that the tomatoes in this shipment have been produced in accordance with an approved systems approach (as described below) and have been inspected and are free of *Tuta absoluta*.

Currently, criteria established in the Federal Regulations, 7 CFR 319.56-28 (a), (b) and (c), permit importation of pink or red tomatoes from the countries specified in those

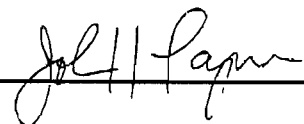
subsections if grown in accordance with a systems approach to mitigate the risk associated with the Mediterranean fruit fly, *Ceratitis capitata*. APHIS believes that this same systems approach with some additional requirements described below will provide the appropriate level of phytosanitary security for tomatoes originating from areas infested with *Tuta absoluta*.

The additional requirements for the approved systems approach for shipments of green, red or pink tomatoes from France, Morocco, and Spain **shall** include **all** of the following:

- The tomatoes must be grown in approved production sites that are registered with the National Plant Protection Organization (NPPO) of the country.
- Tomato production sites must include a Pest Exclusionary Structure which must have double self closing doors and have all other openings and vents covered with 1.6 mm (or less) of screening.
- Registered production sites must conduct regular inspections for *Tuta absoluta* throughout the harvest season and find these areas free of *T. absoluta* evidence (e.g., eggs or larvae). If within 30 days of harvest, two *T. absoluta* are captured inside the greenhouse or a single *T. absoluta* is found inside individual fruit or in a consignment of the fruit, shipments from the production site will be suspended until APHIS and NPPO determine that an appropriate level of risk mitigation has been achieved.
- The NPPO must maintain records of *Tuta absoluta* captures for one year following the date of the capture for APHIS review. The NPPO must maintain an APHIS approved quality control program to monitor or audit the program. APHIS must be notified when a production site is removed or added to the program. APHIS will conduct routine site visits to monitor the program.

This Federal Order is effective on the 15th day after its date of issuance (March 10, 2009). Accordingly, from the 15th day **after** the issuance of this Federal Order, **all** shipments of green, red or pink tomatoes from the countries, Algeria, France, Morocco, and Spain, **must meet** one of the three above import requirements to be admissible into the United States.

The Date of Issuance of This Federal Order is: February 23, 2009



for Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Date 2/23/09