



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Plant Protection
and Quarantine

4700 River Road
Riverdale, MD
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Summary of Process for the Consideration and Approval of Special Need Exception Requests

General Information

These requests are to allow restrictions on regulated articles that are in addition to Federal domestic regulations (see 7 CFR 301) or a Federal Domestic Quarantine Order.

Requests are submitted from a requesting State to the Deputy Administrator of Plant Protection and Quarantine (PPQ).

Requests can be submitted by a State, by a political subdivision of a State, or by multiple states together. If a political subdivision smaller than a State submits a request, it must go through the State. If multiple States submit together, the information must be detailed enough to allow APHIS to evaluate each State separately.

Requests are signed by the executive official or plant protection official of the State.

Data Required in a Request

Survey. The results of a scientifically sound survey that shows that the pest of concern is not in the State or subdivision of the State, or that shows the distribution of the pest.

Risk of entry. A pest risk assessment or scientific data that shows that the pest could enter the area.

Harm or injury. Information that shows that if the pest entered or spread in the State, it would harm agricultural or environmental resources. Quantitative estimates of the potential injury are preferred.

Special basis. Evidence that the area has special or unique characteristics that make it more vulnerable to harm or injury, such as unique fauna or flora, special historical or cultural interest, etc.

Requested restrictions. Details about what specifically is requested, why it is necessary, why it will work and how it will help.

To Submit a Request

- Submit the required information, with a cover letter, to the Deputy Administrator for Plant Protection and Quarantine, APHIS, USDA, Jamie L. Whitten Federal Building, 14th Street and Independence Ave., SW., Room 301-E, Washington, DC.
- If the request is complete, APHIS will publish a notice in the *Federal Register* to inform the public of the request, make the supporting information available to the public for review, and request comment on the request. The notice will have a 60-day comment period.
- APHIS will publish a second notice in the *Federal Register* to inform the public of its decision.

APHIS Actions on a Request

APHIS will make the decision to grant or deny a request based on an evaluation of the information submitted.

If APHIS grants the request, the State or political subdivision of a State will be allowed to impose only those restrictions on movement of regulated articles that were included in the request.

The request is valid for 2 years, at which time the State or subdivision of a State must submit information for a renewal of the special need. Requests for renewal must be received by APHIS between 3 and 6 months before the special need expires.

If a request for renewal is not received by APHIS, or it is received too early or late, the special need will lapse.

If APHIS denies the request, the State or political subdivision of a State will be informed in writing with details of the reason for the denial. The State or political subdivision of a State may submit additional information and request reconsideration.

Withdrawal

APHIS may withdraw a special need that has been approved, if new scientific information, a change in regulations, or other relevant situation occurs. APHIS will publish a notice in the *Federal Register*, and the State or political subdivision of a State will be notified by letter, indicating the reasons for the withdrawal.



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