

FOR INFORMATION/ACTION
DA-2006-13
April 4, 2006

SUBJECT: Publication of a Proposed Rule in the Federal Register to Establish Criteria for Special Need Requests Under the Plant Protection Act

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

On April 4, 2006, we published a proposed rule in the Federal Register to establish criteria for special need requests. Special need requests are authorized by the Plant Protection Act when special circumstances exist in a state or political subdivisions of states that are not fully addressed by a Federal action. Currently, no procedures are in place for the submission or consideration of special need requests. The proposed rule would amend our domestic quarantine regulations to establish a process by which a state or political subdivisions of a state could request approval to impose prohibitions or restrictions on the movement in interstate commerce of specific articles that are in addition to the prohibitions and restrictions imposed by the Animal and Plant Health Inspection Service. This action would establish a process by which states may make a special need request.

This is a proposed rule and does not become regulation until we have solicited and considered comments. We will consider all comments that we receive on or before June 5, 2006. You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and, in the lower "Search Regulations and Federal Actions" box, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, and then click on "Submit." In the Docket ID column, select APHIS-2005-0103 to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the "Advanced Search" function in Regulations.gov.
- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. APHIS-2005-0103, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2005-0103.

- You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

The goal of the proposed rule is to establish subjective criteria that would be used by all petitioners for a special need request and would be used by APHIS to evaluate the requests. We encourage and welcome all comments related to this proposed rule.

/s/ Paul R. Eggert for

Richard L. Dunkle
Deputy Administrator
Plant Protection and Quarantine