

Frequently Asked Questions

USDA Permits for Agriculture Pathogens



Q: What plant pest organisms require a United States Department of Agriculture (USDA) permit? Is there a list of permitted organisms to which investigators can refer?

A. *Regulation 7 CFR 330* covers the authority of the USDA to regulate plant health and plant pest movements. Currently the USDA requires permits for all materials that may represent a health risk to agriculture. There are no specific agent lists. Pest permits are regulated based on type and risk on a case by case basis. According to regulations, a plant pest is any living stage of an insect, mite, nematode, slug, snail, protozoa, or other invertebrate animal, bacteria, fungi, other parasitic plants or reproductive part thereof, virus, or any organisms similar to or allied with any of the foregoing, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

Q: Who needs the transport permit?

A. The person receiving the regulated organism is the permittee. Please note that the regulation applies to interstate or foreign importation of materials. Intrastate transport of materials is not regulated. The shipper will be identified if needed.

Q: Does the transport permit also regulate use or work with the permitted agent?

A. The USDA regulates the transport and use of the regulated organisms. If the regulated organism is considered a significant risk and it is not a select agent, a USDA inspector will evaluate the level of containment of the applicant facility. Most laboratory facilities are BSL-2. The USDA will evaluate the permit application once a satisfactory report from the USDA inspector is received. The USDA issues a permit if the applicant meets the permit conditions.

Q: Do agents or pathogens purchased from a commercial source, such as the American Type Culture Collection, require a USDA permit?

A. Yes.

Q: May the permit holder share the permitted organism(s) with collaborators on campus?

A. Usually no, but sometimes permitted insects can be shared if the work is being done in the same facility, as long as the organism and the intended use are the same.

Q: If the permit holder is still working with the permitted strain and the permit is about to expire, must the permit be renewed?

A. Yes. Currently, it is suggested that permit holders start the renewal process for their permits at least three to four months early. If a new containment facility is necessary, then the permit holder or applicant should start the process six months early.

Q: Is a USDA permit required to receive dead organisms or DNA extracted from regulated organisms?

A. No, the USDA does not require permits for dead organisms or extracted nucleic acids.

Q: If the permit holder wishes to receive plant pest organisms that have been generated synthetically, is a permit required?

A. Yes, those permits are handled through the USDA, the Animal and Plant Health Inspection Service, and the Biotechnology Regulatory Services.

Q: Can the permittee hand carry regulated organisms into this country? If so, what is needed?

A. Yes. A hand carry can only occur if:

- the permittee has a permit which allows hand carry
- the hand carrier is named on the permit
- there is a 20 day notice to the plant permit branch that includes hand carrier passport, return itinerary, description of how samples will be transported, and a third party confirmation of organisms/soil arrived at a designated facility