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Department of Agriculture Reverses Course on APHIS Fee Increases

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OVERVIEW

On October 30, 2009, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service ("APHIS") announced that it withdrew its proposed increases in passenger and aircraft inspection fees. APHIS had issued an interim final rule ("IFR") that planned to increase user fees for, among other things, the agricultural quarantine and inspection of passengers and commercial aircraft arriving in the U.S. APHIS intends to publish a formal notice of its withdrawal in the Federal Register.

BACKGROUND

APHIS initially issued its IFR on September 28, 2009 (74 Fed. Reg. 49311), with an initial effective date of October 1, 2009. In the face of industry opposition, APHIS delayed the effective date of its fee increases to November 1, 2009.

In the IFR, APHIS adopted emergency increases in user fees for the agricultural quarantine and inspection of commercial aircraft arriving in the U.S. on and after October 1, 2009 and international passenger ticket sales made on and after October 1, 2009. The APHIS withdrawn rule would have increased these fees to \$78.00 and \$5.50, respectively.

Comments to the IFR were due by November 27, 2009. After reviewing initial comments and hearing industry concerns, APHIS decided to withdraw the IFR and not increase user fees at this time.

USER FEES

APHIS collects fees for its agricultural quarantine and inspection services ("AQI") at ports of entry. The fees are necessary for APHIS to protect U.S. animal and plant resources from agricultural pests and diseases. AQI fees for commercial aircraft **will remain** \$70.75 per aircraft arrival and \$5.00 per arriving passenger.

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