

Questions and Answers: Agriculture Inspection and Agricultural Quarantine Inspection User Fee Requirements for Canada

Q. What is an agricultural quarantine inspection user fee?

A. The Food, Agriculture, Conservation, and Trade Act of 1990, authorizes the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) to collect agricultural quarantine inspection (AQI) user fees. AQI user fees are collected for both APHIS and the Department of Homeland Security's Customs and Border Protection (CBP) for services provided in connection with preclearance or the port-of-entry arrival of commercial vessels, trucks, loaded railroad cars, and aircraft, as well as international passengers entering the United States from a foreign destination. Passengers and commercial conveyances are subject to user fees even if they aren't actually inspected.

Q. Why does APHIS and CBP charge an AQI user fee?

A. APHIS protects America's animal and plant resources from agricultural pests and diseases. This fee allows APHIS to recover costs, as required by the Food, Agriculture, Conservation, and Trade Act of 1990, for services performed to make safe agricultural trade possible and reduce losses to U.S. agricultural and natural resources.

Q. When did user fees go into effect?

A. In 1991, APHIS began charging user fees for commercial vessels, trucks, loaded railcars, and international air passengers from all countries **except** Canada. In 1992, APHIS began charging a user fee for commercial aircraft from all countries **except** Canada.

Q. What changes are included in the amended AQI inspection and user fee regulations for Canada?

A. APHIS announced in an interim rule published in the August 25, 2006, *Federal Register* that it would be removing inspection exemptions for Canadian-grown fruits and vegetables imported from Canada. This change applies to both commercial shipments and commodities imported by individuals for personal use.

The interim rule also removed the exemption from user fees for all commercial vessels, trucks, loaded railroad cars, and aircraft, as well as international passengers entering the United States from Canada. APHIS finalized the effective dates of this interim rule in the November 22, 2006, *Federal Register*.

Q. Will pedestrians or privately owned vehicles be charged a user fee?

A. No. There will be no fees assessed for pedestrians walking across the border or privately owned vehicles crossing the border at this time.

Q. When will the interim rule be implemented?

A. As of January 1, 2007, air passengers arriving in the United States are no longer exempt from the international air passenger user fee. Effective March 1, 2007, the removal of the inspection exemption for Canadian-grown fruits and vegetables and the user fee exemption for all commercial vessels and aircraft entering the United States from Canada took effect. The remaining provisions of the rule (i.e. the removal of the user fee exemption for commercial trucks and commercial railroad cars entering the United States from Canada) will take effect June 1, 2007.

Q. Why is it necessary to remove the inspection and user fee exemption for commercial conveyances and airline passengers entering the United States from Canada?

A. Removing the inspection and user fee exemption from commercial conveyances and airline passengers entering the United States from Canada is necessary to prevent the introduction of plant pests and diseases into the United States via conventional pathways or through bioterrorism. Recent inspections along the U.S.-Canadian border resulted in numerous interceptions of prohibited fruits, vegetables, and other products originating in regions other than Canada. Such products pose a risk of introducing agricultural pests or diseases into the United States.

Q. What are the objectives of the agriculture inspection and AQI user fee interim rule?

A. The three basic objectives of the rule are to (1) close the inspection exemption for fruits and vegetables entering the United States from Canada, (2) recover the full costs of all AQI services the Federal government incurs to provide inspection and related services to international airline passengers and conveyances entering the United States from Canada, (3) expand AQI services at Canadian airports and along the border for conveyances entering the United States.

Q. What are the benefits of the interim rule?

A. While certain entities will incur costs as a result of this rule, there are numerous benefits to the interim rule. Most importantly, it will help exclude pests and diseases that could be introduced through unauthorized imports from, or through, Canada. AQI inspectors along the U.S.-Canadian border have confiscated numerous prohibited fruits and other articles that can harbor pests and diseases. Under the interim rule, increased inspection will help minimize the chances for pests or diseases to become established in the United States and prevent further costs associated with eradicating them.

Q. What agricultural material, regulated by Title 7 Code of Federal Regulations (CFR), Part 319.56, will be subject to inspection?

A. Under the interim rule, "fruits and vegetables" as defined in 7 CFR 319.56 will be subject to inspection. This section of the CFR defines fruits and vegetables as, "A commodity class for fresh parts of plants intended for consumption or processing and not for planting." Examples include fresh fruits, vegetables, stems, leaves, below ground plant parts, or any parts of plants for consumption.

Q. Will APHIS require a written permit for fresh or frozen fruits and vegetables of Canadian origin?

A. No. Fresh or frozen fruits and vegetables of Canadian origin will be covered by a general permit. A general permit is the authorization by the Secretary of Agriculture to move means of conveyance and regulated articles (e.g., plants, plant products, plant pests, biological control organisms, and noxious weeds) or items that may harbor these organisms, in accordance with the conditions prescribed.

Q. What effect will increased AQI inspections of fruits and vegetables have at the U.S.-Canadian border?

A. AQI inspections already occur at the U.S.-Canadian border. Because additional agricultural inspectors and resources have been provided to conduct the increased inspections, APHIS does not expect delays.

Q. What are the AQI user fee amounts?

A. The current AQI user fee amounts are as follows:
Commercial Trucks: \$5.25 per entry; \$105 annually with a purchased transponder.
Commercial Vessels (100 net tons or more): \$490.00 per entry. After the 15th entry, no charge.
Loaded Commercial Railroad Cars: \$7.75 per entry.
Commercial Aircraft: \$70.50 per arrival.
International Airline Passengers: \$5.00 per arrival.
The user fee amount changes on October 1 of each year. For the most current fees, please visit <<http://www.aphis.usda.gov/mrpbbs/ufees/ufees.html>>.

Q. Are these amounts consistent with the AQI fees collected from conveyances and passengers from the rest of the world?

A. Yes. These fees are the same for every country.

Q. Are there any exemptions that exist in the user fee regulations?

A. Yes. Various exemptions exist for commercial vessels, loaded railroad cars, aircraft, and airline passengers. A complete list of the exemptions can be found in 7 CFR 354.3. However, a summary of the exemptions are as follows:

- Vessels: Weighing less than 100 net tons, "cruises to nowhere", tugboats, government services vessels, and distress vessels.
- Loaded Railroad Cars: Unloaded cars, locomotives, cabooses, and loaded railroad cars on trains that start and stop in the United States and pass through Canada or Mexico but without loading passengers or cargo while outside the United States.
- Aircraft: Governmental services, emergency landings, and aircraft with 64 or fewer seats not carrying fruits, vegetables, plant material, meat, meat products, etc.
- Airline Passengers: Crew members, diplomats, passengers on aircraft used exclusively for government services.

Q. When is the AQI user fee collected and who manages the collected funds?

A. For commercial trucks and vessels, CBP collects the fee at the time of entry or when the truck transponder is purchased. For air passengers, the fee is collected at the point of ticket sale by airlines or travel agents. For commercial aircraft and loaded railroad cars, the fees are remitted directly from railroad and airline companies. Fees are allocated according to an established agreement between APHIS and CBP.

Q. What effect will user fee collections have on trucks at the U.S.-Canadian border?

A. At the Canadian border, trucks already pay other

types of user fees, so any difficulties related to the collection of an AQI user fee at the same time should be minimal to nonexistent.

Q. Where can I get more information on agriculture inspection and AQI user fee requirements for Canada?

A. For additional information, please visit the APHIS Web site at http://www.aphis.usda.gov/newsroom/hot_issues/index.shtml and, under “Hot Issues” click on the link for Agriculture Inspection and User Fees.

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