



MARITIME EXCHANGE

for the Delaware River and Bay

Leading the Way to Port Progress

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May 24, 2019

Regulatory Analysis and Development
Animal Plant Health Inspection Service
Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

RE: User Fees for Agricultural Quarantine and Inspection Services
Docket No. APHIS-2013-0021

Please accept the following comments on the above-referenced matter, submitted on behalf of the 300 members of the Maritime Exchange for the Delaware River and Bay and its AQI working group.

- We do not dispute that APHIS has statutory authority to build a reserve fund; however it is imperative that APHIS must operate fully transparently if it elects to exercise this option. Specifically, those who are paying the fees that fund the reserve account have a right to know — and APHIS has a duty to divulge — how much the account will contain and the percentage of fees from each service line (e.g., vessel fees, treatment fees) used to fund it.
- Since user fees by their very nature are imposed to support specific services, stakeholders remain concerned that AQI fee revenue from one source will subsidize activities in another; this is particularly apparent when considering building a reserve. For example, if APHIS dips into its reserve because air passenger volume decreases, it is in fact using funds paid into the reserve by other sectors to fund passenger processing.
- A final concern involves the unfortunate reality USDA may face when activities are sufficient to cover expenses but collections are lagging. Again, using reserve funds in these instances in essence requires those who are paying the fees in good order to subsidize activities for those who are not.

While we realize these issues do not necessarily speak to the specific request outlined in the federal register notice, our purpose in writing is to make APHIS aware of these concerns, to encourage the agency to ensure it has considered the questions, and to request that it notify the regulated public of its response before it decides to exercise any authority it may have to collect fees above and beyond costs in order to build a reserve fund.

Thank you for your consideration of these comments. Please contact me at 215-925-2615 or at dennis.rochford@maritimedelriv.com with questions or for additional information.

Sincerely,

Dennis Rochford
President

cc: Lisa Himber, Vice President