

United States Senate

December 18, 2023

Administrator Kevin Shea
U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Jamie L. Whitten Federal Building
1400 Independence Avenue, SW
Room 312E
Washington, DC 20250

Dear Administrator Shea:

I am writing in opposition to the proposed rule by the Animal and Plant Health Inspection Service (APHIS) that would impose user fees for the first time on small aircraft entering the United States. This rule imposes user fees of \$288 starting next year and ramps fees up to \$373 in four years. It also eliminates the exemption from this fee for aircraft with less than 64 seats.

According to APHIS' own data, aircraft size is not the right metric for assessing phytosanitary risk, rather, the risk factor for each aircraft is based on what the aircraft is carrying. APHIS' rule states that what is being transported has a great deal of bearing on the risk and on APHIS' workload. Aircraft with perishable goods, other cargo freight, cargo mail and express package delivery make up the bulk of the phytosanitary risk and of the inspection burden.

Further, there is insufficient data to support this new rule. Without data for hitchhiking pests entering via small passenger aircraft, there is no basis to impose these higher fees. Moreover, APHIS' inspection is limited to only the hull and cargo compartment; APHIS does not inspect the passengers, their baggage and the passenger cabin. These inspections are covered separately by Customs and Border Protection and paid for by the air passenger international arrival fee.


APHIS has also failed to consider the pre-existing 64-seat exemption which historically applied to protect smaller aircraft flights arriving in my state with far fewer seats from the exorbitant burden of these fees. The new rule simply obliterates the exemption altogether. Most often, these are flights returning tourists from vacations and recreational activities on small islands offshore. These aircraft typically hold 16 or fewer passengers and do not carry perishable goods, other cargo freight and mail, or express packages.

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This rule, if implemented, would have drastic consequences on Florida's small aircraft tourist industry. Often, these flights accommodate 16 or fewer passengers and are not engaged in the transportation of perishable goods, cargo freight, or express packages. The imposition of user fees starting at \$288 and increasing to \$373 over the next four years on these flights could significantly escalate the cost of travel for tourists, thereby deterring potential visitors and diminishing the economic viability of small business air carriers in the region. As these flights are not associated with the phytosanitary risks targeted by the proposed rule, it is crucial to reconsider and tailor the regulatory approach to avoid unwarranted economic repercussions for Florida's small aircraft tourist industry.

Applying rules for inspecting cargo and express package flights to tourist, seaplane and business aircraft flights is an error that has a substantial likelihood of being found arbitrary and capricious for its failure to tailor the remedy to the actual sources of risk and burden of inspection. Please review and amend this rule using sound science and practical common sense before it is made final to prevent unnecessary economic harm.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Scott", with a stylized, cursive script.

Rick Scott
United States Senator

Cc: The Honorable Thomas Vilsack, Secretary, U.S. Department of Agriculture