

Congress of the United States

Washington, DC 20515

December 14, 2023

The Honorable Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Avenue
Washington, DC 20250

Dear Secretary Vilsack,

We write to respectfully request the reopening of the public comment period for the proposed rule on “User Fees for Agricultural Quarantine and Inspection Services” issued on August 11, 2023, by the Animal and Plant Health Inspection Services (APHIS). We are concerned that impacted stakeholders who have a unique perspective and stand to face significant changes to their operations were not aware of the proposed rule (because they are small aviation businesses and not involved in the agricultural industry) and did not have an opportunity to provide feedback prior to the close of the public comment period on October 10, 2023.

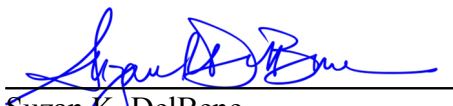
For the first time, this rule would impose significant user fees on small aircraft entering the United States and eliminate the exemption from this fee for aircraft with less than 64 seats. We’ve heard from companies in our respective states who are concerned that the fee changes in the proposed rule would disproportionately impact small aircraft operators who provide international services. Most often, these are flights returning tourists from vacations and recreational activities on small islands offshore. These aircraft typically hold 16 or less passengers, and do not carry perishable goods, other cargo freight and mail, or express packages.

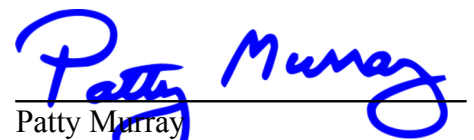
We understand the need for timely updates for the Agricultural Quarantine and Inspection (AQI) program’s user fees and are supportive of the important work the AQI program does to prevent the introduction of harmful foreign pests and diseases. However, we also think it is important to ensure that these smaller constituent companies in our states have the ability to weigh in on the proposed updated fee structure, especially given the potential to increase fees by \$300 per flight for certain carriers.

Before applying these new rules for inspecting cargo and express package flights to tourist, seaplane, and business aircraft flights, we urge you to reopen the public comment period for an additional 30 days to allow ample opportunity for the consideration of additional perspectives. Additionally, we request a briefing on APHIS’s stakeholder engagement that they undertook in advance of developing this proposed rule.

Thank you for your prompt attention to this matter and we look forward to your timely response.

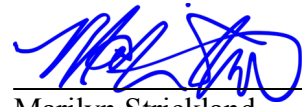
Sincerely,


Suzan K. DelBene
Member of Congress

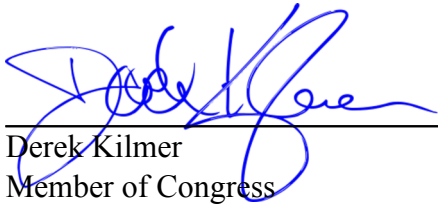

Patty Murray
United States Senator

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Maria Cantwell
United States Senator

A handwritten signature in blue ink, appearing to read "Marilyn Strickland", written over a horizontal line.

Marilyn Strickland
Member of Congress

A handwritten signature in blue ink, appearing to read "Derek Kilmer", written over a horizontal line.

Derek Kilmer
Member of Congress

A handwritten signature in blue ink, appearing to read "Marco Rubio", written over a horizontal line.

Marco Rubio
U.S. Senator