

# GROWERTALKS

## SAF in the Lobby

11/27/2015

### USDA Sets Increased Fees For Border Inspections, Inspector Overtime

*Society of American Florists*

New fees were announced this week for user fees charged to conduct agricultural quarantine inspections (AQI) at U.S. ports of entry, to be effective December 28, 2015.

APHIS and the U.S. Customs & Border Protection Service (CBP) jointly announced the new rule, following several years of study and an independent review by an accounting firm to determine the actual costs of delivering AQI services, as well as consideration of over 200 public comments.

“The fee adjustment is necessary,” APHIS said, “Aligning the cost of providing services with what the U.S. government charges.” The user fees cover both APHIS and CBP inspector salaries and costs, and are mandated by the 1990 Farm Bill to shift program costs from taxpayers to the products requiring inspection.

The new fee structure will increase the cost of inspecting commercial aircraft from the current \$70.75 to \$225; the cost for commercial trucks will go from \$5.25 to 7.55; the cost for cargo ships will rise from \$496 to \$825; and the cost for APHIS conducting or monitoring quarantine treatments will increase incrementally from \$47 per treatment in year one to \$237 in the fifth and following years.

SAF and AmericanHort submitted formal comments on the proposed changes, supporting the need to provide cost recovery, but questioning the use of a CBP cost model, noting that agriculture “should not be asked to support a large and costly CBP infrastructure without a more detailed knowledge of what underlies those costs.” We also strongly objected to the originally proposed \$375 treatment fee, questioning the need for APHIS supervision of each treatment. In response, the treatment fee has been lowered, but is still retained.

Asocolflores also commented on the proposal, pointing out the likely detrimental impact on trade, commerce and the U.S. economy. The Association of Floral Importers of Florida (AFIF) pointed to the very detrimental effect of adding additional costs to an already thin-margin industry. Numerous agriculture, shipping and other stakeholders opposed the increases as well.

APHIS also has announced increased fees for inspectors’ overtime services, effective November 2,

increasing the current rate of \$41/hour (\$55/hour on Sundays) to \$64/hour (\$85/hour Sundays) for inspection of air cargo. SAF and AmericanHort had submitted formal comments strongly opposing the proposed increases and recommending that overtime be charged in less than four-hour blocks. Asocolflores and AFIF also provided comments opposing those changes. Nonetheless, overtime fees will remain substantially as originally proposed.

## **Immigration Reform: A Central Theme In The House Speakership Soap Opera**

With Rep. Paul Ryan (R-WI) as the new Speaker of the House, don't look for immigration reform to surface in a meaningful way any time soon. Here's why:

On Thursday, October 29, Ryan was elected Speaker by the full House of Representatives with 236 votes versus 184 votes cast for Minority Leader Nancy Pelosi (D-CA) who was the Democratic nominee for the position. The 10 Republicans who voted against Ryan cast their votes for Rep. Daniel Webster (R-FL).

One of the major issues of concern of those voting against Ryan was his past support for comprehensive immigration reform.

As recent as April of 2013, Ryan was working with Rep. Luis Gutierrez (D-IL) to reform our immigration system. At that time, Ryan said:

"For the first time in a long time, I really believe we have an opportunity to have a real long-term solution. And I'm not talking some quick fix. I'm talking an enduring system that works, that honors the rule of law, that honors the faith of the immigration system. And it's because of people like Luis Gutierrez and Paul Ryan and everybody between are talking to each other in a sincere way to come together to find common ground to once and for all to get this done."

Ryan's views and efforts caused great concern among conservatives who oppose comprehensive immigration reform. Typical among the comments critical of Ryan were those that depicted Ryan as an "avowed enemy of patriotic immigration reform" and noted that he "co-sponsored five amnesty bills" including the "misnamed Secure America and Orderly Immigration Act, which was identical to a bill introduced by Ted Kennedy and John McCain and would have granted amnesty to virtually every single illegal alien in the country and massively increased legal immigration."

In 2011, NumbersUSA, an anti-immigration group, gave Ryan an "F" on "amnesty" and "F-" on reducing foreign workers and ending chain migration. It's interesting to note that they give him an "A-" for immigration-reduction between 2013 and 2015, however.

Members of the House Freedom Caucus, which consists of the most conservative Republican Tea Party members, are strongly opposed to comprehensive immigration reform. They were enraged by President Obama's executive actions that provided waivers to undocumented immigrants allowing them to stay in the country and don't trust the president to enforce current immigration law or any new law that may be passed.

In meetings with the Freedom Caucus while Ryan was running for Speaker, concerns were raised about his past support of immigration reform, a significant litmus test for that group. Members of the group feared that he could use the speakership to force through immigration legislation that they vehemently oppose.

After a meeting with the group, Ryan made two promises:

- 1) It's unwise or unproductive to bring up any immigration legislation so long as Barack Obama is president.
- 2) As Speaker, Ryan won't allow any immigration bill to reach the House floor for a vote unless the immigration bill is "supported by a majority of the majority" of the House Republican Conference.

Those promises were key in Ryan securing a majority of caucus members' votes for Speaker.

As a result, don't expect any significant comprehensive immigration reform to be considered, much less passed, until at least 2017, if then.

## **"Federal Water Quality Protection Act" Scheduled for Vote**

The Senate will soon vote on legislation rescinding the Environmental Protection Agency's (EPA) controversial "Waters of the U.S." ("WOTUS") regulation. The bill, S. 1140, also requires the EPA to consult with state officials and businesses to develop a new rule. The House passed similar legislation earlier this year.

The WOTUS rule, issued over the strong objections of agriculture and other affected industries, as well as the opposition of many states and members of Congress, would have gone into effect on August 28, greatly expanding federal anti-pollution requirements to many wetlands and streams not currently covered by the Clean Water Act. However, one day before it went into effect, a federal judge in North Dakota blocked the rule, and subsequently, on October 9, the U.S. 6th Circuit Court of Appeals issued a nationwide preliminary injunction prohibiting its enforcement while the courts continue to resolve the legal issues.

EPA is prevented from enforcing the rule while the legalities are being resolved, but there's no guarantee that once the lengthy legal process is finished, the rule will be overturned. Senator James Inhofe (R-OK), chairman of the Senate Environment and Public Works Committee, said that because the legal process can take several years, the 6th Circuit's ruling makes it all the more important for Congress to pass S. 1140, which currently has 46 co-sponsors.

American Farm Bureau President Bob Stallman issued a statement urging support of legislation, saying, "The judges expressed deep concerns over the legality of this rule. We're not in the least surprised: This is the worst EPA order we have seen since the agency was established more than 40 years ago."

SAF joined AmericanHort and the National Christmas Tree Association last November in formal comments opposing on the proposed rule, saying, "The rule's expanded Clean Water Act permitting and associated direct costs and delays could affect all work performed near water, including ditches, irrigation ponds and golf course ponds. It will also expose horticultural farms and businesses to the threat of increased nuisance

*"SAF in the Lobby" is produced by the Society of American Florists, 1601 Duke Street, Alexandria, Virginia 22314; Tel: (703) 836-8700 or (800) 336-4743; Fax: (703) 836-8705; or visit the SAF Web site: [www.safnow.org](http://www.safnow.org). For more information on legislative issues, contact the Government Relations Department.*