

Animal and Plant Health Inspection Service, USDA

§ 130.30

in addition to the user fee listed in this section.

(Approved by the Office of Management and Budget under control number 0579-0055)

[57 FR 771, Jan. 9, 1992. Redesignated at 58 FR 67655, Dec. 22, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §130.20, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 130.21 [Reserved]

§ 130.22 User fees for inspection services outside the United States.

(a) If inspection services (including inspection, testing, and supervision services) are performed outside the United States, in accordance with this title, and the regulations do not contain a provision for payment of the cost of the service, the person requesting the service must pay a user fee under this section.

(b) Any person who wants APHIS to provide inspection services outside the United States must contact the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737-1231, to make an agreement.

(c) All agreements must include the following:

(1) Name, mailing address, and telephone number of either the person requesting the inspection services, or his or her agent;

(2) Explanation of inspection services to be provided, including the regulations in title 9, Code of Federal Regulations which provide for the services;

(3) Date(s) and time(s) the inspection services are to be provided;

(4) Location (including street address) where inspection services are to be provided;

(5) An estimate of the actual cost, as calculated by APHIS, to provide the described inspection services for 6 months;

(6) A statement that APHIS agrees to provide the inspection services;

(7) A statement that the person requesting the inspection services, or, if appropriate, his or her agent, agrees to pay, at the time the agreement is entered into, a user fee equal to the estimated cost of providing the described inspection services for 6 months; and

(8) A statement that the person requesting the inspection services, or, if appropriate, his or her agent, agrees to maintain a user fee payment account equal to the cost of providing the described inspection services for 6 months, as calculated monthly by APHIS.

(d) APHIS will enter into an agreement only if qualified personnel can be made available to provide the inspection services.

(e) An agreement can be terminated by either party on 30 days written notice.

(f) If, at the time an agreement is terminated, any unobligated funds remain in the user fee payment account, APHIS will refund the funds to the person who requested the inspection services, or his or her agent.

[57 FR 771, Jan. 9, 1992. Redesignated at 58 FR 67655, Dec. 22, 1993; 59 FR 67617, Dec. 30, 1994]

§§ 130.23-130.29 [Reserved]

§ 130.30 Hourly rate and minimum user fees.

(a) User fees for import- or export-related veterinary services listed in paragraphs (a)(1) through (a)(18) of this section, except those services covered by flat rate user fees elsewhere in this part, will be calculated at the hourly rate listed in the following table for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§130.50 and 130.51.

	User fee				
	Apr. 29, 2009–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Oct. 1, 2011–Sept. 30, 2012	Beginning Oct. 1, 2012
Hourly rate:					
Per hour	\$120.00	\$120.00	\$124.00	\$128.00	\$132.00

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	User fee				
	Apr. 29, 2009–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Oct. 1, 2011–Sept. 30, 2012	Beginning Oct. 1, 2012
Per quarter hour	30.00	30.00	31.00	32.00	33.00
Per service minimum fee	35.00	36.00	37.00	39.00	40.00

(1) Providing services to live animals for import or entry at airports, ocean ports, and rail ports.

(2) Conducting inspections, including inspections of laboratories and facilities (such as biosecurity level two facilities), required either to obtain import permits for animal products, aquaculture products, or organisms or vectors, or to maintain compliance with import permits. This hourly rate does not apply to inspection activities covered in §130.11.

(3) Obtaining samples required to be tested, either to obtain import permits or to ensure compliance with import permits.

(4) Providing services for imported birds or ratites that are not subject to quarantine, such as monitoring birds—including but not limited to pet birds—between flights.

(5) Supervising the opening of in-bond shipments.

(6) Providing services for in-bond or in-transit animals to exit the United States.

(7) Inspecting an export isolation facility and the animals in it.

(8) Supervising animal or bird rest periods prior to export.

(9) Supervising loading and unloading of animals or birds for export shipment.

(10) Inspecting means of conveyance used to export animals or birds.

(11) Conducting inspections under part 156 of this chapter.

(12) Inspecting and approving an artificial insemination center or a semen collection center or the animals in it.

(13) Import or entry services for feeder animals including, but not limited to, feeder goats and feeder bison not covered by a flat rate user fee in §130.7.

(14) Export-related bird banding for identification.

(15) Export-related inspection and approval of pet food facilities, including laboratories that perform pet food testing.

(16) Export-related services provided at animal auctions.

(17) Various export-related facility inspections, including, but not limited to, fertilizer plants that utilize poultry waste, rendering plants, and potential embarkation facilities.

(18) Providing other import-or export-related veterinary services for which there is no flat rate user fee specified elsewhere in this part.

(b) *When do I pay an additional amount for employee(s) working overtime?* You must pay an additional amount if you need an APHIS employee to work on a Sunday, on a holiday, or at any time outside the normal tour of duty of that employee. Instead of paying the hourly rate user fee, you pay the rate listed in the following table for each employee needed to get the work done.

Overtime rates (outside the employee's normal tour of duty)	Premium rate user fee				
	Apr. 29, 2009–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Oct. 1, 2011–Sept. 30, 2012	Beginning Oct. 1, 2012
Premium hourly rate Monday through Saturday and holidays:					
Per hour	\$140.00	\$144.00	\$148.00	\$152.00	\$156.00
Per quarter hour	35.00	36.00	37.00	38.00	39.00
Premium hourly rate for Sundays:					
Per hour	160.00	164.00	168.00	172.00	\$176.00
Per quarter hour	40.00	41.00	42.00	43.00	44.00

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[65 FR 52009, Aug. 28, 2000, as amended at 68 FR 51886, Aug. 29, 2003; 72 FR 70766, Dec. 13, 2007; 74 FR 14006, Mar. 30, 2009]

§§ 130.31–130.48 [Reserved]

§ 130.49 Exemptions.

(a) *Veterinary diagnostics.* User fees for veterinary diagnostic services, including, but not limited to, tests and diagnostic reagents specified in §§130.14 through 130.19, are not charged under the following conditions:

(1) When veterinary diagnostic services are provided in connection with Federal programs to control or eradicate diseases or pests of livestock or poultry in the United States (program diseases);

(2) When veterinary diagnostic services are provided in support of zoonotic disease surveillance when the Administrator has determined that there is a significant threat to human health; and

(3) When veterinary diagnostic reagents are distributed within the United States for testing for foreign animal diseases.

(b) [Reserved]

[62 FR 61007, Nov. 14, 1997, as amended at 63 FR 53796, Oct. 7, 1998]

§ 130.50 Payment of user fees.

(a) *Who must pay APHIS user fees?* Any person for whom a service is pro-

vided related to the importation, entry, or exportation of an animal, article, or means of conveyance or related to veterinary diagnostics, and any person requesting such service, shall be jointly and severally liable for payment of fees assessed.

(b) *Associated charges*—(1) *Reservation fee.* Any reservation fee paid by an importer under part 93 of this chapter will be applied to the APHIS user fees specified in §§130.2 and 130.3 for animals or birds quarantined in an animal import center.

(2) *Special handling expenses.* The user fees in this part do not include any costs that may be incurred due to special mail handling, including, but not limited to, express, overnight, or foreign mailing. If any service requires special mail handling, the user must pay all costs incurred, in addition to the user fee for the service.

(3) *When do I pay an additional amount for employee(s) working overtime?* You must pay an additional amount if you need an APHIS employee to work on a Sunday, on a holiday, or at any time outside the normal tour of duty of that employee. You pay the amount specified in paragraphs (b)(3) (i) or (ii), as relevant, for each employee needed to get the work done.

(i) *What additional amount do I pay if I receive a flat rate user fee service?* In addition to the flat rate user fee(s), you pay the overtime rate listed in the following table for each employee needed to get the work done:

OVERTIME FOR FLAT RATE USER FEES^{1,2}

	Outside of the employee's normal tour of duty	Overtime rates (per hour)		
		Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Rate for inspection, testing, certification or quarantine of animals, animal products or other commodities. ³	Monday-Saturday and holidays.	\$48.00	\$49.00	\$51.00
Rate for commercial airline inspection services. ⁴	Sundays	63.00	65.00	67.00
	Monday-Saturday and holidays.	39.00	40.00	41.00
	Sundays	51.00	53.00	55.00

¹ Minimum charge of 2 hours, unless performed on the employee's regular workday and performed in direct continuation of the regular workday or begun within an hour of the regular workday.

² When the 2-hour minimum applies, you may need to pay commuted travel time. (See §97.1(b) of this chapter for specific information about commuted travel time.)

³ See §97.1(a) of this chapter or 7 CFR 354.3 for details.

⁴ See §97.1(a)(3) of this chapter for details.

(ii) *What amount do I pay if I receive an hourly rate user fee service?* Instead of paying the normal hourly rate user fee under §130.30(a), you pay the premium