

# Veterinary Services User Fees Questions and Answers

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## GENERAL QUESTIONS

Question 1: **Why Do We Charge?** Why do we charge user fee for the services we provide?

Answer: In the 1990 Farm Bill as amended by the Omnibus Budget Reconciliation Act, Congress authorized APHIS to implement user fees for full-cost recovery of costs relating to import, export and veterinary diagnostic services we provide. Subsequently, appropriated funds to perform these activities were removed. User fees allow the Agency to transfer the costs of providing these services to the actual beneficiaries of our services.

Question 2: **Interpreting Regulations:** Who has ultimate responsibility for interpreting user fee regulations?

Answer: The User Fees Section of the Budget and Accounting Division is responsible for reviewing the adequacy of the cost components included in the fees and for developing proposals for fee changes based on contacts with headquarters, field and port personnel. Regulations are interpreted by the Policy and Program Development Staff and by the Office of the General Counsel when necessary. Chapter 2 of the Veterinary Services (VS) User Fee Operating Procedures Manual outlines the related responsibilities of different staffs in APHIS and contact persons.

Question 3: **Service Codes:** How can we determine the service codes for various user fee activities? Is the import hourly rate service code the same as the export hourly rate service code? Do the premium hourly rate user fees get charged using the same service codes as the hourly rate user fees?

Answer: Service codes are listed in the Exhibits at the ends of Chapters 7, 8, and 9 (Import, Export, and NVSL User Fees, respectively) of the VS User Fee Operating Procedures Manual. Service codes are tied to specific accounting codes and are designed in such a way that they can easily be used for statistical purposes and analysis of user fee work. The 100 series codes are used for export, the 400 series codes are used for import, and the 600-2000 codes are used for veterinary diagnostic user fees.

All import and export services have unique service codes. There is an export hourly rate service code (111) and a separate import hourly rate service code (401). Premium hourly rate user fees have their own, unique service codes as well.

Question 4: **Exemptions:** Are State laboratories exempt from VS user fees?

Answer: No, not as a general rule. Some NVSL tests and services are not subject to user fees, such as those related to APHIS disease programs. Please call the NVSL help line at (515)239-8571 if you require additional information.

Question 5: **Records Retention:** How long do we keep copies of APHIS Form 81s, Statement of Services, in the office?

Answer: Keep copies of APHIS Form 81s for three years. Per the Records Management Manual, retire the forms to the Federal Records Center after three years. After six years and three months, the forms may be destroyed. Refer to the Records Management Manual for more information.

Question 6: **Travel:** Should we charge for travel during regular tour-of duty hours in addition to the flat rate user fees? For travel to limited ports? To inspect approved product establishments or slaughter establishments?

Answer: No, these are services for which there is a flat rate user fee. Travel costs are included in the flat fees. Travel for hourly services should be charged at the hourly rate (appropriate premium rate if on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s)) in addition to the charges for the time to provide the service. See Section 7.2.1 of the VS User Fee Operating Procedures Manual for information on import travel times and Section 8.2.1 for information on export travel times.

Question 7: **Commuted Travel Times (CTT) and User Fees:** I understand the way rates applied for travel times using the premium hourly rate user fee correspond to the way the rates are applied for reimbursable overtime (I.e., on Sundays the lower, weekday/holiday/Saturday rate is used). Isn't there an easier way for us to determine what rates should be applied for CTT?

Answer: The following chart was devised to make it easier to determine what, if any, rate should be used for CTT. It also contains references to help determine the number of CTT hours to charge for.

## USER FEES - COMMUTED TRAVEL TIMES

TYPE OF FEE	TIME SERVICE IS PROVIDED	CHARGE	EXAMPLE	CTT RATE	
Flat Fee	Normal TOD	Flat Fee	+\$19/Head	\$0 Per Hour	
	Outside TOD - Weekday, Holiday, or Saturday	Flat Fee + Weekday, Holiday, Saturday ROT Rate	\$19 Plus \$37.84	\$37.84 Per Hour	*
	Outside TOD - Sunday	Flat Fee + Sunday ROT Rate	\$19 Plus \$47.96	\$37.84 Per Hour	*
Hourly Fee	Normal TOD	Hourly Fee	\$56/Hour	\$56 Per Hour	*
	Outside TOD - Weekday, Holiday, or Saturday	Weekday, Holiday, Saturday Premium Rate	\$65/Hour	\$65 Per Hour	*
	Outside TOD - Sunday	Sunday Premium Rate	\$74/Hour	\$65 Per Hour	*

\* - Refer to the commuted traveltime allowances (number of hours) listed in 9CFR97.2 to determine the number of travel hours to charge when reimbursable overtime (ROT) or the premium user fee rate. If the location served is not listed, follow Sections 7.2.1-1 and 7.2.1-2 (Import) or 8.2.1-1 and 8.2.1-2 (Export) of the VS User Fee Operating Procedures Manual.

\*\* - Refer to Sections 7.2.1-1 and 7.2.1-2 (Import) or 8.2.1-1 and 8.2.1-2 of the VS User Fee Operating Procedures Manual for guidelines on computing the number of travel hours to charge the client.

Question 8: Agreements: Now that we have user fees, will VS still provide services under agreements?

Answer: Although the user fees cover many services, VS will continue to provide some import-export services under agreements. This list includes, but is not limited to, servicing commercial bird quarantine stations; inspecting animals, products, or facilities outside the immediate boundaries of the U.S.; and providing services at the Harry S Truman Animal Import Center. All work done under agreements will be charged to accounting codes specifically established for those agreements.

Question 9: **Overtime Employee Pay for Commercial Bird Quarantines:** How are employees paid for reimbursable overtime services provided for commercial bird quarantines?

Answer: In accordance with APHIS Directive 402.3, Premium Pay for Employees Performing Inspection and Quarantine Services Relating to Imports into and Exports from the United States, the only ROT situation that is allowable while the birds are in the quarantine facility is emergency treatment of the birds at the owners's request. Any other overtime that occurs while birds are in quarantine is paid under the overtime rules for Title V and the Fair Labor Standards Act and would be directly charged to the Cooperative Service Trust Fund agreement.

Question 10: **Commercial Bird Quarantine Services:** What do we charge for commercial bird quarantine services we provide? Please describe what should be charged when the work is performed during the normal tour of duty of the employee and on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

Answer: A. **Services at the Port of Entry or Embarkation:** Services provided at the port of entry or port of embarkation in connection with commercial bird quarantine (CBQ) stations will be charged to the importer at the user fee hourly rate if the work is done during the normal tour of duty (TOD) hours, or at the premium hourly rate if the work is performed on a Sunday, holiday, or at any other time outside the normal TOD. Use the User Fee System for recording these charges on an APHIS Form 81.

Example 1: If the employee's TOD is from 0800-1630 hours and work is performed from 1300-1400 hours during a weekday. Charge the customer one hour at the normal hourly rate. The employee would only receive pay at his/her basic hourly rate.

Answer to  
Question 10:  
(Continued)

Example 2: If the employee's TOD is from 0800-1630 hours and on a weekday, the employee left the duty location after completing a regular work day and was called back to work from 1900-2000 hours, charge the customer one hour at the premium hourly user fee rate including full commuted travel time (CTT) amounts. Note: Although the employee will be entitled the 2-hour minimum plus CTT, only one hour may be charged to the customer for the work time because of the way the user fees are structured.

- B. **Services During the Quarantine Period:** Charge the importer's Cooperative Trust Fund Agreement accounting code for all salary and other expenses after the birds enter the quarantine station and until they are released. The Time and Attendance (T&A) report(s) and other obligating documents must show the Cooperative Trust Fund Agreement accounting code.
- C. **Reimbursable Overtime (ROT):** Charge ROT to the cooperator's Cooperative Trust Fund Agreement account, through the User Fee System, using an APHIS 81 when a VS employee administers emergency care of the birds on a Sunday, holiday, or any other time outside the normal TOD of the employee at the owner's request. Two new codes have been added to the User Fee System to record this type of reimbursable overtime. These codes are 409 for CBQ ROT on weekdays and holidays and 410 for CBQ ROT on Sundays.
- a. The VS employee completing the APHIS 81 must note in the "REMARKS" section of this document: 1) name of the employee(s) who provided the services; 2) name of the importer; 3) importer's Cooperative Trust Fund Agreement accounting code; and 4) applicable quarantine period.
  - b. The APHIS 81 should be distributed as usual, including a copy to the lockbox; however, the VS Area Office (or the field unit completing the APHIS 81) must provide an additional xerox copy of this document to the FSO Accounting Team.
  - c. After receiving the copy of the APHIS 81 with the note in the "REMARKS" section, the FSO Accounting Team will transfer the charge for the ROT to the cooperator's Cooperative Trust Fund Agreement account.

- Answer to Question 10: (Continued)
- d. The T&A clerk must code the T&A for the ROT hours to X75 9XXX 176, not the importer's trust fund account which is structured X83 9XXX XXX.
  - e. FSO will credit the X75 9XXX 176 account and debit the designated trust fund account for allowable ROT charges.

Question 11: **Airport and Airway Development Act:** Please provide some guidance as to how the Airport and Airway Development Act affects user fees services we provide, such as supervising the cleaning and disinfection of the planes.

Answer: The Airport and Airway Development Act (49 U.S.C. 1741) says that services during "regularly established hours of service on Sundays or holidays shall be reimbursed...the same...as if such service had been performed during regularly established hours of service on weekdays." See Sections 7.4 and 8.4, Airport and Airway Development Act and User Fees, of the VS User Fee Operating Procedures Manual and Examples #7 and #8 of Exhibit 7-5, Examples of Overtime Situations Using the Premium User Fee Rate.

Question 12: **Owners/operators of Aircraft Acting as Brokers:** Owners and operators of aircraft are sometimes provided services at lower rates than other customers. If an owner or operator of an aircraft is receiving services from APHIS and is acting as a broker for other animal owners, do we still apply the lower rates?

Answer: Yes. Apply the lower rates even though the owner/operator of the aircraft is acting as a broker for other animal owners.

## **QUESTIONS ON §130.1 DEFINITIONS**

Question 13: **Definition of "load":** What does the definition of "load" really mean?

Answer: Load is defined as, "*Those animals, birds, or animal germ plasm, presented for importation into the United States in a single shipment, that originate from one address, are destined for one address, and require one entry permit or authorization.*" This definition was clarified on 6/6/96, to eliminate a single charge for multiple entries of slaughter animals on one truck and to change the unit for germ plasm from "per permit" to "per load." This change in unit description was necessary to cover germ plasm from Canada which is imported under a blanket permit, rather than an individual permit.

**QUESTIONS ON §130.2 USER FEES FOR INDIVIDUAL ANIMALS AND CERTAIN BIRDS QUARANTINED IN APHIS ANIMAL IMPORT CENTERS**

Question 14: **Determining Bird Weights:** Because the user fee is based on the weight of the bird(s), what measures should animal import center (AIC) employees take to determine the weights of birds and what the charge should be? Is the daily fee based on the weight of the bird at the time it enters quarantine or at the time it is released?

Answer: AIC personnel use their professional judgement, which may include weighing the birds if this is considered appropriate, to determine the weight and the user fee to charge. Base the fee on the weight of the bird at the time it enters quarantine.

**QUESTIONS ON §130.5 USER FEES FOR SERVICES AT PRIVATELY OPERATED PERMANENT AND TEMPORARY IMPORT-QUARANTINE FACILITIES**

Question 15: **Facilities Importing Hatching Eggs:** Are facilities that must be approved to import hatching eggs considered private import quarantine facilities? If so, do we charge for the travel to the facility?

Answer: Yes, facilities that are being inspected to import hatching eggs are considered private import quarantine facilities and are subject to the hourly user fee rate (or the appropriate premium hourly user fee rate if service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s)). Charge for travel time to the facility as well.

**QUESTIONS ON §130.6 USER FEES FOR IMPORT OR ENTRY SERVICES FOR LIVE ANIMALS AT LAND BORDER PORTS ALONG THE US-MEXICO BORDER AND §130.7 USER FEES FOR IMPORT OR ENTRY SERVICES FOR LIVE ANIMALS AT ALL OTHER PORTS OF ENTRY**

Question 16: **What Ports?:** What is meant by “All other ports of entry,” the title of 9CFR §130.7?

Answer: “All other ports of entry” refers to all ports of entry that are not along the U.S.-Mexico border. This includes ports along the U.S.-Canada border, air ports, ocean ports, etc.

Question 17: **Disagreement on Animal Classification:** What if an importer presents animals at the border and claims they are of a classification of animals which will result in a user fee charge less than the charges which seem to be appropriate? I.e., an importer who demands that 400 steers be entered as calves rather than as feeders and then questions the port veterinarian's authority to charge the higher rate. Who makes the animal classification determination at the border?

Answer: The port veterinarian has the authority and obligation to use his/her best professional judgement as to the classification of animals being inspected for entry into the U.S. These judgements are made based on the age, size, and purpose of the animals presented.

Question 18: **Testing at Ports:** When VMOs draw blood from animals for testing and test the blood on site (the blood is not sent to NVSL), what is the charge? What if blood is drawn a second time?

Answer: The time for testing the blood on site as part of the importation is part of the user fee. If blood is drawn for a second time for any other import or export related purposes at any location, then charge the hourly rate. If this service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s), charge the appropriate premium hourly rate user fee.

Question 19: **PPQ vs. VS User Fee Charges:** Who charges a fee for planes with no passengers and animals which require an inspection, PPQ or VS? What if that plane is carrying animal products which require an inspection?

Answer: Both PPQ and VS may charge user fees for two different, distinct services. PPQ assesses a fee to all international aircraft for the inspection of the aircraft for plant pests. The VS user fee is assessed for services provided to the live animals on the aircraft.

Both PPQ and VS representatives may provide inspection and endorsement of animal product export health certificates. Which Program provides this service depends upon which one is stationed closest to place where the work is to be done. If PPQ inspects the plane and provides the endorsement of the animal product certificate(s), these services are considered to be two separate services and appropriate user fee charges apply to both.

Question 20: **In-Transit Animal Charges:** Why do we have a footnote in this section for animals transiting the U.S.?

Answer: This footnote says, “*The user fee in this section will be charged for in-transit authorizations at the port where the authorization services are performed. For additional services provided by APHIS, at any port, the applicable hourly user fee will apply.*” This footnote was added since many of our customers tried to persuade us that the per head fee include all services we render at any stage (import, rest, export, etc.) of transiting animals. This footnote clarifies that other fees may apply.

Question 21: **Import of Animals at Airports:** We are going to the airport to authorize the importation of a horse. What is the charge during the regular tour-of-duty hours and for the same service performed on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s)?

Answer: This is a service for which there is a flat rate user fee. Charge only the flat rate fee during the regular tour of duty hours. On a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s), charge the customer the flat rate fee plus reimbursable overtime, including a commuted travel time if applicable.

Question 22: **Cleaning and Disinfection (C&D) of the Airplane:** We are going to the airport to supervise the cleaning and disinfection of an airplane. What is the charge to the customer during the regular tour of duty hours and for the same service performed on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee?

Answer: This service is covered by the hourly rate user fee; however, the customer may be the operator of a commercial aircraft and subject to provisions of the Airport and Airways Development Act. If the customer is not the operator of a commercial aircraft, refer to 7.3 and Exhibit 7-5, examples 1 through 6 of the VS User Fee Operating Procedures Manual. If your customer is an operator of a commercial aircraft, refer to 7.4 in the manual, and Exhibit 7-5, examples 7 and 8.

In general, charge the hourly rate user fee during the normal tour of duty and charge the appropriate premium rate user fee on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s). Include appropriate amounts for travel time.

Question 23: **Import of Animals at an Airport and Cleaning and Disinfection (C&D) of the Airplane - Same Customer:** We are going to the airport to authorize the importation of a horse and, while we are there, supervise the cleaning and disinfection (C&D) of the airplane. Both services will be performed for a single customer. What is the charge to the customer during the regular tour of duty hours and for the same services performed on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s)?

Answer: The answer to this question depends on whether one employee provides both services or if one employee authorizes the import of the horse and a different employee supervises the C&D. The number of employees available to provide these services varies from port to port.

**Multiple employees providing the services:** If one employee authorizes the import of the horse and a different employee supervises the C&D, treat these as separate services, and use the guidelines in questions 21 and 22 above to determine the appropriate user fee charges. Two APHIS 81, Statement of Services, would be provided to the customer.

**Importation Authorization and C&D done by the same employee:** (Note: This answer represents a change from an answer given previously.) The flat rate, “per head” fees cover the time to process paperwork and authorize the import and should be charged under all possible scenarios.

If this work is done during the normal tour of duty of the employee, charge the flat rate, “per head” fee(s) plus the hourly rate user fee for the time spent to authorize the importation of the animals, for C&D supervision and for travel time. If this service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s), charge the flat rate, “per head” fees plus the appropriate premium hourly rate user fee for time spent to authorize the importation, for C&D supervision and for travel time.

Question 24: **Import of Animals at an Airport and Cleaning and Disinfection (C&D) of the Airplane - Different Customers:** We are going to the airport to authorize the importation of a horse and supervise the cleaning and disinfection (C&D) of the airplane. Both services will be performed for different customers: the broker, and the airline. What is the charge to the customers during the regular tour of duty hours and for the same services performed on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s)?

Answer to Question 24: This is an example of a single service provided to each customer. During the regular tour of duty, charge the broker the per head fee for the horse import authorization, and charge the airline the hourly rate fee for the C&D of the airplane.

On a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s), charge the broker the per head fee plus reimbursable overtime, including an appropriate amount for travel time. Charge the airline the appropriate premium rate user fee for supervision of C&D on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s). Refer to 7.2.1 for travel time instructions and Exhibit 7-5, particularly examples 7 and 8, in the VS User Fee Procedures Manual for detailed instructions about charging airlines.

### **QUESTIONS ON §130.8 USER FEES FOR OTHER SERVICES**

Question 25: **Import Compliance Assistance Fee:** What is the import compliance assistance fee? When should we charge it?

Answer: The import compliance assistance fee is for services we provide to assist an importer in meeting U.S. requirements to import their commodities when a shipment arrives at a port of entry without the proper paperwork or with incomplete paperwork. The fee covers our costs to facilitate imports when documentation or procedures, as presented to VS, are not in compliance with the regulations in the U.S.

Question 26: **Release from Export Agricultural Hold:** What is the release from export agricultural hold fee? When should we charge it?

Answer: The release from export agricultural hold fee is for services we provide to help exporters obtain a release of their commodities being exported from the U.S. from a foreign country's agricultural hold.

Question 27: **Slaughter Establishments - Travel Time:** Is travel time included in the flat rate user fees for the initial approval and renewed approval of slaughter establishments?

Answer: Yes.

## QUESTIONS RELATING TO GERM PLASM (SEMEN, EMBRYOS, ETC.)

Question 28: **Export Germ Plasm Certificates with Tests:** Why don't the export germ plasm certification fees take into consideration whether or not the certificates require the review of tests or vaccinations like all other export certification user fees?

Answer: It was not determined that the amount of time it takes to review tests or vaccinations for export germ plasm is a significant factor in providing this service. In order to simplify the germ plasm fees, the time it takes to provide these endorsements is averaged so whether a country requires testing or not, the fee is the same.

Question 29: **Canine Semen:** Are export health certificates for canine semen charged using the germ plasm certification fee or the "Other endorsements or certifications" fee?

Answer: Charge for canine semen certificate endorsements using the export germ plasm certification user fee.

Question 30: **Export Embryos - Donor Pairs:** The user fees for export embryos include up to five donor pairs and there is an extra charge for each additional group of five donor pairs. Please provide some guidance in determining the number of donor pairs.

Answer: Do not consider the number of embryos in determining the number of donor pairs. Some factors to consider to determine the number of donor pairs include: 1) the matings between the male and female animals, 2) the flushings, and 3) the amount of time required to verify the health status according to certificate requirements. The following are examples:

- Two flushings from one female inseminated with semen from two different males should be counted as two donor pairs.
- Two flushings, one from each of two females inseminated with semen from the same animal, are also counted as two donor pairs.
- Multiple flushings from the same donor pair: If multiple collections from one female/male mating are done over a period of time, consider the amount of time it takes to do the collections in determining the number of donor pairs. If it is necessary to go through all steps of verification and certification for each flushing or multiple lab test dates are required to

Answer to Question 30: (Continued) validate the donor's status, then this may be counted as multiple donor pairs. Conversely, if all steps of verification and certification are completed at one time for all the flushings, then this may be counted as a single donor pair.

Question 31: **Import Semen from Canada:** The unit for import semen permits is "per load." Permits are not necessary for semen from Canada. Are they free?

Answer: No. The charge for import semen from Canada is "per entry" because we have a blanket permit arrangement with Canada. See question 13 for information on the definition of "load" and how import semen is covered by the user fee.

Question 32: **Import Semen - Multiple Tanks:** When semen is imported, what is the fee for multiple tanks imported for one importer?

Answer: We charge for import semen on a "per load" basis, so the number of tanks for one import could vary depending on the number of tanks per load. See question 13 for information on the definition of "load" and how import semen is covered by the user fee.

### **QUESTIONS RELATING TO IMPORT PRODUCTS AND PRODUCT ESTABLISHMENTS**

Question 33: **Import Animal Products Applications that Do Not Result in a Permit:** Do we charge for import animal product permit applications that do not result in a permit?

Answer: The answer to this question depends on several factors including the product that is being imported, the product's origination, etc. Please call the APHIS National Center for Import Export - Animal Products Program at (301) 734-3584 for a determination.

Question 34: **Import Animal Products - Compliance Assurance Inspections:** If we put a stamp on an import animal product permit which indicates that an inspection should be completed in the next 6 months, do we charge for this inspection?

Answer to Question 34: No. This is considered a compliance assurance inspection and is not a normal requirement. Obligations for random inspections on permits should be charged against regular appropriated funding and not user fees.

Question 35: **Fetal Bovine Serum Facility Inspections:** Should the field inspector collect user fees for inspecting a facility for the importation of fetal bovine serum?

Answer: No. Fetal bovine serum facility inspections are included in the flat rate user fee for the fetal bovine serum import permit.

Question 36: **Approved Product Establishments - Inspections Covered by Flat Fee:** Are all subsequent visits to approved product establishments included in the annual fees? Is travel time included in these fees too?

Answer: The annual fee for approved product establishments includes all visits that are needed to the establishment during the year (including travel time) that are not specifically for customers to obtain or maintain compliance with import permits. This fee is charged to the owner of the establishment. If inspections are required for customers to obtain import animal product permits or to maintain compliance with import permits, then hourly rate user fees are charged for these inspections and for the related travel time.

Question 37: **Approved Product Establishments - Follow-up Visits:** Is there a charge for “follow-up” visits which are made when the veterinarian is in the area?

Answer: No. This activity is covered by the annual fee.

Question 38: **Product Establishments Which are Not Approved:** Do we charge the full user fee for the inspection of approved product facilities if the establishment is inspected but not approved?

Answer: If the facility is ultimately approved, the fee for the first year of the facility approval includes the costs of this failed inspection. If the facility is never approved, charge the hourly rate user fee or the appropriate premium hourly rate user fee if the inspection was done on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

Question 39: **Opening of Restricted Trophies - Included in Approved Product Establishment Fee:** Is there a charge for the opening of restricted trophies imported to approved product establishments?

Answer: No. This activity is covered by the annual fee.

Question 40: **Approved Product Establishments - Year #4:** Can we charge the lower renewal fee if no changes are made to the permit and no changes are made to the premise?

Answer: No. The regulations specify that we must charge the higher initial fee for the first of a three year permit and the lower fee for the second and third years. The fourth year must be charged at the higher rate and be considered the first of a three-year approval. The fifth and sixth years should be charged at the lower rate...and so on. The fees were set this way because more time is spent in the initial year reviewing records, discussing the permit, educating the customer, etc. Work required in the fourth year usually entails more time and effort than the inspection performed in the second and third years.

Question 41: **Inactive Approved Product Establishments:** If an approved establishment has not received any product but wants to maintain its approval, does it still get charged the full user fee?

Answer: Yes.

#### **QUESTIONS ON §130.9 USER FEES FOR MISCELLANEOUS IMPORT OR ENTRY SERVICES**

Question 42: **Approval of Labs for Bluetongue (BT), Bovine Leukosis (BL) and Equine Infectious Anemia (EIA) Testing:** Can we charge for the approval of labs for BT, BL, and/or EIA testing?

Answer: No. We can only charge for laboratory inspections which are import/export related. For example, inspections which are required for the customer to obtain permits for import or to maintain compliance with import permits. In this particular example, the labs will be doing testing for domestic as well as import/export purposes.

Question 43: **Import Products Facility Inspections:** If we inspect a facility for biocontainment prior to the issuance of an import product permit, is there a charge?

Answer: Yes, charge the hourly fee if done during the normal tour of duty of the employee(s) and the appropriate premium user fee rate if done on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

Question 44: **Importation of Birds and Ratites:** There is no “catchall” “other” category for certain species that are not subject to quarantine and do not fit into any of the listed categories. What should we charge for other animals such as birds like ratites or in-transit birds that are not subject to quarantine?

Answer: Charge using the import hourly rate user fee during the normal tour of duty of the employee(s) and the appropriate premium hourly rate user fee on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

Question 45: **Import Semen - Return of Empty Tanks:** Do user fees apply to the return of empty tanks into the U.S. after the semen has been exported?

Answer: Yes. Charge the hourly rate user fee for this service or the appropriate premium hourly rate user fee if this service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

Question 46: **Banding Birds for Identification:** Do we charge when we are requested to spend time banding birds for identification for import or export?

Answer: If this service is provided in relation to an importation of commercial birds, see Question 10 for guidance. If this service is provided for any other reason, charge the hourly rate user fee for the time we spend banding the birds and travel time if necessary. Charge the appropriate premium hourly rate user fee if this service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

Question 47: **“Walking” Animals/Products through U.S. Customs:** Sometimes our personnel “walk” pets, products, samples, etc. through U.S. Customs before releasing or quarantining the animals or prior to sending the samples to FADDL for testing. Do we charge the hourly fees for these kind of activities?

Answer to Question 47: The importer is responsible for getting their imports through U.S. Customs. If, at the request of the customer, we perform this or any other import or export service for which there is no flat fee, charge the appropriate hourly or premium hourly rate user fee.

Question 48: **Premium Hourly Rate User Fees vs. Reimbursable Overtime (ROT):** When do we charge the premium hourly rate user fee and when do we charge reimbursable overtime?

Answer: Charge the appropriate premium hourly rate user fees in lieu of the hourly rate user fees when we provide hourly services on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s). Charge ROT (as the regulations in 9CFR §97- Overtime Services Relating to Import and Exports and the Administrative Procedures contained in APHIS Directive 402.3 will allow) in addition to flat rate user fees when flat rate services are provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

Question 49: **Premium Hourly Rate User Fees Examples:** Where can I find additional guidance on how to apply the premium hourly rate user fees for import and export services? For example, the premium hourly rate user fee applied a) to call backs on weekdays, b) on Sundays, c) to direct continuation services on weekdays, d) involving a location without a Commuted Travel Time (CTT) listed in the Reimbursable Overtime Regulations, and e) to services provided to owners/operators of commercial aircraft during the normal tour of duty of the employee vs. outside the normal tour of duty of the employee.

Answer: Exhibit 7-5 of Chapter 7, Import User Fees, of the VS User Fee Operating Procedures Manual provides several examples of the application of the premium hourly rate user fees including those listed in a) - e) above. Application of these fees are consistent with the manner in which the reimbursable overtime rates are applied. For example, CTT on Sunday in connection with premium rate user fees or ROT is charged at the lower rate (Weekday/Holiday rate) instead of the Sunday rate.

Question 50: **Exhibit 7-5/Examples of Overtime Situations Using the Premium User Fee Rate:** Exhibit 7-5 of the VS User Fees Operating Procedures Manual only gives examples related to import user fee services. Can the premium hourly user fee rates apply to export activities also?

Answer to Question 50: Yes. The premium hourly user fee rates may apply to export activities and are located in 9CFR §130.21. Chapter 8, Export User Fees, refers back to the examples in Exhibit 7-5 of the manual.

Question 51: **Prorating an Hourly Rate Between Two Brokers:** How do you prorate an hourly rate between two brokers? What if we provide services to two brokers, and it only takes 15 minutes?

Answer: Use your best judgement. If it is easy to determine the split of time between the two brokers (i.e., it took about 15 minutes to provide services to broker A and 45 minutes to provide services to broker B) then use these amounts. If it only takes 15 minutes to provide services to both customers use the following guidelines:

- If the applicable hourly rate is the hourly rate user fee or the Weekday/Holiday premium hourly rate user fee, charge each broker the minimum user fee.
- If the applicable hourly rate is the Sunday premium hourly rate user fee, then charge each broker for ¼ hour of the Sunday premium hourly rate user fee.

Question 52: **Prorating an Hourly Rate Between Two Brokers for a Service Starting on Saturday and Ending on Sunday:** How do we prorate the premium hourly rate user fee for time extending before and after midnight from Saturday to Sunday?

Answer: Charge the appropriate hourly rate for each increment of time changing the rate that is used at 12:00 midnight. For example, if an employee is working outside their normal tour of duty to provide an hourly service from 11:45 p.m. on Saturday to 12:15 a.m. on Sunday, charge the Weekday/Holiday premium hourly rate user fee for 11:45 p.m. to 12:00 a.m. (not subject to the minimum fee) and the Sunday premium hourly rate user fee for 12:01 a.m. to 12:15 a.m.

Question 53: **“No Shows”:** Is there a user fee for service requested when no animals are imported? What happens, for example, when a Veterinary Medical Officer (VMO) and the assisting animal health technician (AHT) are stationed 95 miles away from the port of entry, inspection service is requested, we drive to the port, and the importer/animals do not show up at the appointed time?

Answer to Question 55: If we can identify the customer (I.e., if the customer has an APHIS account), charge for the actual travel time, limited to 6 hours. See Section 7.2.1 of the VS User Fee Operating Procedures Manual for details on import travel time and Section 8.2.1 for details on export travel time.

Question 54: **Last Minute Cancellations:** If a farmer requests an inspection of his pre-export isolation facility and changes his mind at the last minute, what do we charge if the inspector has already made the trip to the farm?

Answer: Charge the hourly rate user fee for the travel time, or charge the appropriate premium hourly rate user fee if the service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).

#### **QUESTIONS ON §130.10 USER FEES FOR PET BIRDS QUARANTINED AT APHIS-OWNED OR -SUPERVISED QUARANTINE FACILITIES**

Question 55: **Reservation Fees for Pet Birds:** How do we process reservation fees for pet birds?

Answer: Send reservation fees to FSO on APHIS Form 94, Record of Public Funds Received.

#### **QUESTIONS ON §130.14 - §130.18 VETERINARY DIAGNOSTIC USER FEES**

Question 56: **Information Needed on Submissions to NVSL:** What information should be included on submissions to the lab in order to facilitate billings and collections?

Answer: Include the following information on each submission to the lab:

- Payment at Time of Submission:** If the user fee payment is made at the time of submission, a check or money order (payable to USDA, APHIS in U.S. dollars) should be attached.
- Payment by Credit Card:** If payment is going to be made by credit card, the field office submitting the sample must indicate this on the submission form and then give the credit card information to NVSL for processing (name of card holder, credit card type, credit card number, and credit card expiration date).

Answer to Question 56 (Continued):

- **Charges to Be Put on the Customer's APHIS Account:** If the customer wishes to put the charge on their APHIS account, write their account number in the submitter block next to the field office's address and also next to the account holder's name on the form. If the account to which the fees should be charged is an account other than the person submitting the samples, (i.e., when a broker submits the sample but the importer's account should be charged), this should be clearly noted on the submission form.
  
- **Special Situations:** a) If the submission is "program" related, write in BIG red letters across the top of the submission form "PROGRAM" to indicate that this test, reagent or service should not be billed, and put "USDA, APHIS, VS" in the submitter address on the form. NVSL will review the submission to determine if it is non-chargeable.  
  
b) If the submission is for smuggled or abandoned birds or for stray horses found along the border, write in BIG red letters across the top of the submission form, "SMUGGLED/ABANDONED" or "STRAY HORSE," and put "USDA, APHIS, VS" in the submitter address on the form.  
  
c) If the submission is related to a trust fund account (i.e., a commercial bird trust fund account, an importation through the Harry S Truman Animal Import Center, etc.), then be sure to indicate the trust fund account number on the submission form.  
  
d) If the submission is related to a quarantine in progress, write in BIG red letters across the top of the form, "QUARANTINE." It is imperative that you indicate the quarantine number on the form.

Question 57: **Special Mail Handling for Program-Related Services:** Can NVSL charge for special mail handling (i.e., express, overnight, foreign mailing, foreign facsimiles) for program as well as non-program related services? Are there any exemptions?

Answer: Yes we may charge for special mail handling for program-related services. State governments, other Federal entities, military entities, etc. are all subject to paying for special mail handling; however, our own VS offices are not charged if, for some reason, they need special mail handling.

Question 58: **Hourly Rate User Fees at NVSL:** Can we charge the hourly rate user fees for miscellaneous services provided by NVSL?

Answer: Until such time we propose/adopt NVSL-specific hourly rate user fees, charge the hourly rate user fees (or the appropriate premium hourly rate user fees if the service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s)) for import, entry, or export related services only. The hourly fees for import or entry services are listed in 9CFR §130.9 and for export services are listed in 9CFR §130.21. When NVSL-specific hourly fees are in place, we will be able to charge for domestic services we provide as well.

### **QUESTIONS ON §130.20 USER FEES FOR ENDORSING EXPORT HEALTH CERTIFICATES**

Question 59: **Maximum Charge for Large Shipments of Animals:** What is our policy on the maximum amount which may be charged for export certifications?

Answer: In May 1997, a policy setting a maximum charge was set forth by the Veterinary Services Deputy Administrator. This maximum is necessary because the current charges do not take into consideration the fact that our costs “max out” when large shipments of animals are involved. There are both fixed and variable costs involved with providing this service. The marginal costs per head decreases as the number of animals increases; therefore a maximum charge is necessary so that we do not overcharge customer.

The total user fee charge for the endorsement of export health certificates for a single shipment of animals that requires verification of tests and/or vaccinations is limited to 12 times the current hourly rate user fee. For example, currently the hourly rate user fee is \$56 per hour so the maximum charge is now \$672.00. This maximum charge applies to all export shipments with tests/vaccinations, including ratites, and adequately covers all our fixed and variable costs.

Question 60: **Certificates that are Not Endorsed:** Do we charge for certificates which are reviewed but are not endorsed?

Answer: No. On November 7, 1997, the regulations were changed to state that we will not charge for export health certificates which are reviewed but not ultimately endorsed.

Question 61: **Shipments Not Accepted in the Country of Destination:** If we endorse a health certificate and it is subsequently not accepted in the country of destination, does the exporter still have to pay our user fee?

Answer: Yes.

Question 62: **Charging for Animals Which are Deleted from the Certificate:** If an animal is deleted from a certificate during the VS endorsement process, do we still charge for that animal?

Answer: Yes.

Question 63: **Why Are Some Charges Higher than Others?** Why does it cost more to endorse animal product certificates than it does for poultry and hatching eggs and other endorsements?

Answer: All user fees are based on the average amount of direct labor time it takes to provide services. The fees reflect the results of surveys, observations, analysis of obligations and other data. These sources indicate that it takes, on average, more time to do the animal product certificate endorsements than some of the others.

Question 64: **Other Designated APHIS Employees:** Who may endorse export health certificates for animal products?

Answer: VS Veterinarians and PPQ Officers.

Question 65: **Export Certificate(s) Signed at the Same Time as the Supervision of the Export:** During our regular tour of duty hours, we are going to the airport to supervise the exportation of a horse. We will also endorse an export health certificate which has been reviewed and completed except for the signature. What do we charge?

Answer: This is an example of a flat rate service and an hourly service provided at separate times. If all the steps necessary to endorse the export health certificate, except signing the certificate, are performed at separate times from the hourly services, charge the flat rate user fee plus reimbursable overtime if applicable for the export health certificate and charge the appropriate hourly rate user fees (appropriate

Answer to Question 65 (Continued) premium rates if done on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s)) for supervision of the export. If, however, the export health certificate is prepared for endorsement completely on site of the inspection as an integral part of the inspection service, charge the appropriate hourly user fee and not the flat rate (per endorsement) user fees. (See 9CFR 130.20 (c)).

Question 66: **Export Health Certificates Endorsed at a Special Location:** If a customer requests we come to their business location (i.e., a stockyard) to endorse export health certificates and we agree to do so, what should we charge?

Answer: Endorsements are usually done at our offices. We are not obligated to travel to the customer to provide this service. If we agree to do so, the answer to this question depends on whether or not we are performing inspection or supervision services for the animals at the same time we provide the endorsement(s).

- A) **If we perform inspection or supervision services at the same time:** Per 9CFR§130.20(c), if the certification is done at the site of the inspection in the course of performing inspection or supervision services for the animals on the certificate(s), then charge the hourly rate user fee for the time spent doing the work and for travel time. Charge the appropriate premium hourly rate user fee for direct labor time and travel time if this work is done on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s).
- B) **If we are solely going to endorse certificates:** If a customer requests that we come to another location to do the endorsements for the customer's convenience, this is considered a special request for an export service considered a miscellaneous export or embarkation service per 9CFR§130.21 (a)(7). Charge the flat rate fee for the endorsements plus the hourly rate user fee for travel time.

If this service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s), charge the flat rate user fees plus ROT including appropriate amounts for travel time. You may want to remind the customer that they could come to your office for this service to avoid paying the additional amounts for travel time.

Question 67: **Verification of Validity of Endorser:** Occasionally we are asked to verify the validity of individuals endorsing health certifications. Can we charge for secondary endorsements of health certificates?

Answer: No. The regulations do not allow us to charge for this service.

Question 68: **Charge When a Diagram of a Foal is Attached:** What is the user fee charge when a diagram of a foal is attached to the mare's export health certificate?

Answer: Questions regarding the completion of export health certificates should be directed to the National Center of Import and Export (NCIE) in Riverdale, MD; however NCIE has indicated that when you receive a separate identification diagram for a foal, additional charges will not be assessed.

Question 69: **Slaughter Poultry:** Since poultry is defined as "animals" in the user fee regulations, do we charge using the poultry export certification fee or the "Slaughter animals, of any type, moving to Canada or Mexico" fee for slaughter poultry?

Answer: Charge the poultry export certification fee for slaughter poultry.

Question 70: **Export Certificates For Lambs:** Is there a user fee for a lamb/calf being exported along with its dam?

Answer: No. As long as the lamb/calf is being exported with its dam, there is no additional charge; however, if a lamb or calf is being exported alone, full charges apply.

Question 71: **Courtesy Permits:** Do we charge for the endorsement of courtesy permits? These permits are not required by the importing country, but the customer gets them anyway hoping to minimize any potential delays.

Answer: Yes. Charge for the endorsement of courtesy permits.

Question 72: **Special Mail or Handling:** In the past we required the exporter to provide a pre-addressed stamped envelope for the return of animal by-product certificates; is this still required?

Answer: No. This is considered a normal postage cost. Normal postage costs are covered in the user fees. Special handling, such as express, overnight or foreign delivery should be paid for by the customer.

Question 73: **Certifications Done on USDA Letterhead:** Do we charge for product certifications done on USDA letterhead using the “Animal products” fee or the “Other endorsements or certifications” fee?

Answer: Charge for product certifications done on USDA letterhead using the “Animal products” fee.

Question 74: **Export Products - Endorsement of an Extra Certificate on their Letterhead:** Some exporters ask us to endorse both a VS Form 16-4 and a more detailed animal product certificate on their letterhead for the same shipment. Should we charge extra for this?

Answer: No. Assess only one charge for the animal product certification.

Question 75: **Grain Certificate Endorsements:** Do we charge for grain certificate endorsements using the “Animal products” fee or the “Other endorsements or certifications” fee?

Answer: Charge for grain certificate endorsements using the “Animal products” fee.

Question 76: **Export Health Certifications for Dairy Products:** In some circumstances, we endorse dairy product certificates, and in other situations, the endorsement must be done by the Agricultural Marketing Service or the Food and Drug Administration depending upon the importing country’s requirements. When do we charge for dairy endorsements and which user fee do we use?

Answer to Question 76: APHIS endorses products export certificates upon request of certain importing countries if the U.S. industry complies with the importing country's requirements. If we do the endorsement, then we charge the "Animal products" export health certification user fee.

Question 77: **Change in Protocol:** Product regulations and protocols of importing countries (foreign regulations) are not always available or up to date. Sometimes we endorse a certificate, collect the user fee, and later find out that the country's protocol has changed or that the importing country has added an additional certification requirement for this particular shipment. Do we charge the exporter for a second certification or the additional work involved?

Answer: No.

Question 78: **Export Health Certifications for Pets:** What is the charge for pet certificate endorsements for certificates without tests? For certificates which require the verification of tests or vaccinations? What if we have to travel to the airport to place the animals under seal?

Answer: Use the "Other endorsements or certifications" charge in 9CFR §139.20 (a) for certificates without tests/vaccinations. Use the fees in 9CFR §130.20 (b) for the endorsement of certificates which require the verification of tests or vaccinations based on the number of tests/vaccinations required by the importing country. (I.e., dogs exported to Australia, New Zealand or South Africa). The one consignor/one consignee policy, as discussed below, may also apply depending on the specific circumstances for each export.

If you have to travel to the airport to place the animals under seal, charge the hourly rate for this additional service along with the appropriate certificate endorsement fee. If this service is provided on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s), charge the appropriate premium hourly rate user fee for this service.

Question 79: **Aquaculture Export Health Certifications:** What do we charge for endorsements for fish, fish eggs, tropical fish, and other aquaculture products?

Answer: Charge the "Other endorsements or certifications" fee. In some instances when APHIS representatives must also review tests, higher charges per 9CFR§ 130.20 (b), may apply.

Question 80: **Rabies Antibody Titer Certifications:** Certain countries require rabies antibody titer certifications along with the exporter's application to import the animals into their countries. Can we charge the "Other endorsements or certifications" fee for rabies antibody titer certifications which are done prior to the issuance of a permits for exports to Australia and New Zealand?

Answer Yes, the time to do these certifications is not included in the fee we charge for the final export health certification. These certifications take as much time for us to do as any other export certification and should be charged as such. If we did not charge for these certifications and the application for a permit is ultimately not approved by the importing country, we would never recover our costs for doing this work.

Question 81: **Herd of Origin and Other Certifications:** Do we charge the "Other endorsements or certifications" fee for herd of origin certifications in addition to the fee for the endorsement of the health certificate?

Answer: The time necessary for the review of required certification statements, such as herd of origin statements, is included in the fee for the endorsement of the health certificate. If the herd-of-origin certification statement accompanies the export health certificate at the time it is presented for endorsement, do not charge anything additional for the herd-of-origin statement endorsement. If the herd of origin certificate is presented for endorsement or certification separate from the export health certificate, then charge the "Other endorsements or certifications" fee.

Question 82: **Counting the Number of Tests:** How do we count the number of tests on the export health certificate? For example, one certificate shows test results for two strains of vesicular stomatitis, and five strains of leptospira. Does this count as two tests or seven?

Answer to Question 82: Two. Note: This is a change from an answer provided previously. This answer was changed because the Program reevaluated the amount of time it takes to provide this service. We check to see if the results of the lab conform to what is on the certificate and this needs to be done only once for each type of test regardless of the number of strains involved.

Question 83: **Verification of Vaccinations:** When do we consider the verification of dates of vaccinations in determining the user fee to charge? For example, when we have to verify that an animal was injected with vaccine against WEE and EEE less than 6 months before and at least 2 weeks before the date of export.

Answer: Verification of vaccinations should be considered in determining the fees only when research of Federal or State records is required. If we are only required to verify that the accredited veterinarian has recorded vaccination dates on the certificate, do not consider this as a factor in determining the fee.

### **THE ONE CONSIGNOR/ONE CONSIGNEE POLICY AND QUESTIONS ABOUT THE POLICY:**

Question 84: **What is the One Consignor/One Consignee Policy?**

Answer: If there is one consignor, one consignee, one “event” (shipment, bill of lading, ship, train), one certificate number, then there may be one fee. The personnel endorsing the export health certificates has the authority and the obligation to use their best professional judgement as to whether these criteria are met.

This policy may apply to the export of animals, animal products, animal by-products, aquaculture products, pets, germ plasm, poultry, horses (except horses to Canada), etc.

Question 85: **General Policy Criteria:** What are some of the criteria to use in determining whether or not to apply the one consignor/one consignee policy?

Answer: Consider the following factors in determining whether or not to apply the policy. Overall, consider how these factors impact the amount of time it takes to provide the service. a) the farm of origination (did the animals/products originate from the same farm or ranch?), b) the destination of the animals (is it the same?), c) ownership of the animals/products, d) the times the certificates are presented for endorsement (are the certificates presented a day or week apart?), e) vehicles (are the animals/products traveling in one container, vessel or other vehicle of transportation?), f) the number of separate health certificate numbers used, g) number of issuing veterinarians (have all certificates been issued by the same private veterinarian?), h) issue dates (are the issue dates on all the certificates the same?), I) information on the certificates (is it exactly the same? Are the certification statements exactly the same?).

Question 86: **Concerns about Cheating:** In an effort to cut costs, some brokers may be listing themselves as the consignee on the certificates and then designating a foreign broker at destination to disperse the animals among various owners or buyers. Is there any way we can discourage this?

Answer: Does it take any more/less time if they do this? Our main concern is recovery of our costs. You may apply the policy even if you suspect that the broker is listing himself/herself as the consignee to circumvent our fees.

Question 87: **One Consignor/One Consignee Policy - Export Horses:** May the policy apply to export horses?

Answer: Yes. See the general policy criteria in the answer to Question 85. The ownership of the animals being the same may be verified by reviewing jockey club certifications of registration, animals' passports that indicate ownership, or quarter horse registration certificates.

One example of when the policy could apply is when horses destined for Switzerland require three different sets of papers because they go to Switzerland via the Netherlands and Germany and a set of paperwork must remain in each country along the way.

Question 88: **One Consignor/One Consignee Policy - Horses Exported to Canada:** Can the one consignor/one consignee policy be applied to horses being exported to Canada?

Answer: Yes. This is a change from a previous answer to this Q&A. See the general policy criteria in the answer to Question 85. Although individual certificates are usually prepared for horses going to Canada, there are some situations where the application of the one consignor/one consignee policy may be appropriate. Note that individual certificates are now often prepared for exports to other countries, such as those in the European Union. Since the policy applies to those exports, we need the policy to also apply to horses going to Canada in some instances.

Question 89: **One Consignor/One Consignee Policy - Pets:** Can the policy apply to pets?

Answer: The person endorsing the certificate may apply the policy if considered appropriate. See the general policy criteria in the answer to Question 85. The destination country may factor into the decision as to whether or not to apply the policy. An example of when the policy might apply is canine exports to Japan.

Answer to Question 89 (continued) These certificates do not necessarily require a significant amount of additional work, however Japan's protocol dictates separate certificates for the dogs. An example of when the policy might not apply based on the destination country is for canine and feline certificate endorsement to countries such as Australia. These certifications require extensive work.

Question 90: **One Consignor/One Consignee Policy - Products:** How may the policy apply to products shipped by boat, railcar or truck?

Answer: The policy may apply to export products. For example, the policy may apply if the importing country protocol requires multiple certificate copies when, under normal circumstances, a single certificate would be ample. The policy might also apply if more than one container, vessel, or other vehicle will be used to transport the product shipment and a copy of the certificate must be with each.

Question 91: **One Consignor/One Consignee Policy - Germ Plasm:** Can the policy apply to germ plasm?

Answer: Yes. For example if an importing country requires that each individual certificate only identify one donor animal per certificate or requires that each batch of semen be on a separate health certificate, and reviewing the paperwork really does not take significantly more time, the policy may apply.

On the other hand, if you have multiple straws from the same donor pair which are listed on different health certificates and are going to different locations or are to be received by different customers, you may decide to charge for these certificates separately.

If you are presented with multiple health certificates at one time for a shipment going to the same location and you assign the same health certificate number, you may decide to charge for only one certification. The National Center for Import and Export has requested that if you do decide to apply the policy, when you assign certificate numbers, group them together and assign the same certificate number with an additional sequential letter at the end to indicate that they are individual certificates for one consignment.

**QUESTIONS ON §130.21 EXPORT HOURLY RATE USER FEES (USER FEES FOR INSPECTION AND SUPERVISION SERVICES PROVIDED WITHIN THE UNITED STATES FOR EXPORT ANIMALS, BIRDS, AND ANIMAL PRODUCTS)**

(Please see also the questions and answers under §130.9 - User Fees for Miscellaneous Import or Entry Services. Many of the questions and answers in the import hourly rate user fees section also apply to the export hourly rate user fees.)

Question 92: **Initial Consultations for Export Isolation Facilities:** Do we charge for initial consultation for export isolation facilities?

Answer: If consultation services are provided for over the phone, do not charge the hourly rate user fee for this. If we go to the facility and provide consultation services to the customer, charge the appropriate hourly or premium hourly rate user fee for this service.

Question 93: **Banding Birds for Identification:** Can we charge for banding birds for identification?

Answer: Yes. Charge the hourly rate user fee during the normal tour of duty of the employee(s) and the appropriate premium hourly rate user fee on a Sunday, Holiday or at any other time outside of the regular tour of duty of the employee(s). If this service is directly related to a commercial bird import quarantine under a cooperative trust agreement, see Question 10 for appropriate charging procedures.

Question 94: **Why No Charge for Certification of Private Vets?:** In order to facilitate private practitioners providing services to their clients (i.e., in 1997 exporting llamas to Canada requires a special test for tuberculosis), we certify the private veterinarian to perform this test. Because the private veterinarian will eventually perform this test on llamas for export to Canada, can we charge user fees for this activity?

Answer: No. Do not charge for the certification of private veterinarians even though he/shewill eventually perform this test for export. Our user fee authority does not allow us to charge for this activity. The authority limits us to charging for import, entry and export activities only.

Question 95: **Aquaculture Facility Inspections:** Do we charge for on-site aquaculture facility inspections?

Answer: Charge for all aquaculture facility inspections which are required by the importing country for approval of the facility to ship aquaculture products. Charge the hourly rate user fee during the normal tour of duty of the employee(s) and the appropriate premium hourly rate user fee on a Sunday, Holiday or at any other time outside the regular tour of duty of the employee(s). In either case, include appropriate amounts for travel time. If we visit a facility/farm so that we can learn more about the production practices of the farm, its pond sites, or operation, do not charge for this visit.

### **QUESTIONS ON §130.50 - PAYMENT OF USER FEES**

Question 96: **Changes to APHIS Form 81, Statement of Services:** Can I now make changes to an APHIS Form 81, Statement of Services, after it has been transmitted in the User Fee System?

Answer: Yes. As of March 1997, you can bring up the APHIS 81 on the system and make changes to the form. Remember to retransmit the form after making changes. Call the FSO help line at (612) 370-2291 if you need assistance.

Question 97: **Electronic Transmission of Data:** Is the data on the APHIS 81 for cash transactions electronically transmitted through the national database to FSO?

Answer: Yes. As of March 1997, all transactions may be electronically transmitted including cash, check, credit card, and customer account transactions. Cash must be converted to a cashier's check or money order and sent to the lockbox. See Chapter 5 of the VS User Fee Operating Procedures Manual for instructions.

Question 98: **Certificates Received Without a Payment:** How should we handle health certificates we receive by mail without a user fee payment?

Answer: Attempt to contact the person requesting the service to inform them that a payment is required. Remind the customer that they can pay over the phone by credit card or easily apply for an APHIS user fee account. Hold the certificate until you receive the payment. If you are unable to contact the customer, return the certificate without endorsement with a brief explanation.

Question 99: **Personal Checks - No Dollar Limit:** Is there a dollar limit on the amount we can accept for a personal check for a user fee payment?

Answer: No. There is no minimum or maximum amount for personal checks.