

administrative detention actions relative to the baseline of taking the enforcement actions we would have taken prior to having received authority to take administrative detention actions. Therefore, only the costs that go beyond the costs of those other enforcement actions are relevant here. We assume there would be no change in transportation costs if we substituted an administrative detention action for a class I recall, because firms probably already transport food as part of such a recall.

We considered the costs of transportation under class I recalls to be part of the baseline costs, even though such recalls are voluntary, because we have some influence over those decisions. We have influence over those decisions because we could publicize the fact that we requested a firm to recall a product, which might have consequences for that firm's profits. Therefore, those decisions are not purely private market decisions. As such, it is reasonable to classify the costs associated with those recalls as social costs that are comparable to the social costs associated with administrative detention actions for purposes of determining baseline costs.

If we did not treat these costs as social costs, then substituting administrative detention for class I recalls would generate additional social costs related to transporting food.

Moving directly to a seizure action or referring a matter to State authorities does not involve any transportation costs prior to the seizure action or referral. Therefore, all transportation costs associated with an administrative detention are relevant in the case of an administrative detention that replaces a case of moving directly to a seizure action or a referral to State authorities. Any transportation costs associated with the actual seizure or State action would not be relevant in this context, because administrative detentions may be followed by seizure actions or State actions, so any transportation associated with the seizure action or State action would take place irrespective of whether it was preceded by an administrative detention or not.

We present transportation costs in table 2 of this document. We calculated these figures by multiplying the number of truckloads that we estimated would be involved in an administrative detention (0 to 67) by the number of times we might use administrative

detention in place of class I recall requests, cases of moving directly to seizure, or referring a matter to State authorities. The number of one way trips includes return trips, which we calculated by multiplying the number of trips to secure storage facilities by the estimated percentage of cases in which we might terminate a detention order and allow food back into commerce (0 to 48 percent). In table 2, we estimate the range of additional trips to secure facilities to be 0 to 1,587. The number is based on 0 to 16 seizures (in row 1), a maximum of 67 truckloads per seizure, and a maximum of 48 percent additional trips for those products cleared to enter commerce. We calculate the maximum number of trips as:  $(16 \times 67) + (0.48 \times 16 \times 67) = 1,587$ . Again, estimated costs are higher for administrative actions that replace cases of moving directly to seizure actions or referring matters to States than for administrative actions that replace class I recalls because we are using the costs of those other actions as the baseline, and class I recalls already involve transportation, while cases of moving directly to seizure actions or referring matters to States do not.

TABLE 2.—ANNUAL TRANSPORTATION COSTS

Action	Number of Actions (see table 1)	Additional One Way Trips per Year, in Truckloads	Cost per one Way Trip	Total Transportation Cost (in millions)
Administrative Detention that Replaces Case of Moving Directly to Seizure	0 to 16	0 to 1,587	\$100 to \$1,000	\$0 to \$2
Administrative Detention that Replaces Class I Recall	0 to 184	0	\$100 to \$1,000	\$0
Administrative Detention that Replaces Referral to States	0 to 23	0 to 2,323	\$100 to \$1,000	\$0 to \$2
Total				\$0 to \$4

#### Storage

The cost of storing food in secure storage facilities depends on the following factors: (1) Level of security of the facility; (2) type of food; (3) length of time the food is stored; (4) amount of food; and (5) miscellaneous factors, such as geographic location of facility, whether the customer is a regular or repeat customer, volume discounts, etc.

We do not define the security requirements for storage facilities in this rule. Instead, we will determine the relevant level of security on a case-by-case basis. We tentatively assume that the normal or average level of security that we would require is the level associated with bonded or third party

public warehouses. Using these warehouses should provide some additional security because the owner of the food relinquishes custody of the food to the warehouse. In some cases, we might require higher security, such as that associated with secure government storage facilities, for example, Customs Examination Stations. In other cases, we might require lower security, such as that associated with a firm's own warehouses. We understand from a discussion with a representative of the International Association of Refrigerated Warehouses that the cost difference between bonded and nonbonded public warehouses is probably quite small (Ref.

2). Therefore, we use the same storage costs for both bonded and nonbonded warehouses.

Storage costs vary with the type of food being stored. However, we were unable to find data on average storage rates for different types of food under different conditions (Ref. 2). One cold storage facility gave us food storage rates that varied from \$0.0002 to \$0.0006 per pound per month for a range of food types (Ref. 3). Rates for food that does not need to be refrigerated might be lower than the lower bound of the rates for cold storage. However, we do not have information on these rates, and we assume that these rates will fall in the same range. The same source listed