

TABLE 4.—ANNUAL LOSS OF VALUE

Action	Number of Actions in which Product Not Violative	Change in Days Storage per Action	Change in Total Loss of Value (in millions)
Administrative Detention that Replaces Case of Moving Directly to Seizure	0 to 8	0 to 30	\$0 to \$6
Administrative Detention that Replaces Class I Recall	0 to 88	0	\$0
Administrative Detention that Replaces Referral to State	0 to 23	0 to 30	\$0 to 9
Total			\$0 to \$15

Costs of marking or labeling

We might label or mark food that we have administratively detained. If we were to label or mark food that we have administratively detained, we could do so in several ways, including, but not limited to, affixing a tag having a self-locking pin that would be inserted in an appropriate seam, border, flap, or other area of the container or product; taping or tying a tag firmly onto the container or item; or affixing the tag to the accompanying documents, or to the carrier. However, if we subsequently cancelled the administrative detention order, then either we, or the firm, would need to remove the label or mark. Class I recalls do not involve marking or labeling. Moving directly to a seizure action or referring a matter to State authorities also does not involve marking or labeling prior to the seizure action.

In an analysis of another proposed rule that we published in 2001, we discussed the costs of marking cartons of imported food with printed labels

that we could affix with label guns (Ref. 8). In that analysis, we assumed that an average shipment of imported food would contain about 300 cartons of containers, and that a worker could attach 100 labels per hour. We estimated that the cost of the labor time necessary to attach the labels would be \$53 (three hours at \$17.64 per hour), and that the cost of labels would be \$13 (300 labels at \$0.045 per label). A shipment of imported food can involve any number of lines of imported food. Therefore, we assume that one line could contain between 1 and 300 cartons. We earlier assumed that the average amount of food in a line is 15,000 pounds, so we estimate that a shipment contains 0.02 cartons per pound (300 cartons per shipment/15,000 pounds per shipment). Therefore, an administrative detention action involving between 0 and 1 million pounds would require 0 to 200 hours of labor time (0.02 cartons per pound x 1 million pounds/100 labels per hour), and 0 to 20,000 labels (100 labels per hour x 200 hours). The cost

of the labor time necessary to attach the labels to the cartons would be \$0 to \$3,500 (\$17.64 per hour x 200 hours), and the cost of the labels would be \$0 to \$900 (\$0.045 per label x 20,000 labels).

We assume that the costs associated with the type of labeling we would require for administrative detention would be similar to the costs associated with the type of labeling we discussed in the 2001 analysis. We also assume it would take the same amount of labor time to remove the labels, if we canceled the administrative detention order, as it would take us to affix the labels. We request comments on these assumptions. Under the proposed rule, we would attach the labels, and firms, under our supervision, would remove the labels, if we terminated the detention order, or when the detention order expired.

After rounding to the nearest million, we estimate the cost for additional marking or labeling would be \$0 to \$1 million.

TABLE 5.—MARKING OR LABELING

Action	Number of Actions	Label Cost per Action	Change in Total Loss of Value (Rounded to Nearest Million \$)
Administrative Detention that Replaces Case of Moving Directly to Seizure	0 to 16	\$4,400 to \$7,933	\$0
Administrative Detention that Replaces Class I Recall	0 to 184	\$4,400 to \$7,933	\$0 to \$1
Administrative Detention that Replaces Referral to State	0 to 23	\$4,400 to \$7,933	\$0
Total			\$0 to \$1

Costs of Appeals

The appeals process associated with administrative detention actions is another potential source of costs. In order to calculate the costs of administrative detention actions relative to the other baseline enforcement actions, we must first consider the cost of appeals associated with the other

actions. There is no formal appeals process associated with class I recalls because these are voluntary. When FDA requests firms to take class I recalls, there is often an informal dialog between those firms and FDA. However, this type of dialog may take place with respect to any enforcement activity, including administrative detentions and

seizures. Therefore, we have not included the costs of this informal dialog as part of the baseline costs. Based on these assumptions, our estimate of the appeals costs for administrative detentions that replace class I recalls is simply the total costs associated with appeals of administrative detentions.