

directly to seizure actions, and referring matters to State authorities, are also relevant to this analysis. Both administrative detentions and class I recalls require us to undertake certain types of activity to implement, and we assume that the costs of this activity would be similar for these actions. Although taking no action prior to a seizure action or referring a matter to State authorities requires no activity, the activity that we undertake to move directly to seize food or to provide information on a matter to State authorities probably overlaps to some degree with the activity that we would undertake to implement an administrative detention action. The cost of the additional activity required to seize food following another enforcement action is significantly less than the cost of the activity required to move directly to seize food, because some of the activity of the preliminary action is also relevant to seizing the food. Therefore, we assume that the cost of the activity that we undertake to directly move to seize food is similar to the cost of the activity we undertake to implement an administrative detention action followed by a seizure action. Similarly, we assume that the cost of the activity that we and States undertake when we refer a matter to State authorities is similar to the cost of the activity that we and States undertake to implement an administrative detention action followed by State action.

Cost summary
We present a summary of the costs in table 7 of this document.

TABLE 7.— ANNUAL COSTS FOR OPERATION 1: TRANSPORTATION AND PERISHABLE FOODS (PROPOSED RULE)

Type of Cost	Cost (in millions)
Transportation	\$0 to \$4
Storage	\$0 to \$2
Loss of Product Value	\$0 to \$15
Marking or Labeling	\$0 to \$1
Appeals	\$0 to \$16
Total	\$0 to \$38

Benefits
Administrative detention authority improves our ability to respond to outbreaks from accidental and deliberate contamination from food, and deter deliberate contamination. Based on historical evidence, a strike on the food supply has a very low probability, but would be a potentially high cost event. FDA lacks data to estimate the likelihood and resulting costs of a strike occurring. Without knowing the likelihood or cost of an event, we cannot quantitatively measure the reduction in probability of an event occurring or the possible reduction in cost of an event, associated with each regulatory option. Further hindering any quantification of benefits is the interactive effect of the other regulations that are being developed to implement title III of the Bioterrorism Act.

Administrative detention differs from existing enforcement alternatives along the following dimensions: (1) Speed of action, (2) need for collaboration with other agencies, (3) maximum level of security, and (4) timeframes. Actions that we can implement faster will reduce risk more than actions that take longer to implement, because we have a higher probability of removing the product from commerce before it reaches the consumer. We have a higher probability of successfully taking an action that does not require collaboration because actions that require us to collaborate with other agencies involve more than one set of decision criteria and more than one decision maker. Actions that allow us to require higher security transportation and storage reduce risks because such actions reduce the probability that we will lose control of the product, and that adulterated food will reach consumers. Actions with longer time frames reduce risk because we have more time to complete our investigation and a lower probability of releasing food that is violative back into commerce. The relative advantages of the various enforcement actions are provided in table 8 of this document. The expressions “permanent” and “temporary” in the time frames represent the relative time frames under which we can keep a potentially violative food out of the distribution system.

TABLE 8.—COMPARISON OF ENFORCEMENT ACTIONS

Action	Speed	Collaboration	Highest Potential Security	Timeframes
Administrative Detention	High	No	High	Temporary
Seizure	Low	No	High	Permanent
Class I Recall	Low	Yes	Low	Permanent
Referral to State	Low	Yes	Low	Unknown

We have insufficient information to quantify the health benefits of substituting administrative detention for the other enforcement actions. However, to understand the possible costs of an intentional strike on the food supply, table 9 of this document presents information on five outbreaks resulting

from accidental and deliberate contamination, involving both domestic and imported foods. These outbreaks do not represent possible forms that a terrorist attack might undertake, but merely illustrate the public health costs of foodborne disasters. It is likely that an intentional attack on the food supply

that sought to disrupt the food supply and sicken many U.S. citizens would be much larger. However, the probability of an attack occurring and the exact reduction in risk resulting from administrative detention is unknown.