

times a maximum of 30 days storage, times the number of administrative detentions, times the number of facilities involved per administrative detention. Using this approach, we estimate the total costs associated with no transportation and posting one additional guard would be \$0 to \$45 million.

TABLE 14.—ANNUAL COSTS FOR OPTION 3: NO TRANSPORTATION AND ONE ADDITIONAL GUARD

Type of Cost	Cost (rounded to nearest million \$)
One additional guard	\$0 to \$11
Storage Cost	\$0 to \$2
Loss of Product Value	\$0 to \$15
Marking or Labeling	\$0 to \$1
Appeals	\$0 to \$16
Total	\$0 to \$45

We do not have information on the costs of using high security transportation and storage. However, requiring high security transportation and storage would probably substantially increase transportation and storage costs.

Benefits

As discussed in Option one, bonded and third party carriers and warehouses provide some degree of additional security relative to relying on a firm's own transportation system and storage facilities. However, they do not provide the highest level of security because food can be stolen from such facilities, and because the owners of those facilities could, themselves, become involved in deliberately adulterating food. Therefore, requiring a higher level of security for transportation and storage

would reduce the probability that an adulterated product might find its way back into commerce during a detention. We have insufficient information to estimate the change in health benefits from more secure transportation and storage.

Option Four: Issue regulations only to establish expedited procedures for instituting certain enforcement actions involving perishable food (i.e., limit the action to that required by section 303 of the Bioterrorism Act).

The Bioterrorism Act requires us to issue regulations establishing expedited procedures for instituting seizure actions, injunction actions, or both against perishable food. Therefore, taking no regulatory action with regard to those procedures would not be a legally viable option. However, we could promulgate a more limited rule that covered only expedited procedures for enforcement actions involving perishable food, rather than a rule that also included general procedures for administrative detention.

Costs

If we were to issue a more limited rule, we would still be able to administratively detain food because Congress has already granted us that authority under the Bioterrorism Act. We would probably administratively detain food in the same situations in which we would have taken this action under the proposed rule. Therefore, the costs we estimated under Option One would also apply to this option. In addition, there could be some additional enforcement cost associated with relying on the language of the act rather than our own regulations when taking this action. These additional costs would be caused by our need to develop

and defend our interpretation of the language of the Bioterrorism Act piecemeal in court, rather than through implementing regulations. These court proceedings would probably take longer and be more complicated than they would be if we were enforcing more specific regulatory language. We have insufficient information to estimate this change in costs. Therefore, we can only determine that the lower bound of the range of potential costs for this option would be somewhat greater than \$0 million, and the upper bound would be somewhat higher than \$38 million, and the costs associated with this option would be somewhat greater than those associated with Option one under any given scenario.

Benefits

Again, even if we did not include the overall framework for administrative detention in this rule, we would probably use administrative detention in the same situations in which we would use administrative detention under the framework developed in this proposed rule. However, we expect we would have somewhat more difficulty using administrative detention if we relied only on the language of the act rather than also on our more detailed regulations. For example, if we needed to develop and defend our interpretation of the language of the Bioterrorism Act piecemeal in court, our ability to pursue administrative detentions while such proceedings are ongoing might be limited or even precluded. Therefore, the benefits of this option might be somewhat lower than those for Option one.

Summary of Options

We summarize the costs and benefits of the various options in table 15.

TABLE 15.—SUMMARY OF ANNUAL COSTS AND BENEFITS

Option	Costs (in millions)	Benefits (in millions)
1—transportation and perishable foods as proposed	\$0 to \$38	> \$0
2—perishable foods alternatives	\$0 to \$30	> \$0, but < Option 1
3—no transportation, but one additional guard	\$0 to \$45	> \$0
4—limited to Act	> \$0 to > \$38	> \$0, but < = Option 1

The ranges generated by the underlying uncertainties in our analysis, particularly concerning benefits, preclude us from drawing any firm conclusions about the relative net benefits of the various regulatory options. The potential costs for Option One (the proposed rule) are lower than those for Option Three, and we are unable to differentiate the potential

benefits of these two options. The similarity between the estimated ranges of costs and benefits for these two options suggests that we should determine whether to require transportation or storage in place on a case-by-case basis, as we have proposed. The potential costs for Option One are higher than those for Option Two. However, the estimated benefits of

Option One are also higher than those of Option Two. We have insufficient information to quantify the difference in benefits. The potential costs for Option One are lower than those for Option Four, and the benefits of Option One are greater or equal to those of Option Four. Therefore, Option One would lead to higher net benefits than Option Four.