



## **New Air Cargo Screening Rules Spark Concerns**

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Pending changes in the way cargo is inspected on commercial airlines could threaten shipments of cherries and other perishables shipped on passenger planes, industry leaders said in mid-July.

Implementing recommendations of the of the 9/11 Commission Act of 2007 requires the Transportation Security Administration to physically screen 50% of cargo on passenger aircraft by February 2009 and 100% of cargo by August 2010, according to a summary of the issue by the U.S. Government Accountability Office on July 15.

Chris Schlect, president of the Yakima, Wash.-based Northwest Horticultural Council, said the mandates could derail shipments of Northwest cherries by causing a bottleneck at airlines and also by potentially violating phytosanitary requirements necessary to export to markets like Japan.

For example, Japan requires sealed and secure cartons for fresh cherry imports, and any breaking of the seal on cartons exported to Japan would cause them to be rejected upon arrival.

Schlect said the council's vice president, Mark Powers, is communicating with federal officials about the industry's concerns and seeing what remedies may be available.

Powers, contacted July 16 in Washington, D.C., said there wasn't yet a clear roadmap on how the agency or the industry will comply with the inspection requirement.

He noted that TSA has yet to publish its interim final rule about the regulation, though that is expected later this year. "It's a work in progress."

Ideally, Powers said that shippers and packers would not be involved, but rather airlines or freight forwarders would take care of the screening and it would occur through some electronic method.

"Right now the technology doesn't exist for that and that's one of the problems," he said.

To help prepare for the rigorous screening requirements, the Department of Homeland Security is developing the Certified Cargo Screening Program. That program allows screening of cargo before it is placed on airplanes.

That screening could be done by shippers, freight forwarders and packinghouses. If those supply chain elements are not certified to become approved Certified Cargo Screening Facilities, the TSA has indicated that air carriers will be responsive for screening cargo.

If shippers and packers are involved, it would create expense and more management headaches, Powers said.

“Shippers that take on this burden are not only responsible for the containers when they are at their facility, they are responsible to get it to the next secure facility,” he said.

Schlect said the level of security the TSA requires for its certified facilities will be difficult to achieve.

“Our guys aren’t used to having the level of security that TSA wants,” he said.

Cathleen Berrick, director of homeland security and justice issues for the GAO, told lawmakers the TSA faces challenges in deploying effective screening technologies, changing TSA air cargo exemptions, allocating enough resources for oversight and securing cargo transported from foreign nations to the U.S.

Also testifying at the hearing was Brandon Fried, executive director of the Washington, D.C.-based Airforwarders Association. Fried said the association supports the Certified Cargo Screener Program but said the unfunded, voluntary program is “cost-prohibitive” for nearly half of freight forwarders.

“With equipment costs that range from \$150,000 to \$500,000 per facility, we anticipate seeing more members opting not to participate in the program due to cost or business models that utilize facilities at gateway cities,” Fried said. That will leave a bottleneck at U.S. airlines and airports, which then would be responsible for screening as much as 40% of the cargo put on passenger planes in the U.S.

Fried urged Congress to provide funds to help forwarders participate in the cargo screener program.

Powers said the TSA wants to get ahead of potential problems.

“TSA is aware of the challenges of the cherry industry and they are very interested in trying to find a solution,” Powers said.