



Letter to the Editor

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Air Cargo Fee Ruling

The recent ruling striking down the air cargo pest inspection fee by the US Department of Transportation and upheld by Judge Ezra of the US District Court (in SA as reported 4/25/12) provided an example of how federal laws can trump state laws. Specifically, the Hawai'i pest inspection law (HRS § 150A (Act 173)), required airlines to collect the fee from cargo importers using their services, but the USDOT and the federal judge ruled that the state cannot require airlines to do such, according to the federal Airline Deregulation Act (ADA, 49 U.S.C. § 41713), and the federal Anti-Head Tax.

It is time to think about how to charge and collect the inspection fee from importers directly. With the amount of invasive pests arriving alive on air cargo (especially on produce, cut flowers, and Christmas trees), the need for inspection of these incoming goods is absolutely essential and importers should help pay for inspection services. If we want to continue to produce food locally, we must keep new pests out.

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