

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

RANCHERS CATTLEMEN ACTION LEGAL FUND )  
UNITED STOCKGROWERS OF AMERICA, )

Plaintiff, )

v. )

UNITED STATES DEPARTMENT OF AGRICULTURE, )  
ANIMAL AND PLANT HEALTH INSPECTION )  
SERVICE, et al., )

Defendants )

Cause No.CV-05-06-BLG-RFC

Declaration of John R. Clifford, D.V.M

I, Dr. John R. Clifford, declare and state the following:

1. I am the Deputy Administrator for the Veterinary Services (VS) program of the Animal and Plant Health Inspection Service (APHIS), an agency of the United States Department of Agriculture (USDA). I am responsible for leading APHIS's program activities, carried out pursuant to the Animal Health Protection Act (7 USC 8301 et seq.) (AHPA), to safeguard animal health in the United States. I have held this position since May 2004. I have been employed by and participated in the development and implementation of APHIS's VS program since 1985. I received my Doctor of Veterinary Medicine degree and a Bachelor of Science degree in animal science from the University of Missouri.

2. I make this declaration based on my personal knowledge and expertise, as well as

knowledge that I have acquired in the course of performing my duties with APHIS.

3. Under the AHPA, APHIS is charged with the responsibility of regulating the importation of animals and animal products to prevent the introduction into or dissemination within the United States of a pest or disease of livestock. In carrying out its responsibilities under the AHPA, APHIS issued a final rule, *Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities* (rule, final rule or Minimal Risk Region rule) in January 2005, which amended the regulations regarding the importation of animals and animal products to recognize a category of regions that present a minimal risk of introducing BSE into the United States via live ruminants and ruminant products, added Canada to this category of regions, and prescribed conditions deemed necessary to prevent the introduction of BSE into the United States.

4. To preclude the introduction of BSE into the United States while resuming imports of Canadian cattle and beef, APHIS has proceeded in measured, incremental steps and has taken each step only after carefully assessing the best available technical and scientific information. From May, 2003 and throughout the rulemaking process, APHIS has proceeded in the most thorough, deliberative manner we could devise in determining the steps necessary to continue to protect animal and public health and the livestock industry of the United States after the discovery of BSE in North America. This same exhaustive approach has also characterized our APHIS staff's development of a scientifically sound rule backed up by the broad expertise of an array of dedicated APHIS animal health specialists, a rule that is entirely consonant with the international standards and guidelines for protecting animal and human health.

5. R-CALF claims that in August 2003, USDA made a determination to allow imports of certain Canadian ruminant products contrary to the recommendations of APHIS' TSE Working Group. Specifically, R-CALF alleges that the decisions announced in August, 2003 differed in certain respects from recommendations made by the TSE Working Group in June, 2003 with respect to the risk classification of certain products and the mitigation measures that should be required prior to importing these products.

6. The August, 2003 announcement did differ from the initial recommendations of the TSE Working Group, as set forth in a memorandum dated June 16, 2003. However, the August, 2003 announcement was based on substantially expanded knowledge and information regarding the Canadian situation, the expertise and views of those same TSE Working Group members and, in addition, a broad array of other USDA experts who were called upon to assist in responding to the detection of a BSE cow in North America in 2003 and the development of agency policies regarding BSE, including the Minimal Risk Region rule. For example, following the detection of BSE in Canada, APHIS dispatched a number of animal health experts with expertise in animal health and epidemiology to collaborate with Canadian authorities and to evaluate Canada's epidemiological investigation. Thus, the TSE Working Group was not the exclusive group of staff members responsible for evaluating information and data regarding Canada's BSE status and rendering advice and recommendations to APHIS policy makers. In fact, information, advice and recommendations were provided to agency policy makers from throughout the agency as well as from animal health specialists and other experts in the United States and internationally.

7. R-CALF's allegation, therefore, misconstrues the purpose, nature and function of the

APHIS TSE Working Group. The TSE Working Group consists of APHIS employees with expertise in veterinary science, epidemiology, import/export issue management, pathobiology, veterinary biologics, and TSE program management, i.e., scrapie, chronic wasting disease and BSE. The TSE Working Group has historically met on a regular basis, most often informally, to assist and make recommendations to the Deputy Administrator for VS, as well as other managers and decision-makers of APHIS' VS Program, regarding animal health programs. The views and advice of the TSE Working Group are provided to the Deputy Administrator and senior managers of VS' animal health programs either orally or in writing. The Deputy Administrator and other VS managers may also participate in discussions and meetings of the TSE Working Group. It is these senior managers and policy makers who are, in turn, responsible for advising the Administrator of APHIS and other Department officials with regard to regulatory actions that may be taken under the AHPA relating to the elimination or control of TSEs, not the staff members of the TSE Working Group .

8. Following the detection of BSE in Canada in May 2003, the TSE Working Group was asked to become involved in the assessment of the BSE situation in Canada and the implications for the United States of that detection, and to provide recommendations regarding the conditions and requirements for resumption of safe trade in ruminant and ruminant products with Canada. The TSE Working Group developed an initial set of recommendations based on the limited information available at that time regarding the BSE situation in Canada. These initial recommendations were set forth in the June 16, 2003, memorandum from the Chairperson of the TSE Working Group to the Deputy Administrator of APHIS' VS Program.

9. From that point forward, the TSE Working Group continued to be involved in the on-

going analysis of the BSE situation in Canada and with APHIS' consideration of necessary conditions for the resumption of safe trade in ruminants and ruminant products with Canada. During the summer of 2003, considerable information regarding the Canadian BSE situation was developed. Between June and August, 2003, Canada provided its detailed and comprehensive final report of its epidemiological investigation of the May, 2003 BSE positive cow. This included Canada's identification of potential sources of exposure, traceback and traceforward investigations, information on its feed ban, including compliance with the feed ban. In addition, the final report of an international team of BSE experts appointed by Canada to investigate Canada's epidemiological investigation and response to the finding of BSE was completed. During this period, Canada also promulgated regulations requiring the removal of specified risk materials at slaughter. The decisions made in August 2003 were based on our evolving knowledge of the BSE situation in Canada and reflected the input of a broad array of experts, not only the members of the TSE Working Group. The decisions reached in early August, 2003 were announced by the Secretary on August 8, 2003, and were communicated that same day in a letter from the Administrator of APHIS to officials of the Canadian Food Inspection Agency. (AR 10392) In that letter, the Administrator of APHIS pointed out that the decision was based, in part, on the ongoing evaluation conducted by the TSE Working Group. Attached as Exhibit 1 is the Transcript of the Media Briefing conducted by former Secretary Veneman on August 8, 2003. At this time, Secretary Veneman announced that USDA would begin accepting applications for permits to import certain ruminant products from Canada under specified conditions. This permit process was authorized pursuant to existing regulations at 9 C.F.R. § 93.401 (a). Each person interested in importing these products was required to submit an application. Each

application was required to be submitted to APHIS/VS' National Center for Import and Export (NCIE). Each application was evaluated by the NCIE staff and permits were issued for eligible products on an individual basis. Each permit listed the eligible products and specified or referenced the importation conditions and certification requirements. Eligible product offered for importation was required to be accompanied by a copy of the permit as well as any required certifications by Canadian officials. In addition, imported product was subject to inspection by government agricultural quarantine inspectors at the port of entry, and was required to be inspected by USDA's Food Safety and Inspection Service at designated import inspection facilities.

10. While it is true that bovine tongues were not identified in the June, 2003 memorandum of the TSE Working Group as a "low-risk" product and were not included in the August, 2003 list of allowable products from Canada, the OIG Audit Report dated February, 2005 contains a thorough analysis of the agency's subsequent classification of bovine tongues as a "low-risk" product. In conducting the audit, OIG interviewed the chairperson of the TSE Working Group, who "explained that the [June, 2003] listing was not intended to be authoritative and was based on the TSE Working Group's understanding of the issue in June 2003." Bovine tongues were "listed separately because different members of the scientific community had differing opinions about the risk level. According to the Chairperson, there were many discussions of this issue, both in the APHIS chain of command and with colleagues in FSIS. The discussions included the APHIS Deputy Administrator and the Administrator, who made the final decision to list bovine tongues as "low-risk" and allow their entry into the United States." (See, OIG Audit Report 33601-01-Hy, "Animal and Plant Health Inspection Service Oversight of

the Importation of Beef Products from Canada”, p. 11, Attached as Exhibit 1 to Plaintiff’s Reply Memorandum in Support of Preliminary Injunction). The Chairperson further explained that the decision to add tongues to the “low-risk” list was consistent with APHIS’ “Risk Analysis: BSE Risk from Importation of Designated Ruminants and Ruminant Products from Canada into the United States”, which was completed in October, 2003, and made available to the public on November 4, 2003. Further, the APHIS Administrator, who was the Deputy Administrator for VS at the time the decision was made to allow the importation of bovine tongues into the United States in October, 2003, stated that “the decision was made after careful consideration of all risks, although this risk assessment may not have been documented.” (Id.) As the OIG Audit Report describes, the TSE Working Group was continuously involved in the on-going analysis by APHIS of the BSE situation in Canada from the early summer of 2003 through the completion of the October, 2003 Risk Analysis which was prepared in support of APHIS’ November, 2003 proposed rule. Throughout that period, the TSE Working Group, in consultation with USDA’s FSIS and HHS’s FDA, evaluated Canada’s risk status and its response to the detection of BSE and revised the risk classification of products based on the most current information in their ongoing analytical work. (See, AR 3644)

11. Throughout the fall and into the spring of 2004, APHIS, with input from the TSE Working Group, continued to evaluate the risk of various commodities and, when appropriate, made additions to the list of Canadian products that were eligible for importation pursuant to a permit authorized under APHIS’ existing regulations. Therefore, R-CALF is incorrect in alleging that the agency ignored the advice and recommendations of the TSE Working Group at any point in the process of evaluating the risk of commodities from Canada. Furthermore, R-

CALF provides no explanation or rationale for why USDA should have ignored all of the information it obtained and considered after the initial and preliminary recommendations of June 16, 2003. For the agency not to have carefully evaluated the information gathered after June, 2003 would have been to unreasonably reject the data and scientific evidence that was available to it.

12. It is also important to note that R-CALF ignores much of the material contained in the June TSE Working Group Memorandum. R-CALF does not acknowledge that the June Memorandum expressly stated that there was a basis for considering Canada in a different risk category than other BSE affected countries. (AR009392-B) Indeed, many of the recommendations in the June Memorandum were followed with respect to the Secretary's August 8<sup>th</sup> announcement and in the proposed and final minimal risk region rules. For example, with respect to the commodities allowed in under the authority of 9 C.F.R. 93.401 (a), the agency adopted the recommendations with regard to the required risk mitigations. The same is true with respect to the proposed and final rules. R-CALF makes no effort to explain why it believes that the initial and preliminary recommendations of one group of employees should be deemed immutable and should prevail over the data, research and scientific information carefully considered in a rulemaking of more than 14 months duration and supported by an administrative record of approximately 13,000 pages.

13. Earlier in this litigation, Plaintiff implied that because some members of the TSE Working Group may not have concurred with the agency's August, 2003 decision or some provisions of the final rule, that the fact of such differing views somehow suggests bad faith on the part of the agency. This is erroneous. As explained above, the Secretary's August, 2003

decision and the final minimal risk region rule were the products of recommendations and advice not only from the TSE Working Group, and other experts throughout APHIS, but also consultations with the FSIS and HHS' FDA. The final rule was adopted after review at every level of USDA, and consideration by numerous other Departments and Agencies, including the FDA and the Office of Management and Budget. The existence of differing views among the many different staffs on individual issues is to be expected. As this lawsuit illustrates, scientists, government, industry, and the public at large have held varying opinions on BSE over time. But such disagreements in no way suggest bad faith on the part of the agency.

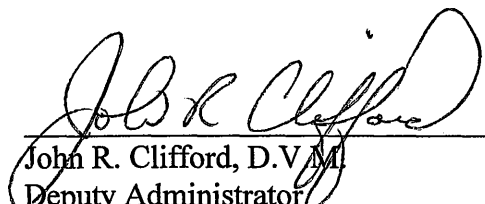
14. Furthermore, R-CALF fails to explain how any deficiencies in the agency's oversight of the permits issued under section 93.401 of the regulations, which allowed the importation of certain safe beef products, are related to the issue of whether the final minimal risk region rule, as the agency believes, is reasonable and fully supported by the extensive administrative record. There is a temporal disconnect in R-CALF's logic since the promulgation of the final rule occurred in January, 2005, many months after the period of time covered by the OIG Audit Report. Furthermore, as the rule makes clear, and as the OIG Audit Report acknowledges, the final rule eliminates the need for permits, substantially reducing the likelihood of any similar administrative problems in the future. The OIG Audit Report confirms the agency's interpretation of its own regulations as allowing for the importation of ruminant products through the permitting process. Any administrative deficiencies in the permitting process do not thereby undercut the agency's authority to issue permits, and the audit report does not suggest that the importation of the specified beef products under permits is inappropriate or would harm human health. Here again, R-CALF also refers to the audit report in support of its unfounded claim that

the agency acted in bad faith notwithstanding the absence of a single finding of bad faith in the entire report. While the OIG Audit Report did identify problems with terminology and permit tracking, for example, it did not find bad faith or improper motive. The report did identify ways to improve procedures and the agency has acknowledged those recommendations and agreed to address the deficiencies noted, and indeed, some of that will be accomplished through the final rule.

15. It is important to clarify one additional aspect of R-CALF's Memorandum of Points and Authorities in Support of Plaintiff's Motion for Summary Judgment. Relying on the OIG Audit Report, R-CALF alleges that APHIS also allowed the importation of approximately 3,000 pounds of bone-in beef from Canada between November, 2003 and April, 2004. However, until April, 2004, USDA only allowed the importation of bone-in beef that originated in the United States, or a BSE-free country, such as New Zealand or Australia, and which was processed in a Canadian facility and exported to the United States. As early as August, 2003, USDA issued public statements indicating that U.S. origin products were eligible to be shipped to Canada, processed in a Canadian facility and re-exported to the United States. (See, e.g. Exhibit 5 to Memorandum of Points and Authorities in Support of Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction; Cause No. CV-04-51-BLG-RFC; Attached as Exhibit 2). In fact, R-CALF subsequently acknowledged that ruminant products originating in a BSE-free region or from the United States that are processed in Canada and exported to the United States are not deemed to be Canadian products, provided that they are not co-mingled with products from BSE regions. (See, Stipulation filed in R-CALF v. USDA, CV 04-51-BLG-RFC, May 4, 2004).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3<sup>rd</sup> day of June, 2005 at Washington, D.C.



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John R. Clifford, D.V.M.  
Deputy Administrator  
APHIS, Veterinary Services

**EXHIBIT 1**

**EXHIBIT 1**



# TRANSCRIPT

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of

**Media Briefing with Agriculture Secretary Ann M. Veneman, Under Secretary for Farm and Foreign Agricultural Services, J.B. Penn, Under Secretary for Marketing and Regulatory Services Bill Hawks and Dr. Elsa Murano, Under Secretary for Food Safety regarding developments on the Canadian BSE Situation on August 8, 2003**

MS. HARRISON: "Thank you operator and thank you everyone for joining us today. Today we hold a briefing to update you on a variety of beef trade issues. We will begin with Secretary Veneman making some opening remarks and then we will go to questions. When we do that we would ask that you state your name and the news organization you are with. We will be providing a transcript of this session and it will be important to have that information. So with that I will turn it over to Secretary Veneman who is joining us today from California where she has been today at an event and she has about 30 minutes before she needs to leave and go catch a plane. Secretary Veneman?"

SECRETARY VENEMAN: "Thank you Alisa and thanks to all of you who are joining us today late on a Friday afternoon East Coast time. I am joining you from California where I have been touring the San Bernardino National Forest with Congressman Jerry Lewis where we have seen a very bad infestation of bark beetles that's threatening a lot of lives and property—another reminder of why the President's Healthy Forest Initiative is so important.

"Joining us on the call today to help answer questions and address the issues we are talking about—and all these folks in Washington are JB Penn, Under Secretary of Farm and Foreign Agricultural Services, Bill Hawks, the Under Secretary for Marketing and Regulatory Services; and Elsa Murano, Under Secretary for Food Safety. In addition, we also have with us Dr. Murry (Mack) Lumpkin, who is the Principal Associate Commissioner of the Food and Drug Administration as well; we have a number of technical experts available who can be prepared to answer questions either on this call or after if people have technical questions.

"Today, we want to update you on some important developments regarding BSE in Canada that was discovered in May.

"As you know, on May 20th, I temporarily halted imports of live ruminants and most ruminant products from Canada due to the discovery of a single case of BSE in Alberta.

"Since then, we have been working closely with Canada and our other trading partners to evaluate the varied and complex issues regarding this situation. My thanks to the many USDA employees who have traveled frequently to Canada and other countries and worked diligently to investigate this situation.

"We have reviewed the standards set by the International Office of Epizootics ... or the OIE, by its abbreviation, which is the standard-setting organization for animal health for 164 member nations.

"We have reviewed the exhaustive epidemiology investigation by Canada into the case, which found no other infected animals, and we have carefully evaluated the additional risk-mitigation measures put in place by Canada in response to the review of its investigation by an independent expert panel.

"From these scientific assessments, our experts have determined that the risk to public health is extremely low.

"Based on these determinations, we will begin immediately to accept applications for import permits for certain low-risk ruminant-derived products from Canada.

"Among the products that will be allowed under permit are:

- Hunter-harvested wild ruminant products intended for personal use;
- Boneless sheep or goat meat from animals under 12 months of age;
- Boneless bovine meat from cows under 30 months of age;
- Boneless veal (meat) from calves that were 36 weeks of age or younger at slaughter;
- Fresh or frozen bovine liver;
- Vaccines for veterinary medicine for non-ruminant use; and
- Pet products and feed ingredients that contain processed animal protein and tallow of non-ruminant sources.

"A complete list of products is posted on the APHIS website, but all have been deemed as low risk by our scientific experts.

"I cannot stress strongly enough that the continued protection of the U.S. food supply is our top priority and the most instrumental factor in our decision making process.

"We have weighed many factors.

"As I already mentioned, we closely reviewed the OIE standards for BSE, the investigation conducted by Canada and the international expert panel review of the investigation.

"In addition, we reviewed the Canadian system of beef production and processing and concluded it has been and continues to be based on a strong foundation of BSE preventive measures.

"Canada has also taken numerous recent actions that augment an effective feed ban implemented in the 1990s.

"These include an aggressive surveillance and ante-mortem inspection program for central nervous system disorders. The United States has implemented aggressive safeguards following the awareness of the disease in Europe in the 1990s.

"The U.S. banned the feeding of ruminant-derived protein to cattle, implemented an aggressive surveillance system that has tripled the number of tests for BSE in 2002 and banned imports of prohibited products and animals.

"We will continue to prohibit entry into the United States of certain other Canadian products, notably live cattle, until a rulemaking process is completed.

"We will begin that rulemaking process at once.

"For those of you who have diligently reported on this situation over the past several weeks, you know that the issues surrounding the BSE in Canada are enormously complex.

"The North American beef market is highly integrated, which has created unique circumstances that no other countries have had to confront.

"Despite the scientific evidence showing that the products we are discussing here are safe, some of our trading partners have asked for additional assurances that products they are receiving from us do not include products of Canada. Both Japan and South Korea have requested such additional measures.

"We do not feel that the science justifies those requests to exclude Canadian beef from our beef and beef products. However, Japan is the largest export market for U.S. beef and Korea is the third largest... and any disruption in trade to these countries would bring economic harm to our industry.

"To be responsive, we have developed a program that the U.S. industry may use voluntarily to meet these requirements, while we continue our dialogue with Japan to resolve these technical differences.

"The program, called the Beef Export Verification program, will set forth policies, procedures and requirements for an independent process verification of participants.

"It is a voluntary, user-fee service available to suppliers of beef and beef products derived from cattle slaughtered in the United States.

"The USDA Agricultural Marketing Service will conduct process verification audits of suppliers, program documentation and procedures with regard to the Beef Export Verification program requirements.

"Details of this program are being shared with the industry and will be posted on the USDA website

starting today. It will be operational on or before September 1st.  
"As I said before, we do not believe such a program is necessary.

"It could have been avoided if there were a more practical, risk-based approach to trade with countries, such as Canada, that have had only isolated occurrences of BSE and have responded aggressively with appropriate mitigation measures.

"We, along with our North American trading partners Mexico and Canada, have requested that the OIE expand its current international BSE dialogue to develop practical, consistent guidance for resumption of trade with countries that have reported cases of BSE.

"We are requesting that the BSE guidelines be addressed at an OIE special meeting in September.

"The current OIE standards have been helpful in guiding countries with their risk-mitigation efforts. But, we are continually learning more about this disease and the science is advancing.

"And many countries with and without BSE have taken new steps to control and prevent it.

"All of this places the international community in a much better position today to develop a practical, risk-based approach to addressing safety issues impacting trade and assuring consumers worldwide of the continued safety of their food.

"Countries knowing they will be treated consistently and fairly will have greater incentive to conduct appropriate levels of surveillance and reporting of BSE in order to demonstrate transparency with their trading partners.

"The United States has one of the safest food supplies in the world and we will continue to take all necessary actions to keep it that way.

"Thank you again for joining us today, and now we will open it up for questions, after I think instructions again by Alisa Harrison.

MS. HARRISON: Thank you, Secretary Veneman.

"We will go to questions now. The operator will give you some directions momentarily. I do remind you to state your name and your news organization. So, with that, operator, we're ready for questions.

OPERATOR: Gentlemen, if you have a question at this time, please press the one key on your touch-tone telephone. If your question has been answered or you wish to remove yourself from the queue, please press the pound key.

Our first question comes from Diane Trodiae [ph], from CBC News World.

QUESTION: Hi, there.

I'm wondering if you could go over the list again of the exact products that you will now be allowing back into Canada and if this is immediate in terms of today, tomorrow, next week.

SECRETARY VENEMAN: "The products that will be allowed under permit will be on the website, the USDA website, starting I believe at 4 o'clock Eastern Time, about 10 minutes ago. But these will be products allowed under permits, and I'll go through the lists, as I described in my opening remarks, but again I would encourage you to look at the more technical and comprehensive list that's on the website.

"It would be hunter-harvested wild ruminant products intended for personal use. I would just point out that this has been an issue for which we've gotten a tremendous amount of correspondence from people who hunt in Canada and bring products back into the United States, and these are game animals of which there is no risk that any science has shown with regard to BSE from these animals, but because they were classified as ruminants, they fell under the initial regulation.

"The second one was boneless sheep or goat meat from animals under 12 months of age; boneless bovine

meat from cows under 30 months of age; boneless veal from calves that were 36 weeks of age or younger at slaughter; fresh or frozen bovine liver; vaccines for veterinary medicine for nonruminant use; and pet products and feed ingredients that contain processed animal protein and tallow of nonruminant sources.

"This will not be immediate. We expect that we will have the actual, we will begin to accept applications for permit, but we don't anticipate that permits will be issued, at least for meat or bovine meat and meat products, before the end of August.

MS. HARRISON: And I would add, though, that the hunter-harvested products will be immediate; is that correct?

MR. : Correct.

SECRETARY VENEMAN: "Yes. And there have been a number of hunters who have requested information about this, and the permit for then bringing the product back in, that application will be available on our website starting this afternoon.

OPERATOR: Thank you. Our next question comes from David Common with CBC News World.

QUESTION: Secretary Veneman, I wonder if you could just give us an idea about the additional criteria and what percentage of the total imports that Canada brings into the U.S. is represented by what's now being allowed in.

SECRETARY VENEMAN: "I don't know exactly what you're talking about in terms of additional criteria."

QUESTION: Well, you spoke about criteria being developed for the importation of the material, the beef that's not currently being allowed in. What will it take to get that brought in?

SECRETARY VENEMAN: "Well, there will be an application process for a license for exemption from the current regulation that we have in place, and that information will be available on our website, and I think the technical details will be available.

"I might call upon JB Penn to answer the question about the numbers and the economics because, unfortunately, I don't have that information with me here in California."

DR. PENN: " Thank you, Secretary.

"Just for perspective, in the most recent year, we imported about \$1.1 billion worth of beef products from Canada and about \$1.1 billion worth of live cattle.

"My understanding is that the products that are included in today's announcement would be about 40 percent of the beef products that we normally import."

QUESTION: Thanks very much.

OPERATOR: Thank you. Our next question comes from Steve Kaye with Cattle Buyers Weekly.

QUESTION: Madam Secretary, you talked about boneless beef from cattle under 30 months of age. Seeing Canada has expanded its definition of SRM, specified risk materials, why has USDA confined this reopening or this permit issuance to cattle under 30 months; why not all cattle if Canada has taken this action?

My second question is a very quick one. I assume, and you haven't said this, both Japan and Korea have not only signed off on the beef export verification program, but they're comfortable with the reopening of the border to these products; is that correct?

SECRETARY VENEMAN: "With regard to Japan and Korea, we have had extensive discussions with Japan and Korea and discussed with them the proposed action, and it is our understanding that, with the verification process that I described in my opening remarks, that they are agreeable to what we have outlined today.

"We've had, as I said, a number of people working very hard with other countries. We've had a lot of discussions about the risk and basing these decisions on science. We don't believe that this verification is based on science, but because of the importance of these export markets we have agreed, as a temporary measure to provide this.

"With regard to the cattle under 30 months, again, this is our decision based upon what products will be eligible to apply for this permit, and those are the absolute lowest-risk products, and those include meat from cattle under 30 months, and that's how that decision was made based upon a risk analysis of our expert scientists."

QUESTION: A very quick follow-up. You talked about rulemaking process for live animals. Is that conditional on what the OIE might say or not say in September?

SECRETARY VENEMAN: "Well, we are looking--no, it is not. We're going to be looking at a formal rulemaking process for live animals and probably begin that process by looking at a rulemaking process for live animals that would be the least-risk animals. Those are probably under 30 months as well, and we will begin to prepare for that rulemaking process immediately."

QUESTION: Thank you very much.

OPERATOR: Our next question comes from Bob Wiss [ph] from Booth Newspapers.

QUESTION: Thank you very much. I am particularly interested in the permit process for hunters. We're from Michigan. We have a lot of hunters who go to Canada. How difficult will it be to get these permits? Are they readily available? Will they be costly, et cetera?

SECRETARY VENEMAN: "They will be readily available, and they will be quickly available because, as of today, they will be available on our website to be printed out, and the border people will be alerted that with these permits, and of course appropriate hunting licenses and all of the other things that hunters have to have, product can come across the Canadian-U.S. border."

QUESTION: Is there a cost?

SECRETARY VENEMAN: "Bill Hawks, I'd have to call on you to answer that. I don't believe there is."

MR. HAWKS: "There is no cost associated with that part of it."

QUESTION: Thank you very much.

MS. HARRISON: "This is Alisa Harrison.

"I just will remind reporters that also on our website, and what we will be sending out, is a list of questions and answers that gives very detailed answers to these types of questions about the permitting process."

OPERATOR: Our next question comes from Cameron McIntosh from Canadian Broadcasting.

QUESTION: Yes, my question is for Secretary Veneman as well.

It follows one of the earlier questions, but specifically toward live cattle. I'm calling from Calgary, which is kind of the cattle hotbed here. At one point or what criteria will we need to see addressed in order to get live cattle moving over the border?

SECRETARY VENEMAN: " Well, again, and I do understand the difficulties that the cattle producers in Canada have had because there were, as Dr. Penn indicated, a sizable number of cattle that have been integrated into this North American market.

"But as I said, we will begin a rulemaking process immediately for cattle that are under 30 months of age. Those would be the lowest risk, and that rulemaking process will identify the criteria and have a risk analysis and so forth associated with that formal rulemaking process. I can't give you an exact date as to

when that will be done, but it will be in compliance with our rulemaking requirements."

QUESTION: Great.

OPERATOR: Our next question comes from Corey Henry with U.S. Trade.

QUESTION: Thank you.

Madam Secretary, I understand, based on your comments, that Japan and South Korea apparently have both agreed to the listing of the restrictions you've announced today. But with regard to the live cattle, I'm wondering if you can give us an update on what the status is of your discussion with both countries on their concerns over the mixing of Canadian and American cattle, and also can you give us a sense on your opinion of what rules need to be created for cattle under 30 months of age that they could accept.

SECRETARY VENEMAN: "Again, I don't think at this point that we're prepared to discuss that. The live cattle issue will, as I indicated, be addressed in a rulemaking process that will assess risk, it will allow for public comment. That will include public comment from other countries, but at this stage, the discussions have centered around the bovine meat under 30 months of age and the other products I talked about, and that is where we have had the discussions with Japan and Korea, in terms of the immediate situation."

QUESTION: Ultimately, would you need both countries to sign off on rules on live cattle and on bovine meat or what specifically would they need to agree to for you to lift the ban on Canadian live cattle?

SECRETARY VENEMAN: "Well, I think it's certainly premature to talk about what exactly is going to happen with regard to live cattle because it has to go through the rulemaking process. Again, other countries don't sign off on our rulemaking. They have the opportunity to participate in the rulemaking, but I would hope that Japan, and Korea, and Europe, and all of the other countries all around the world would actively work with us in OIE to look at what are the appropriate guidelines for countries with regard to trade when there are isolated cases of this disease because, as we've seen, it can create tremendous trade disruptions.

"And we believe it's very important to base all of our decisions on good science. We believe that the OIE, which is the international organization that brings experts together is the appropriate place to do that and that we are urging them to act quickly to bring together a group of experts to make recommendations on how we should move, how countries should assess risk in these kinds of situations."

OPERATOR: Our next question comes from Les Weddington [ph] from Toronto Star.

[No response.]

OPERATOR: Your line is open.

[No response.]

OPERATOR: We'll move on to the next question. Our next question comes from Matt Kaye with Burns Bureau.

QUESTION: Secretary Veneman, thank you. Going back to Japan and Korea, I'm trying to understand their acceptance of our procedures here. My understanding, from your opening statement, was that this was a voluntary program, the beef export verification program. Before, I'd understood that Japan wanted guarantees, it wanted certification that there was no Canadian product in our product. Are they accepting our actions on a voluntary basis, as opposed to a mandatory one?

SECRETARY VENEMAN: "Well, I think that, from your question, there may be some confusion about what the word "voluntary" is referring to. When we talk about voluntary, it's a voluntary program for our producers to enter into that Japan then would accept as what they are allowing beef to be exported to their country. So that our producers can voluntary participate in this verification program, and then Japan would accept them as eligible exporters."

QUESTION: I understand. And just a quick follow-up on a beef-related question. Japan, as you know, recently, this month, in fact, increased its safeguard tariff on U.S. beef. And now they're saying that they're going to use the revenue gains from that increased tariff to benefit their own domestic industry.

What is your feeling about that, in light of the fact that Japan itself had earlier brought a WTO case with Europe against the U.S. for using revenues in another case, the steel case, to benefit a domestic industry?

SECRETARY VENEMAN: "Well, let me just say that I think that we are in complete disagreement with the increase in the tariffs that they have recently implemented. That was a safeguard measure that was to protect against import surges.

"Now, the exports of beef went down considerably when Japan had its BSE outbreak, and so when the exports--as consumption then resumed, as consumer confidence was regained in Japan, exports began to increase again.

"The exports to Japan were not over historical levels, and yet because there was this dip which created the baseline, they implemented the safeguard. We think it's wrong. In fact Ambassador Zoellick and I have both said that numerous times, and just this week, he and I sent a joint letter to Japan requesting that they remove the tariff.

"So we think that the tariff is wrong; how they are using the proceeds, I'm not prepared to comment on at this time. But certainly the tariff itself, the increased tariff, is simply in our view just something that is not justified and should not be used."

MS. HARRISON: "The Secretary has time for one more question before she has to go. I will say that she has to go because she is receiving an award tonight, a very big honor. She is receiving the Agriculturalist of the Year from the State of California tonight, so she will need to leave and get going.

"So we'll take one more question for her, and the others will stay on if there are additional questions."

OPERATOR: The question comes from Blair Andrews with Ontario AG RadioNet.

QUESTION: Yes. I'm trying to get a better idea of when the border will be open again to the Canadian beef products that she mentioned. How long will it take to have one of these permit applications approved?

SECRETARY VENEMAN: "Again, we think that we should see all of this implemented by sometime the end of August. I can't give you an exact date, but we expect to process them fairly quickly as they come in, and all of that is being worked out, because at this point, we don't know the volume, we don't know the timing, but we are going to work very closely with our agencies to make sure that we can process them in a timely manner. But we would expect that all of this would be operational at the end of August.

"If I might before I take off, I just again want to say--I can tell that we have a broad range of reporters, a lot from Canada on today, and I'm sure many from the U.S. and other places as well. I know this has been an issue of considerable interest to people in the affected countries; it has been an issue that we have worked very hard as we have gone forward on this. Our scientists have been very engaged in assessing how we make decisions based on good, sound science. We believe that that's the decision that we are announcing today.

"So again, I want to thank all of you for being interested and continually reporting on this issue.

"Thank you, Alisa, and all of you who have participated as well."

MS. HARRISON: "Thank you, Secretary Veneman."

SECRETARY VENEMAN: "Goodbye."

MS. HARRISON: "Operator, we'll continue to take a few more questions."

OPERATOR: Our next question comes from Bruce Bass, with Tyson's Foods.

QUESTION: Yes, thank you.

I'm not exactly sure who to address this to, but my question is Canada recently, maybe as late last week, started a certification program for under-30-month-old animals. It's sort of a two-part question, but the first part is will this beef have to be from certified under-30-month-old animals, or will beef be available to come in from animals that were slaughtered/harvested in Canada prior to the certification going into effect?

MR. MOORE: "Bruce, this is Dale Moore, Chief of Staff to Secretary Veneman, and this is a USDA call, so I'm not sure how the Canadians are handling that up there. You would need to check with Minister Vanclef's folks back in Canada about that."

QUESTION: So it would be Ag Canada's decision as to whether to send certified or not certified under-30-month?

MR. MOORE: "We are--our technical folks are going to be working with Canada's technical folks on issues of that particular nature. How Canada in that process--if we are comfortable and confident with whatever process Canada has in place to address that under-30-month/over-30-month of age process, I'm sure folks like our APHIS will be working with them on a technical level; but frankly, that level of detail is not something I am prepared to answer today."

QUESTION: Thank you very much, Dale.

The second part of the question is--

MS. HARRISON: "We're going to have to go on, as you know, because this is a briefing for reporters, so we really have to try to keep the questioning from reporters."

QUESTION: No problem. Thanks, Alisa.

OPERATOR: Thank you.

Our next question comes from Daniel Goldstein, with Bloomberg News.

QUESTION: Yes. Hi, there.

My question is I want to make sure this is correct. Right now, you are letting animals under 30 months cross the border after the permit process; is that correct?

MR. MOORE: "No, that's not correct."

QUESTION: Okay. Well, tell me what has happened.

MR. MOORE: "What we are doing is that animals--excuse me--meat from animals under 30 months of age, folks can start applying for permits to import that beef. Live animal imports are going to be subject to our rulemaking process which the Secretary has indicated is also underway, but that is a more lengthy process."

QUESTION: And you expect to deal with that by September?

MR. MOORE: "No."

QUESTION: Well, when do you expect to make a decision on live animals?

MR. MOORE: "As expeditiously as possible, but no particular promise on the time frame. We have to wait for our rulemaking process."

QUESTION: Alisa, this is Bill Hobbs. I have a plane to catch as well, so I'm going to have to drop off.

MS. HARRISON: Okay.

Operator, if there are no further questions, we'll end it here.

OPERATOR: We do have more questions. Did you want to go ahead and continue?

MS. HARRISON: "We'll take one more question, but then we'll have to cut it off."

OPERATOR: Okay. The next question comes from Renata Deluci [ph] with [Inaudible] Journal.

QUESTION: Hi. I wanted to know why the U.S. has decided to break away from its BSE policy and allow beef from a country that has BSE and is not considered BSE free.

MR. MOORE: "That's a very good question, and one of the things, as the Secretary has indicated, we are looking to work with the Office of International Epizootics, work with Canada, work with Mexico, and other countries, based on new science, updated science, based on expanded information, certainly based on our experience and also Canada's experience in dealing with this particular single case of BSE. We have determined that we need to review the current BSE mitigation standards, criteria, et cetera, that are in place relative to countries resuming trade once a find is found in a particular country, and we believe that this is an opportune time, while it was fresh certainly in Canada's mind and in our mind and OIE has been very cooperative in helping us sort through a number of these issues. We believe this is a very opportune time to set an example as to how we would expect to be treated if a case ever occurred in this country, number one; and number two, we believe strongly that our science says that there are ways to view the risk of BSE both from the standpoint of food safety, the standpoint of animal health the mitigation measures that can prevent BSE, that can manage and control it, et cetera.

"The bottom line is we feel like it's time to update the OIE standards, and we look forward to working with them and with our North American trading partners and others in doing that. We think it is an excellent opportunity to provide some leadership while making some changes."

MS. HARRISON: "Thank you—"

QUESTION: And what will happen to the other beef exports that Canada used to send, because my understanding is 40 percent now of what was sent is being allowed in. What will happen to that other 60 percent of the beef exports?

MR. MOORE: "That will be subject to the rulemaking process, as I mentioned and the Secretary has mentioned and certainly other folks on the call, we are going to be working on those, continue working on those issues through our rulemaking process."

QUESTION: Could you please state your name again?

MR. MOORE: "Dale Moore."

QUESTION: Thank you.

MR. MOORE: Thank you.

MS. HARRISON: "We want to thank all of you for joining us today. We'll have our transcript out just as soon as we can. The press release is out. There is a Q & A answering a lot of these questions for your reference. And we hope you have a good weekend."

OPERATOR: Ladies and gentlemen, thank you for your participation in today's conference call. This does conclude the program. We will now disconnect.

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**EXHIBIT 2**



## Questions and Answers

Updated Information in **BOLD**

### The Importation of Certain Ruminant Products from Canada August 2003

#### *USDA Permitting Process*

#### **Q. What is a ruminant?**

A. Ruminants are animals that have multiple stomachs, such as cattle, sheep, goats, bison, deer, elk, caribou, moose, camels, etc.

#### **Q. Which ruminant products that were banned on May 20, 2003, can now be imported from Canada?**

A. The following ruminant products from Canada will be allowed to enter with a permit:

- Hunter-harvested wild ruminant products that are intended for personal use;
- Caribou and Musk ox meat from the Canadian province of Nunavut for commercial use;
- Veal (meat) from calves that were 36 weeks of age or younger at slaughter;
- Boneless meat from sheep or goats that were 12 months of age or younger at slaughter;
- Meat from farm-raised cervids. (cervids include deer and elk);
- **Boneless bovine meat from animals that were 30 months of age or younger at slaughter;**
- Fresh or frozen bovine liver;
- Finished pet chews that are made from bone, ligaments, hides or hooves; and
- **Calf milk replacer, pet food, and feed ingredients that contain only non-ruminant products when produced in facilities with dedicated manufacturing lines.**

#### **Q. How can a hunter import wild ruminant meat?**

A. In order to import hunter-harvested wild ruminant products, the hunter must obtain a "Veterinary Services Special Permit for the Importation of Hunter-Harvested Wild Ruminant Meat." Importers in the United States can download and print this document directly from APHIS' homepage at: <http://www.aphis.usda.gov/lpa/issues/bse/bse.html>. Importers can also contact APHIS' National Center for Import and Export by telephone at (301) 734-3277 to obtain the Special Permit or to ask questions.

#### **Q. Can I re-enter the United States at any land border crossing with hunter-harvested meat?**

A. No. Only certain ports can be utilized. Visit [www.usda.aphis.gov](http://www.usda.aphis.gov) for a list.

#### **Q. Can I re-enter the United States by air with hunter-harvested meat or ship my hunter-harvested wild ruminant meat by air?**

A. **Yes. Any international airport may be utilized to either return with or ship hunter-harvested wild ruminant meat.**

#### **Q. What documentation must the hunter present to officials at the port of entry upon their return to the United States from their hunting expedition in Canada?**

A. The hunter must have a "Veterinary Services Special Permit for the Importation of Hunter-Harvested Wild Ruminant Meat." **The hunter must also have a valid hunting license or a photocopy of one.** These documents must be presented at the U.S. port of entry and will be reviewed and approved by an inspector with the Department of Homeland Security, Customs and Border Protection.

#### **Q. How do I import the other ruminant products listed above?**

A. The importer in the United States must apply for and receive a "United States Veterinary Permit for Importation and Transportation of Controlled Material." There are three ways to apply:

1. You can apply on-line at the following address: [http://www.aphis.usda.gov/vs/import\\_export.htm](http://www.aphis.usda.gov/vs/import_export.htm). Click on "IMPORT AUTHORIZATION SYSTEM" and follow the directions to apply;
2. You can download and print an application (VS Form 16-3) at the following address [www.aphis.usda.gov/vs/ncie](http://www.aphis.usda.gov/vs/ncie); or
3. You can contact APHIS' National Center for Import and Export by telephone at (301)734-3277 to have the application faxed or mailed to you.

**Q. Where can low-risk ruminant-derived products from Canada, with the appropriate paperwork, enter the United States?**

A. Ruminant products deemed low-risk may enter at any one of 18 U.S. ports of entry: Houlton, Maine; Derby Line and Highgate Springs, Vermont; Champlain, Alexandria Bay, and Buffalo (Lewiston Bridge, Peace Bridge, Rainbow Bridge), New York; Port Huron, Detroit (Ambassador Bridge), and Sault St. Marie, Michigan; International Falls, Minnesota; Pembina and Portal, North Dakota; Sweetgrass and Roosville, Montana; and Blaine (Peace Arch, Pacific Highway, Cargo Ops), Lynden, Sumas (Cargo), and Oroville, Washington.

**Q. What is the definition of a "commercial importation?"**

A. A commercial importation is an importation of a product that will be sold and/or further distributed.

**Q. What is the definition of an importation that is for "personal use?"**

A. Importations that are for personal use include meat and trophies from legally hunted wild ruminants that are imported strictly for the use of the hunter.

**Q. What is the definition of a "dedicated facility?"**

A. A dedicated facility is an exporting processing facility that does not receive, store, or process ruminant material from any region that USDA designates as being affected with BSE.

**Q. Are there any products that do not require a United States Veterinary Import Permit?**

A. No. All products on the list require either a "Veterinary Services Special Permit for Hunter-Harvested Wild Ruminant Meat" or a "Veterinary Services Import Permit."

**Q. How will I know what the Canadian Government Certificate needs to say?**

A. Contact APHIS' National Center for Import and Export at (301) 734-3277 for more information.

**Q. What will happen if an importer does not have the required documentation?**

A. The product will be refused entry into the United States.

**Q. Can meat and cattle that originate in the United States be processed in Canada and then returned to the United States?**

A. Yes, if certain requirements are met.

**Q. What are the requirements to process U.S. origin meat in Canada and then return it to the United States?**

A. The requirements will be based on whether the Canadian facility in which the U.S. origin meat is processed is dedicated or non-dedicated. Contact APHIS' National Center for Import and Export at (301) 734-3277 for specific requirements.

**Q. What types of facilities in Canada may be used to process U.S. origin meat and meat products for their return to the U.S.?**

A. These facilities must be dedicated facilities – i.e., they only process U.S. origin meat and meat products or Canadian meat eligible for export to the United States. A dedicated line, rather than a completely dedicated facility, may be used if all products coming into the facility qualify for export to the United States.

**Q. Can any live ruminants be imported from Canada into the United States at this time?**

A. No. The rulemaking process will begin immediately for the importation of live ruminants and ruminant products.

**Q. What is the legal authority for the permitting process? Is there a need for rulemaking?**

A. The Department has regulatory authority to issue permits allowing ruminants and ruminant products to enter the United States from Canada, under prescribed conditions, if doing so will not endanger U.S. livestock or poultry (9 C.F.R. § 93.401(a)).

If the Department decides to make changes to the underlying regulation, we will follow the regulatory process, including the opportunity for public comment. Before we take action, the Department will ensure that there is a strong scientific justification for doing so. All actions taken by the Department will be based on sound science.

**Q. Are other countries besides Canada with BSE cases going to be allowed to import to the United States too?**

If a country believes that they have the same status as Canada, they then can apply to export to the United States. Since Canada has requested that we open the border to low risk materials, the United States has reassessed the systems in place in Canada for reducing risk from BSE. Certain actions, including but not limited to the following, led us to conclude that Canada presents a minimal risk of BSE: A history of stringent import control measures, a strong surveillance system, a feed ban that has been in place for several years and appropriate additional mitigation actions taken as necessary. If another BSE-restricted country requested recognition of a similar status from the United States, we would assess the preventive systems in place in that country and evaluate the slaughter and processing systems to determine their equivalence with the United States system.

**Trade Issues****Q. Will the import of certain products from Canada impact U.S. export markets?**

A. We have been in close communication with our export partners regarding these actions. After failing to implement appropriate BSE preventative measures---measures that have been in place in Canada and the United States since 1989---Japan has had seven reported cases of BSE. The Japanese consumer received mixed messages about BSE and consumer confidence fell. Japan's government responded by requesting an identification process from all beef suppliers----and this was being discussed prior to BSE in Canada.

We do not feel that the Japanese government is justified in its decision to exclude Canadian beef from our beef and beef products exported to Japan. Although the United States does not believe such steps are necessary, we are working to provide the industry a system that can be used to verify U.S. beef exports.

**Q. Why is a certification process needed if Canadian beef is safe?**

A. We do not feel that it is needed. Japan is basing its identification requirement on commercial marketing factors and not on science-based principles. However, in order to maintain an important export market for U.S. beef, we are working to provide a requested measure that meets Japan's current marketing expectations. Other foreign suppliers to Japan had already agreed to the Japanese demands.

A process verification system for beef exports to Japan is voluntary. It is a proven marketing tool that is currently used by many different sectors of the U.S. beef industry at all levels of marketing, but it has nothing to do with food safety.

We will continue to work to convince Japan to remove this unnecessary requirement.

**Safety****Q. How does the permitting process change the risk of BSE occurring in the United States?**

A. Our experts have thoroughly reviewed the scientific evidence and determined that the risk to public health is extremely low. We feel that the Canadian system of beef production and processing has been and continues to be based on a strong foundation of preventive measures to keep BSE from spreading. Canada has also taken numerous actions, including an effective feed ban in the 1990's, an aggressive surveillance program, and a heightened awareness at ante-mortem inspection for central nervous system disorders to minimize the risk of BSE.

In addition, the U. S. has had a strong system of preventive measures in place since 1997. We have had a feed ban in place since 1997 that, according to a Harvard Risk Assessment, has been the U.S.'s most effective means of BSE prevention. The U.S. has continued to expand the BSE surveillance program as well as strengthen efforts on feed ban compliance. We are currently evaluating all of our safeguards to ensure that they reflect the most recent science.

Other countries such as Japan that have found recurring cases of BSE did not effective preventive programs in place until after a case of BSE was found.

**Q. Should the United States take any additional preventive actions?**

A. Canada announced additional steps that are appropriate for a country that has had a case of BSE. The U.S. has already taken aggressive action to provide multiple firewalls against BSE, including prohibiting certain specified risk material in ground beef products and has an active surveillance program in place to ensure risk material is not present. Although we feel confident that safeguards currently in place provide ample safety, we will continue to reassess our safeguard measures using science based principles. We

have asked Harvard to re-evaluate its BSE risk assessment in light of the single case of BSE in Canada.

**Q. Can you explain the justification for allowing such products as boneless beef in from Canada?**

A. The USDA Transmissible Spongiform Encephalopathy (TSE) Working Group continues to reassess the information that they had been working on for some time prior to the Canadian case regarding the identification of products that present low risk for carrying the BSE-infectious agent. Based on peer-reviewed research, muscle cuts do not appear to transmit infection. Whole muscle boneless cuts of beef from countries in the same risk category as Canada do not contain the types of nervous system tissues that could carry the BSE-infectious agent.

Boneless beef containing whole muscle cuts are very low risk, do not contain central nervous system tissues and will be allowed to be imported only from cattle younger than 30-months of age.

The U.S. is taking a measured approach to allowing low risk materials from Canada into the U.S. The U.S. believes that Canada, like the U.S., has had an effective prevention system in place for many years in order to reduce the likelihood that the BSE-infective agent was present. We believe that the Canadian system of beef production and processing has been and continues to be based on a strong foundation of BSE prevention measures. The combination of an effective feed ban in the 1990's, an aggressive surveillance program, and a heightened awareness at ante-mortem inspection for CNS disorders has been effective in reducing the risk of BSE in Canada.

In addition, Canada has had a regulatory system for beef slaughter and processing that has been deemed equivalent to the U.S. system. Since the identification of the BSE case in Canada, the U. S. government has sent delegations of scientists to Canada to further improve the preventive and compliance measures employed by Canada to ensure that the on-going systems are sound and effective.

**Q. Are you confident that the single Canadian cow is an isolated case?**

A. Canada conducted an extensive investigation into the case of BSE including the trace back and trace forward of the suspected animals of origin. Canada depopulated over 2700 animals that could have been associated with the case animal and tested them for BSE. No other cases were found. In addition, Canada had an international expert panel review their investigation and found it to be scientifically valid.

Canada had strong mitigation steps in place, including a ruminant feed ban, to prevent the spread of BSE should a case be found--mitigation steps not present in other BSE countries such as Japan. As noted in the 2001 Harvard Risk Assessment, this type of ban is an important measure to prevent the spread of the animal disease. Canada has implemented additional measures as necessary in response to the finding of the case of BSE.

**Q. Is bison meat acceptable for import?**

A. Yes, bison meat is considered bovine meat. Boneless bison meat from animals less than 30 months of age will be allowed to enter with a permit.

**Q. Is beef trim allowed to enter with a permit?**

A. Yes, certain types of beef trim or lean trimmings will be allowed to enter with a permit. Trim must be derived from boneless skeletal muscle with normal associated tissue. It cannot be ground meat, cannot be derived from a mechanical separation process (including advanced meat recovery), nor can it be derived from the vertebral column. In addition to these points, it must meet the same criteria as otherwise outlined for boneless meat imports (i.e., from animals less than 30 months of age at slaughter, etc.)

**Q. Are veal carcasses allowed to enter with a permit?**

A. Yes, veal carcasses will be allowed to enter with a permit. They must be from animals less than 36 weeks of age at slaughter and meet the criteria as otherwise specified.

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