

April 12, 2010

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

The Honorable Ron Kirk
United States Trade Representative
600 17th Street NW
Washington, DC 20208

Via Overnight Mail and Facsimile: 202-720-2166; 202-395-4549

Re: Urgent Request to USDA/USTR to Abandon Plans to Relax Foot-and-Mouth Disease (FMD) Restrictions for All or Part of Brazil

Dear Secretary Vilsack and Ambassador Kirk:

We, the undersigned organizations, urge you to immediately abandon your agencies' plans to relax U.S. foot-and-mouth disease (FMD) restrictions regarding Brazilian beef and other Brazilian livestock products. According to a joint news release issued by your agencies on April 6, 2010:

The United States also agreed [with Brazil] to publish a proposed rule by April 16, 2010, to recognize the State of Santa Catarina as free of foot-and-mouth disease, rinderpest, classical swine fever, African swine fever, and swine vesicular disease, based on World Organization for Animal Health Guidelines and to complete a risk evaluation that is currently underway and identify appropriate risk mitigation measures to determine whether fresh beef can be imported from Brazil while preventing the introduction of foot-and-mouth disease in the United States.¹

It would appear that, in the context of your joint April 6 news release, this concession to relax U.S. FMD restrictions is a quid-pro-quo response to Brazil's willingness to make certain concessions regarding the U.S. cotton program. We are deeply concerned this action signifies that your Administration is following the footsteps of the previous Administration that had continually allowed trade-related objectives to decisively trump food safety and animal health safety. We urge you to reconsider your proposed action.

Many of us have written the U.S. Department of Agriculture (USDA) recently about the inherent dangers to U.S. food safety and U.S. animal health resulting from the United States' systematic and ongoing relaxation of essential U.S. import controls that protect the people of the United States and U.S. livestock from the introduction and spread of pernicious animal diseases. This systematic and ongoing relaxation of essential U.S. import controls is directly attributable to

¹ U.S., Brazil Agree Upon Path Toward Negotiated Solution of Cotton Dispute Would Avoid Imposition of Countermeasures Against U.S. Exports, U.S. Intellectual Property Rights, Office of the U.S. Trade Representative and the U.S. Department of Agriculture, News Release, April 6, 2010, available at <http://www.ustr.gov/about-us/press-office/press-releases/2010/april/us-brazil-agree-upon-path-toward-negotiated-solution>.

the United States' misguided acquiescence to minimal global standards established by the World Trade Organization (WTO) and its reference organization, the World Organization for Animal Health (OIE). United States consumers, farmers and ranchers deserve more protection against the risk of disease importation from their government, not less.

The United States recently avoided, by sheer luck, a heightened risk of exposure to FMD that resulted from the previous Administration's misguided and premature effort to accomplish for Uruguay what you are now proposing to accomplish for Brazil – a relaxation of FMD import restrictions to allow a region within Brazil to export higher-risk products to the United States, despite that country's overall failure to eradicate FMD.

The previous Administration had proposed to adopt the OIE's regionalization (or zoning) strategy that you are now proposing for Brazil. USDA proposed to carve out a region within Uruguay that would be eligible to export products of higher risk for FMD to the United States, while Uruguay itself was unable to meet even the OIE's minimal standard to be considered free of FMD. As empirical evidence later showed, the OIE's regionalization policy is both fundamentally flawed and extremely dangerous.

For example, in December 2000, USDA proposed to regionalize Uruguay following that country's detection of FMD. USDA proposed to remove only Artigas, a department in Uruguay, from the list of regions considered by the U.S. to be free of FMD as USDA had determined that Artigas qualified as a distinct subpopulation for disease control and international trade purposes and that other regions of Uruguay should remain on USDA's list of regions considered free of FMD.² However, within about four months of that determination, beginning in April 2001, widespread FMD outbreaks were confirmed in numerous Uruguayan departments.³ By June 22, 2001, there were 1,596 new cases of FMD confirmed in 18 separate departments in Uruguay.⁴ This example empirically demonstrates that the ideological concept of regionalization is fundamentally flawed, inherently risky, and incapable of ensuring disease containment. Cattle producers and consumers in the U.S. are indeed fortunate that USDA's attempt to relax essential import restrictions on Uruguayan imports via regionalization did not result in the introduction of FMD into the United States, an outcome that could have resulted in widespread disease outbreaks and substantial financial losses.

Later, USDA attempted to adopt the OIE's misguided regionalization policy for the Patagonia South region of Argentina, again before Argentina itself had met even minimal OIE standards to be considered free of FMD.⁵ Fortunately, Congress took action that effectively thwarted, or has at least delayed, USDA's efforts to expose the United States to an unnecessary

² See 65 Fed. Reg., at 77771-773 (Change in Disease Status of Artigas, Uruguay, Because of Rinderpest and Foot-and-Mouth Disease.).

³ See 66 Fed. Reg., at 36695-697 (Change in Disease Status of Uruguay Because of Foot-and-Mouth Disease, Interim Rule and Request for Comments.).

⁴ *Ibid.*

⁵ See 72 Fed. Reg., 475-480 (Change in Disease Status of the Patagonia South Region of Argentina With Regard to Rinderpest and Foot-and-Mouth Disease, Proposed Rule.).

The Honorable Tom Vilsack and the Honorable Ron Kirk

April 12, 2010

Page 3

and avoidable exposure to FMD.⁶ We, as do many members of Congress, continue to, after more than three years, eagerly await USDA's official notice of withdrawal of the January 5, 2007, proposed rule to regionalize the Patagonia South region of Argentina.⁷

Brazil does not meet even the minimal OIE standards to be designated as a country free of FMD.⁸ The U.S. should not consider any relaxation of its FMD import restrictions for Brazilian meat products until Brazil demonstrates that FMD has been eradicated completely.

It remains our collective hope that you will take immediate, decisive steps to reverse the ongoing, systematic relaxation of essential import restrictions to protect the health and safety of the people of the United States and the health and safety of U.S. livestock from the importation and spread of animal diseases. Unfortunately, the inappropriate and ineffective rules, regulations and policies put in place by your predecessors not only remain in effect today, but they appear to continually be guiding your agencies' current actions.

We respectfully, though in the strongest sense possible, implore you to immediately abandon your proposal to relax U.S. FMD import restrictions regarding Brazil as well as to officially withdraw the pending effort to regionalize Argentina.

Sincerely,

National Organizations:

American Agricultural Movement, Inc. (AAM)
American Grassfed Association
Farm and Ranch Freedom Alliance
Intertribal Agriculture Council (IAC)
National Farmers Organization (NFO)
National Grange
R-CALF USA
Socially Responsible Agricultural Project (SRA Project)
Western Organization of Resource Councils (WORC)

State, Regional and County Organizations:

Alaska Farmers Union
California Farmers Union

⁶ See Foot and Mouth Disease Prevention Act of 2009, S. 337 (Sponsored by Senators Tim Johnson, John Barrasso, Kent Conrad, Mike Enzi, Benjamin Nelson, John Thune, Barbara Boxer, Byron Dorgan, Claire McCaskill, and Jon Tester.); see also Foot and Mouth Disease Prevention Act of 2009, H.R. 1226 (Sponsored by Representatives Stephanie Herseth Sandlin and Cynthia Lummis.).

⁷ See 72 Fed. Reg., 475-480 (Change in Disease Status of the Patagonia South Region of Argentina With Regard to Rinderpest and Foot-and-Mouth Disease, Proposed Rule.).

⁸ See List of Foot and Mouth Disease Free Members (According to Resolution No. 19, 77th General Session, May 2009), World Organization for Animal Health (OIE), available at http://www.oie.int/eng/Status/FMD/en_fmd_free.htm.

The Honorable Tom Vilsack and the Honorable Ron Kirk

April 12, 2010

Page 4

Cattle Producers of Washington
Colorado Independent CattleGrowers Association
Idaho Rural Council
Independent Beef Association of North Dakota
Independent Cattlemen of Nebraska
Independent Cattlemen of Wyoming
Kansas Cattlemen's Association
Kansas Farmers Union
Mississippi Livestock Markets Association
Missouri Farmers Union
Missouri's Best Beef Co-Operative
Nebraska Farmers Union
Nevada Live Stock Association
New England Farmers Union
Ohio Farmers Union
Oregon Livestock Producers Association
Pennsylvania Independent Farmers and Consumers Association Inc. (PICFA Inc.)
Rocky Mountain Farmers Union
SmallHolders Alliance of Massachusetts
South Dakota Stockgrowers Association
The Hualapai Tribe (AZ)

For More information or to contact individual organizations, please contact R-CALF USA at 406-252-2516 or r-calfusa@r-calfusa.com.

cc: Members of Congress
USDA Under Secretary Edward Avalos
USDA Deputy Under Secretary John Ferrell
U.S. Centers for Disease Control and Prevention
State Animal Health Officials