



**R-CALF**  
**USA**

P.O. Box 30715  
Billings, MT 59107  
Phone: 406-252-2516  
Fax: 406-252-3176  
E-mail: r-calfusa@r-calfusa.com  
Website: www.rcalf.com

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August 19, 2003

The Honorable Ann Veneman  
Secretary  
United States Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250

#### **Sent Via Facsimile and e-mail**

**Re: Request for Denial of All Import Applications for Edible Ruminant Products Pending Scientific Reviews in the U.S. and Canada, the Labeling of Products as to Origin, and a Reciprocal Agreement with Trading Partners.**

Dear Secretary Veneman:

On behalf of thousands of individual cattle producing members and 50 state and local cattle association affiliates of R-CALF United Stockgrowers of America (R-CALF USA), I am writing to encourage you to implement four preconditions prior to approving any import applications from importers of any edible ruminant products from Canada: 1) The United States should first scientifically reevaluate the United State's risk of BSE by updating the Harvard risk assessment following the first confirmed North American case of BSE in a native cow. 2) Canada should be requested to complete its own, updated scientific BSE risk assessment following its first confirmed case of BSE in a native cow. 3) The United States should afford its citizens with country of origin labeling so American consumers can differentiate Canadian beef from United States' beef. 4) The United States must receive a firm assurance from all its trading partners that the U.S. will be entitled to the same exceptions from its existing, internationally accepted BSE risk mitigation policies that the U.S. is proposing to grant to Canada in the event of a BSE case in the United States.

United States cattle producers have tremendous empathy for the plight of our Canadian cattle-producing neighbors. The BSE case in Canada has caused tremendous economic pressures for their industry, as it has in virtually every nation where BSE has been found in native cattle. Canada's plight, however, is magnified by the fact that Canada overbuilt its domestic cattle industry for the express purpose of developing an export dependent market. The competitive marketplace, functioning within the perimeters of scientifically based health rules, has effectively revealed the real-world risks associated with developing such a dependency on the global market.

It is important to note that while Canada was enjoying unlimited access to the United States market, it knew the rules of the market. It knew, for example, that the United States had commissioned a scientific BSE risk analysis in accordance with the recommendations of the OIE, though it is unclear if Canada had commissioned its own BSE risk analysis. It knew, also, that the Harvard risk analysis touted the United States' long-standing policy of prohibiting the import of ruminants and edible ruminant products from any country with a confirmed case of BSE in a native animal as a key factor in minimizing the United States' risk of BSE. Canada also knew that the international scientific community was recommending more stringent BSE safeguards than Canada was willing to implement. Even though Canada had its first brush with BSE in 1993, albeit from an imported animal, Canada continued to ignore the full breadth of precautionary measures recommended by the international scientific community. Only recently has Canada decided to implement some of these risk-mitigation measures. Exporters have a responsibility in our market and Canada is no exception. United States cattle producers and consumers are disappointed with Canada's aggressive attempts to override our scientifically based health protocols.

The Canadian Food Inspection Agency (CFIA) reports that "Dr. Ulrich Kihm of the International review team indicated that the BSE agent is circulating within Canadian cattle herds and suggested policy changes are required."<sup>2</sup> (Emphasis added.) Given this scientific assessment of Canada's present BSE situation, it is unconscionable that the United States would depart from its scientifically based BSE risk mitigation measures without taking, as a minimum, the additional precautions we are suggesting.

Both the United States and Canada continue to allay both consumer and industry fears regarding the risk of introducing BSE by respectively referencing each country's policies of prohibiting the importation of ruminants or edible ruminant products from countries considered to be free of BSE. The United States, in fact, established its regulatory prohibitions in a two-step process: first banning the importation of ruminants and certain products in 1989 and then strengthening this prohibition to include ruminant meat and edible products and certain byproducts from countries known to have BSE in a native animal in 1991.<sup>3</sup>

The Canadian BSE investigation produced no new scientific evidence to suggest that this policy is not yet an essential element in preventing the spread of BSE from Canada to the United States. In fact, the Canadian investigation came up woefully short

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<sup>2</sup> Questions and Answers, Investigation of BSE Case in Western Canada, Canadian Food Inspection Agency, available at <http://www.inspection.gc.ca/english/corpaffr/newcom/2003/20030520qae.shtml>, downloaded on August 18, 2003. See also Report on Actions Taken by Canada in Response to the Confirmation of an Indigenous Case of BSE, Canadian Food Inspection Agency, in which the review team wrote, "*The investigations have clearly identified the potential for past exposure and clearly established the need to address the risk that BSE is present in the Canadian herd and beyond,*" available at <http://www.inspection.gc.ca/english/anima/heasan/disemala/bseesb/internate.shtml>, downloaded August 18, 2004.

<sup>3</sup> Evaluation of the Potential for Bovine Spongiform Encephalopathy in the United States, Harvard Center for Risk Analysis, Harvard School of Public Health, November 26, 2001, p. 41.

in that it could not determine the contamination source of the BSE agent. While Canada claims to have implemented a feed ban in 1997, the index cow was reported to have been six to eight years old.<sup>4</sup> Therefore, this cow could well have contracted BSE after Canada's feed ban was in place.<sup>5</sup> This should signal the United States to take additional precautions, not relax the precautions already in place.

Less than a year ago, in October 2002, the scientific-based World Health Organization issued its international report "Understanding the BSE Threat." This report states:

*Of all the lessons learned from the BSE epidemic in the UK, one in particular stands out: BSE is a threat that must be taken seriously by all. . . Countries with no detected case of BSE should not become complacent in the face of a potential global epidemic. The extremely low initial incidence and the low within-herd incidence of BSE cases, long incubation period, and non-specific nature of the early clinical signs can delay the detection of the first cases of disease and mask epidemic spread.*<sup>6</sup>

Should USDA begin approving import applications for edible ruminant products without first conducting scientific due diligence, it will be a sign of complacency - the very complacency that the World Health Organization warned the international community against just last fall.

The USDA has no internationally accepted scientific justification for approving the import of edible ruminant products from Canada. The USDA acknowledges the need to obtain a science-based assessment of the United States current risk of BSE as evidenced by the USDA's written statement, "We have asked Harvard to re-evaluate its BSE risk assessment in light of the single case of BSE in Canada."<sup>7</sup> Unless USDA views this Harvard re-evaluation as a perfunctory exercise, it would be unreasonable and imprudent to relax current BSE risk mitigation efforts prior to the completion of this scientific update.

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<sup>4</sup> Summary of the Report of the Investigation of Bovine Spongiform Encephalopathy (BSE) in Alberta, Canada, July 2, 2003, available at <http://www.inspection.gc.ca/english/anima/heasan/disemala/bseesb/evalsume.shtml>, downloaded August 18, 2003.

<sup>5</sup> According to the Review Team's report, "Canadian experts have established epidemiological evidence that supports the probability that the expression of BSE in the case animal was associated with exposure to infected material through the feeding system at some point early in the life of the animal," Report on Actions taken by Canada in Response to the Confirmation of an Indigenous Case of BSE, Canadian Food Inspection Agency, available at <http://www.inspection.gc.ca/english/anima/heasan/disemala/bseesb/internate.shtm>, downloaded August 18, 2003.

<sup>6</sup> Understanding the BSE Threat, World Health Organization, Document WHO/CDS/CSR/EPH/2002.6, October 2002, p. 19.

<sup>7</sup> Questions and Answers: The Importation of Certain Ruminant Products From Canada, USDA, August 2003, available at <http://www.usda.gov/news/releases/2003/08/qa0281.htm>, downloaded August 18, 2003.

R-CALF USA does not understand why USDA is willing to subject the U.S. cattle industry to the unnecessary risk associated with importing edible ruminant products from a country known to have BSE in a native animal. Especially given the lack of any internationally accepted scientific evidence to establish the new risk exposure associated with doing so. The Harvard study clearly states, "Measures in the U.S. that are most effective at reducing the spread of BSE include the ban on the import of live ruminants and ruminant meat and bone meal from the UK (since 1989) and all of Europe (since 1997) by USDA/APHIS, and the feed ban instituted by the Food and Drug Administration in 1997 to prevent recycling of potentially infectious cattle tissues."<sup>8</sup> It is therefore, scientifically recognized that the U.S. ban on the import of live ruminants and ruminant meat that has since been expanded to 24 countries, including Canada, is the United States main line of defense against the introduction of BSE.

The economic implications associated with Canada's BSE case should not control the USDA's actions regarding whether or not to relax current import restrictions. R-CALF USA and the majority of U.S. cattle producers and consumers expect USDA to proceed with both caution and prudence, basing all decisions affecting our risk to BSE exposure on internationally accepted scientific evidence.

We urge you to deny all import applications for edible ruminant products until the aforementioned preconditions are met.

Sincerely,



Leo McDonnell Jr.  
President  
R-CALF USA

Cc: Members of Congress

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<sup>8</sup>Evaluation of the Potential for Bovine Spongiform Encephalopathy in the United States, Harvard Center for Risk Analysis, Harvard School of Public Health, November 26, 2001, p. ii.