

**R-CALF USA POSITION**  
**USDA FINAL RULE ADDRESSING BSE RISKS**  
**FROM IMPORTS OF CANADIAN CATTLE AND BEEF**

- **The Final Rule Proposes Lower Health And Safety Standards On Cattle And Beef.**

Every other country in the world with BSE practices higher safety standards than Canada regarding BSE mitigation. They all remove high risk materials (*i.e.*, parts of the cattle referred to as "specified risk material" (SRM), which include brain, skull, eyes, spinal cord, most of the vertebral column, and certain ganglia and parts of the small intestine) in cattle over 12 months of age and they all test a large proportion of cattle that enter the human food chain. Canada does neither.

USDA's Final Rule (70 Fed. Reg. 459-553, Jan. 4, 2005) does not harmonize the BSE precautions on Canadian beef with the precautions exercised with the global beef trade and requires only that Canada practice the least stringent BSE mitigation measures of any country in the world where BSE exists. The USDA's final rule would effectively establish the United States as a country with safety standards lower than the world norm.

- **The U.S. Federal District Court Blocked The USDA Final Rule For Good Reason**

After examining all of the facts summarized above, U.S. Federal District Court Judge Richard CeBull issued a preliminary injunction against USDA's Final Rule stating:

*“Allowing the import of Canadian cattle into the U.S. increases the potential for human exposure to material containing the agent for BSE in this higher-risk meat. This has substantial, irreparable consequences for cattle growers and also for all consumers of beef in or from the U.S. . . . Imports allowed from Canada under the Final Rule will likely be understood by consumers in the U.S. and abroad as increasing the risk of BSE agents entering the U.S. meat supply.”*

- **The Final Rule Exposes U.S. Cattle And Beef Industries To Economic Risks As Well.**

R-CALF USA believes that beef exports are important components in ensuring a healthy U.S. cattle and beef industry. Unfortunately, the uneven application of BSE standards in the current international trading environment blocks U.S. exports. We strongly believe that the United States must act to reopen these foreign markets, not only through bilateral talks, but also through a harmonization of science-based disease prevention standards. The United States can not merely implement rules with regard to opening cattle and beef trade with Canada, it also must act to harmonize BSE prevention standards globally. Without such action the U.S. cattle industry might well be swamped under a flood of Canadian beef and cattle if USDA's border rule is implemented before foreign markets reopen to U.S. products.

Indeed, U.S. exports of beef have declined nearly 85% since the Canadian cow with BSE was discovered in Washington State in Dec. 2003. This drop in U.S. exports contrasts with Canadian beef exports which have actually increased since the first of four BSE affected animals was discovered. And the vast majority of Canadian exports come to the United States (Canadian fresh and frozen beef exports have risen 40% to record highs).

- **High Standards Help Ensure Reopening Of Export Markets For U.S. Cattle And Beef.**

Since the discovery of BSE in Canada many of the most important U.S. export partners have repeatedly emphasized that maintaining the highest possible standards on meat safety is of critical importance. Arguments by USDA that lowering U.S. import standards to allow Canadian beef products into the U.S. will somehow cause major export customers like Japan and Korea to reopen their markets to the United States are illogical in light of demands by the same customers for the highest possible standards of meat safety.

R-CALF members believe in a reasoned approach based on existing sound science and have offered a number of proposals to USDA to find a solution to the BSE risks so the border can safely reopen to Canadian cattle and beef.

Some of these proposals include:

- Increasing BSE testing of Canadian cattle. Canada's testing falls short because it tests only tens of thousands instead of hundreds of thousands of cattle, as other BSE-affected countries do.
- Ensuring that bans on feed identified as carrying BSE risks are properly enforced and strengthened to remove blood, poultry litter, and plate waste from all cattle feed. A ban on using animal parts in cattle feed is recognized as the most important measure to control BSE.
- Requiring Canada to remove high-risk materials, known as SRMs, from all cattle over the age recommended by the OIE, depending on Canada's disease prevalence. Current data shows Canada should be removing SRMs from all cattle over 12 months (consistent with Office of International Epizootics health standards), not just from cattle over 30 months. (Note discovery of many of BSE infected cattle below the age of 30 months in Europe and Japan.)
- Obtaining a firm commitment that the resumption of Canadian cattle and beef imports will not prevent the reopening or close other export markets for U.S. beef.
- Fully implementing "country of origin" labeling on all beef products. Consumers should have a choice in the grocery store. Also, the Japanese have told the U.S. Government Japan will not import U.S. beef unless it is guaranteed that the beef is not derived from Canadian cattle and it is properly marked as originating from the United States.

The U.S. – Canada border should be re-opened to cattle trade based on sound science – not politics or profits. Once a safe, science-based system is in place to protect the health and safety of the American consumer and the American cattle industry from BSE, the United States can resume imports from Canada and will be better able to press other countries to lift their bans on U.S. beef exports.