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July 11, 2005

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

The Honorable Mike Leavitt  
Secretary  
Department of Health and Human Services  
200 Independence Ave., SW  
Washington, DC 20201

**Sent Via E-Mail and Facsimile**

**Re: Measured Response to the First Case of BSE in the U.S. Cattle Herd.**

Dear Secretary Johanns and Secretary Leavitt:

The June 24, 2005 announcement of the United States' first native bovine spongiform encephalopathy (BSE) case triggers the need to immediately strengthen each of the preexisting BSE risk mitigation measures designed to protect U.S. consumers and the U.S. cattle herd from exposure to BSE.

Assuming your agencies are correct that spontaneous occurrences of BSE are unlikely and the most likely routes of introducing BSE into the United States national herd is through the importation of infected live cattle already incubating the disease that are then rendered into feed and mistakenly fed to cattle, or the importation of contaminated meat-and-bone meal (PL107-9 Interagency Working Group Report, 2003, at 38), the detection of BSE in a 12-year old domestic cow reveals that preexisting BSE measures were either implemented too late, were not effectively enforced, or were not adequately measured to protect the United States from this pernicious disease. If this infected cow had ingested imported, contaminated feed, she could have been infected directly. However, if she did not ingest imported, contaminated feed then she must have consumed the remains of an infected, imported animal that was rendered in the United States. Both of these possibilities lead to the conclusion that our import restrictions failed to prevent the introduction of BSE.

United States cattle producers have supported the basic mitigation measures already in place, despite the significant, added economic costs some of these measures have placed on our industry, e.g., increased feed costs resulting from higher priced protein substitutes and significant price discounts on cattle over 30 months of age. In addition, our industry has already suffered well over \$3 billion in lost export markets as a result of finding a Canadian-origin cow with BSE within the borders of the United States in 2003. In light of the recent detection of a BSE-positive cow in the domestic herd, U.S. cattle producers now find it necessary to go even further in order to better protect our consumers and our herd from BSE. Present evidence proves that our import restrictions – our first line of defense against BSE – were and may continue to be inadequate. Until more scientific data is generated, we should not assume the other BSE protection measures are any more failsafe than was our first line of defense. Therefore, we should borrow from the BSE experiences in Europe to strengthen our current, more basic BSE protections. We should not relegate ourselves to repeating the trials and errors experienced in Europe, which included a series of progressive disappointments regarding the ineffectiveness of the basic, first-instituted measures initially thought to be effective in controlling the disease.

The United States BSE strategy must now focus on a two-part goal: to prevent any further introduction of BSE into the United States and to ensure that the BSE found in the United States is fully contained and eliminated from the food chain. There will never be a better time to decisively and effectively contain this disease than right now. Therefore, we urge you to immediately adopt the following BSE protection and containment measures.

1. Prohibit the importation of ruminants and ruminant products from any country with BSE, or from any country that has inadequate import restrictions to ensure BSE is not introduced into their herds; or countries that does not conduct BSE surveillance testing at a level that would allow the detection of BSE at the rate of less than one case per million head of adult cattle, and also seek upward harmonization of standards and practices to a reasonable standard of safety to ensure the U.S. does not become a dumping ground for products banned in other countries.
2. Allow private firms to voluntarily test cattle of any age for BSE to meet international and domestic demand as well as expand the BSE testing program for the identification of BSE, and the elimination of any animals so infected from the food supply, and to accurately monitor any evolution of the disease.
3. Track, identify, and test all cattle previously imported into the national herd; permanently mark all imported cattle entering the national herd; and implement country-of-origin labeling so consumers can choose to purchase beef and beef products from the country or countries of their choice.
4. Strengthen the feed ban to exclude all animal protein and animal by-products from all livestock and poultry feed, including blood, poultry litter, plate waste, tallow, and specified risk materials (SRMs); and, ban the use of ruminant blood meal, bone meal, and ruminant tallow in milk replacer and colostrums.
5. Prohibit Automated Meat Recovery (AMR) systems on cattle over 12 months of age.

While these measures will cause U.S. cattle producers to incur additional production costs (at least in the short-term), we believe they are critically important in safeguarding our nation's cattle and food supply. Only if we take these precautionary measures can we expect to maintain the highest level of consumer confidence in the safety of our herds and of our beef.

It is imperative that the foregoing five enhancements be immediately adopted. These enhancements will ensure that the United States has the most comprehensive, science-based measures that provide an interlocking and overlapping series of BSE protections. These combined protections will enable the United States to prevent the introduction of any additional BSE infectivity into the national herd, effectively monitor any evolution of the BSE disease in the national herd over time, prevent even the most remote possibility that BSE could spread if additional cases existed or were introduced in the national herd, and protect consumers from possible exposure to the disease by utilizing the latest available BSE-prevention technologies.

R-CALF USA is concerned that the continued emphasis on an animal identification system as a means of protecting consumers from BSE is creating a false sense of security. Because animal ID is a tool that can aid the tracking of a known disease outbreak, but does not prevent the occurrence of an outbreak, it is of little value in preventing the introduction or spread of BSE unless it is combined with an overall strategy of testing animals. The argument advanced by the USDA that testing may produce a false sense of security because of its limitations is far more applicable to an animal ID program unless an affirmative effort is made to identify detectable cases of BSE, regardless of whether animals exhibit clinical symptoms. Having the ability to track a disease without simultaneously utilizing existing technologies to identify possible BSE cases is of little value to an effective BSE prevention program.

It is important, also, to note the significant differences between the known BSE risk profiles of Canada versus that of the United States. Canada has detected three native cases (a total of four native cases were actually detected, one of which was detected under the U.S. testing program) of BSE after testing fewer than 65,000 cattle since 1996. The United States detected one case during the same period after testing over 433,000 cattle. This data reveals the prevalence of BSE is greater in Canada than in the United States. A cluster of BSE cases has emerged in Canada, with all four cases originating in the province of Alberta (where the vast majority of Canadian cattle and beef exports originate). No comparable clustering has been found in the United States. Evidence shows that BSE infectivity continued in the Canadian feed system even after Canada implemented its 1997 feed ban. There is no comparable evidence that BSE infectivity continued in the U.S. feed system after the United State's implemented its 1997 feed ban. The U.S. had its feed ban in place for over 6 years prior to detecting BSE in even an imported animal (1997 to 2003). Canada, however, did not implement its feed ban until over 3 years after their discovery of BSE in an imported cow (1993 to 1997).

In addition to these significant differences in risk profiles is the fact that the United States acted more decisively and promptly to the threat of BSE than did Canada. The U.S. made BSE a reportable disease in 1986, the same year BSE was first detected. Canada waited several years, until November 1990, to make BSE a reportable disease. The U.S. prohibited the importation of

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ruminants and most ruminant products from all BSE countries in 1989. Canada instituted a ban on only live cattle from the United Kingdom (UK) in 1990, after importing 14 head of cattle and 6 head of sheep from the UK that year. Canada did not institute a ban on cattle from all countries where BSE had been diagnosed in native cattle until 1994. It was not until 1998 that Canada instituted a ban on the importation of sheep and goats, and it did so at that time in order to harmonize its policies with that of the United States. The U.S. implemented an active BSE surveillance program in 1990. Canada did not begin its active surveillance program until 1992. Canada discovered its first case of BSE in December 1993, in a cow imported from the UK. Canada “potentially rendered” 68 cattle imported from the UK prior to discovering its first case of BSE. Ten of these cattle were known to originate from BSE-infected farms in the UK, two of which were known also to be herdmates of the BSE-infected cow discovered in 1993. The Harvard Center for Risk Analysis states that while the U.S. may have rendered 173 cattle imported from the UK prior to 1989, “none came from a birth cohort [same birth farm and year] in which a BSE case is known to have developed.”

These significant differences demonstrate that Canada’s BSE risk is inherently greater than that of the United States. Relaxing BSE import restrictions for Canadian beef and cattle in the wake of the United States’ first discovery of this disease in its native herd would effectively compound any risks that may already exist in the United States, but are currently unknown. Such an action would unacceptably subject the U.S. cattle herd and U.S. consumers to an unnecessary and avoidable risk for BSE.

The United States must act decisively to implement the aforementioned new measures. This action will demonstrate to U.S. export customers and U.S. consumers that their safety is of paramount importance to the U.S. cattle industry. This action also will help maintain the highest level of consumer confidence in the safety of U.S. beef regardless of future BSE-related events, here or abroad. Over time, the U.S. can assess the success of its mitigation measures by monitoring the evolution of the disease both here and within the borders of our trading partners. If future data reveals a larger problem than is presently known, additional safety measures would be warranted. Only after sufficient data is generated to scientifically support a determination that the BSE problem in the U.S. is extremely isolated, as is presently believed, should any consideration be given for the relaxation of any of the above-mentioned protection measures.

We look forward to working with your respective agencies to expeditiously implement these critical, science-based measures.

Sincerely,



President

Cc: Dr. Lester M. Crawford, FDA  
Select Members of Congress