

USDA Final Rule Dismisses and Ignores Legitimate Scientific Recommendations
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The purpose of the requirement imposed on all federal agencies to provide a public comment period prior to making revisions to existing rules is to ensure both the thoroughness and appropriateness of any rulemaking as well as to ensure the agency has fully assessed the impact of the rule on affected industries and on the general public.

In the case of the USDA's Final Rule to establish a minimal risk region for countries with bovine spongiform encephalopathy (BSE) and to name Canada as the only country that currently meets the requirements of a minimal risk region, the USDA sought and received over 3000 public comments. Included among these comments and contained within the USDA's rulemaking record are numerous submissions and reports by scientific groups, individual veterinarians, PhD's, and Mds, all of whom have raised important scientific concerns and have made corresponding scientific recommendations for the proposed rulemaking. Notwithstanding these scientific recommendations made by the multitude of scientists whose recommendations are contained in the agency's record, the USDA Final Rule is void of any recognition that these scientists have recommended a different course of action – drastically different that what USDA proposes in its Final Rule.

The Final Rule dismisses and ignores key recommendations made by Canada's Expert International Team, of which one of USDA's own BSE experts was one of only three expert team members

In response to its 2003 BSE case, Canada convened an “expert international team comprised of distinguished representatives from three continents.” AR008830 (Canada's Response to BSE in Alberta). Members of the team included Prof. Kihm, Switzerland, Prof. W. Hueston, USA, and Dr. D. Heim, Switzerland. AR008833 (Expert International Team Report). This expert international team of scientists specifically recommended the following measures after Canada had detected only one indigenous case of BSE:

1. “Measures to ensure that SRM are not included **in human** food and **animal** feed should be implemented, enforced and audited for compliance.” (Emphasis in original.) AR008835 (Report by Expert International Team). Canada has not taken measures to prohibit SRM in animal feed and the Final Rule does not require Canada to take such measures.
2. “Adjustments to surveillance approaches are warranted in the new environment in order to determine the current prevalence and to judge the effectiveness of measures implemented over time . . . Ideally all cattle of these high risk populations should be tested.” *Id.* at AR008836. The USDA Final Rule insists that it is not necessary to determine the current prevalence of BSE in Canada and Canada has not implemented a mandatory testing program for all high risk cattle and the USDA Final Rule does not even suggest that Canada test all high risk cattle.

3. “The review team strongly endorses the exclusion of Specified Risk Materials from the feed chain as an effective means to reduce infectivity in meat and bone meal (MBM). The difficulty in distinguishing ruminant derived MBM from other mammalian and poultry derived MBM must be considered. Inclusion of any ruminant-derived MBM in ruminant feed rations should be avoided and opportunities for possible cross contamination eliminated. Whether this can be guaranteed by introduction of a mammalian MBM ban to ruminants or other specific measures has to be evaluated.” *Ibid.* Notwithstanding this scientific recommendation, Canada has made no regulatory changes to its 1997 feed ban. Neither does the USDA Final Rule require Canada to make any such changes.

Despite the Expert International Team’s June 25, 2003, admonishment that “adjustments to surveillance approaches are warranted in the new environment in order to determine the current prevalence and to judge the effectiveness of measures implemented over time” (*Id* at AR008836), Canada, on June 12, 2003, had already emphatically asserted to USDA that “given the very, very low prevalence of the disease in Canada” the U.S. should begin allowing boneless beef from animals less than 30 months of age. AR008840; 8841 (Letter from CFIA to USDA).

The USDA’s Actions, including the promulgation of the Final Rule dismisses and ignores the scientific recommendations of USDA’s own team of BSE experts – the Transmissible Spongiform Encephalopathy (TSE) Working Group

USDA itself described the important, specialized scientific contribution of its TSE Working Group to the Canadian government when the USDA first decided to lift its BSE restrictions on Canada on August 8, 2003. Here is what USDA said about its scientific experts:

Our decision to lift restrictions on these products [primarily boneless beef from cattle under 30 months of age] is based on an evaluation conducted by APHIS’s Transmissible Spongiform Encephalopathy (TSE) Working Group, which is composed of APHIS veterinarians and other experts. The group specializes in tracking and applying the most current science on TSEs. They also specialize in monitoring and control of domestic TSEs (scrapie and chronic wasting disease), statistics for the purpose of developing national surveillance programs, TSE risk communication, and risk mitigation, and laboratory science for the detection of the BSE agent. AR010392 (August 8, 2003 letter from USDA to CFIA).

Although USDA informed Canada that the Working Group had obtained a list of routinely traded Canadian commodities and assessed the risk level of each product, the recommended risk levels of each Canadian commodity contained in the TSE Working Group’s written recommendation to USDA differs substantially from the action taken by USDA. *Ibid.* For example:

1. The TSE working group stated, “Although Canada has completed their epidemiological investigation of their first case of BSE and have not found additional cases, it is too early to know the true prevalence of BSE in Canada. Until the prevalence of BSE in Canada is determined, it will be impossible to quantify how much additional risk some of these commodities present to the United States.” AR009392A (TSE Working Group June 16,

- 2003). USDA has dismissed this recommendation outright. In defense of its Final Rule, USDA has done an about-face by claiming that knowing the true prevalence of BSE in the Canadian herd “is not necessary to determine whether risk management policies . . . are appropriate or need to be changed . . .” ER70-71 (USDA Declarant Lisa Ferguson).
2. The TSE working group recommended that significant trade in Canadian Commodities should not resume until “[t]argeted surveillance is being conducted at a level sufficient to detect BSE at a rate of less than 1 case per million adult cattle.” *Ibid.* APHIS has not required, nor does the Final Rule require Canada to increase testing to this level. In fact, Canada, itself, states it must test 30,000 head to determine a prevalence rate of 1 case of BSE per million cattle. AR008325 (APHIS Analysis of Risk). Canada had tested only 15,800 in 2004 when USDA made its recommendation to resume trade in all Canadian commodities except live cattle over 30 months of age. *Ibid.*

The TSE Working Group indicated that the belief that because Canada implemented a feed ban before BSE was detected “the BSE amplification that occurred in other countries did not occur in Canada” is a “theory.” *Ibid.* The Final Rule, however, attempts to state this “theory” as if it were a scientific certainty:

These situations [the widespread BSE exposure that occurred in other European countries] were very different, for example, from the situation in Canada, where: (1) Control measures were in place before the detection of the disease; (2) only two animals of Canadian origin have been confirmed with BSE; (3) both were born before implementation of Canada’s feed ban; and (4) Canada has maintained other protective measures (including import restrictions) that would help preclude a significant level of infectivity from being transmitted to the cattle population. AR008057 (Final Rule at 473).

Since the drafting of the USDA Final Rule, two additional cattle have been confirmed with BSE in Canada, one of which was born seven months after the implementation of the Canadian feed ban, thus undercutting the very facts USDA relies on to assert that Canada does not yet have a BSE amplification problem.

The downward pressure exerted by a feed ban—which the early experience in the United Kingdom demonstrated to be substantial even if only partially implemented—and the time of controls before detection of the disease indicate that it is more likely that the incidence of BSE is decreasing in Canada rather than increasing. AR008094 (Final Rule at 510).

The evidence strongly indicates that the two Canadian cases do not represent the beginning of a multiyear, exponentially expanding outbreak such as occurred in the United Kingdom . . . In countries such as Canada, where effective measures were implemented before detection of any case of BSE, and well before detection in any indigenous animal, the situation is quite different . . . While additional cases may occur in cattle born before implementation of Canada’s feed ban, the epidemiological evidence indicates the number of new cases, if any, will be

limited by the downward pressure of the comprehensive mitigations in place.
AR008098 (Final Rule at 514).

The entirety of USDA's argument relies on a mere belief that Canada's BSE prevalence is low and that Canada's feed ban has been effective, and USDA continues to embrace this assumption despite evidence to the contrary and it continues to dismiss scientific recommendations to conduct surveillance at a level that would allow for a scientific determination of the prevalence of BSE in the Canadian cattle herd as well as to monitor the effectiveness of Canada's feed ban over time.

3. The TSE Working Group recommended that significant trade in Canadian Commodities should not resume until "an assessment is completed to determine whether the BSE risk mitigation steps applied by Canada are sufficient. These should include: SRM removal from human and animal food [and] [d]edicated rendering facilities and mills for processing of ruminant byproducts." AR009392C (TSE Working Group Recommendation). Canada has not implemented an SRM removal policy from animal food nor has it required dedicated facilities and mills for processing of ruminant byproducts. The USDA Final Rule, likewise, requires neither.
4. The TSE Working Group recommended that significant trade in Canadian commodities should not resume until "[a]dditional BSE risk mitigation steps are put in place in the US to address the handling of waste from edible product and from the byproducts from slaughter animals imported from Canadian [sic] including:
 - SRM removal from human and animal food
 - Dedicated rendering facilities and mills for processing of ruminant products
 - Elimination of the U.S. plate waste exemption by FDA or APHIS" *Ibid.*

Contrary to this science-based recommendation, the USDA Final Rule does not require the U.S. to ban SRMs from animal food, does not require dedicated rendering facilities and mills for processing ruminant products, and does not require the elimination of plate waste in ruminant animal feed.

5. The TSE Working Group recommended that if additional cases of BSE are identified in Canada, "additional steps will be necessary." *Ibid.* Contrary to the TSE Working Group's recommendation, the USDA Final Rule did not include any additional restrictions after the 2nd, 3rd, and 4th cases of BSE were detected in Canadian cattle in late 2003 and early 2005. In fact, the Final Rule remains weaker in all respects to the recommendations of the TSE Working Group (this demonstrates that risk mitigation measures were weakened after multiple cases of BSE were detected).
6. The TSE Working Group additionally recommended that FDA strengthen the U.S. feed ban to include:
 1. "Dedicated facilities both for rendering and feed mills. Do not allow flushing as a means of separating ruminant and non-ruminant products,
 2. remove plate waste and blood exemptions,
 3. Prohibit poultry litter in ruminant feed." AR009392C (TSE Working Group Recommendation).

The USDA Final Rule does not require any of the foregoing recommendations.

7. The TSE Working Group also urged the FDA to take actions to prohibit the feeding of distress pet food to cattle, “and require labeling to state that the product should not be fed to ruminants given that the highest risk segment of the cattle population (dead and down dairy cattle) is being used in pet food.” *Ibid.* Again, USDA is proceeding with its Final Rule despite no response by FDA to this recommendation.
8. The TSE Working Group also urged FSIS to require removal of SRMs and the vertebral column for animals over 24 months of age for use in AMR. *Id* at AR009392D. [The FSIS did not heed this advice and only requires removal of SRMs \(other than tonsils and small intestines\) and the vertebral column for animals over 30 months of age for use in AMR.](#)
9. The TSE working group recommended that cattle over 24 months of age and ground beef from cattle over 24 months of age should be considered high risk and prohibited from entering the United States. AR009392 (TSE Working Group Recommendation). Notwithstanding this recommendation, the USDA, beginning October 3, 2003, began allowing ground beef into the U.S., even before it had issued even its proposed rule to relax the United State’s preexisting import restrictions for countries with BSE. OIG Audit Report, February 2005, at 3. In addition, the USDA Final Rule would allow cattle under 30 months of age to be imported from Canada.
10. The TSE Working Group recommended that Canada be required to remove SRMs (defined as the brain, spinal cord, intestine (not just small intestine), eyes, and tonsils from cattle of all ages) from human food. AR009392H (TSE Working Group Recommendation). The Final Rule only requires Canada to remove the tonsils and small intestines from Canadian cattle that are younger than 30 months of age.
11. The TSE Working Group recommended that only beef from cattle slaughtered before reaching the age of 24 months, and which have had their brain, spinal cord, tonsil, eyes, and intestines removed, should be eligible for importation to the United States. AR009392I (TSE Working Group Recommendation). The USDA Final Rule ignores this precaution and allows beef from cattle up to 30 months of age with only the tonsils and small intestines removed to be imported into the U.S.
12. Cognizant of the potential ramifications resulting from the resumption of trade with a country with BSE, the TSE Working Group recommended that USDA complete an assessment of trade impacts with the rest of the world before resuming trade with Canada. AR009392C (TSE Working Group Recommendation). The USDA did not heed this advice as evidenced by USDA’s failure to even attempt to accommodate the request from the United State’s largest beef export customer – Japan – into the Final Rule. This occurred even though Japan had submitted official comments to USDA calling for the segregation of U.S. beef and cattle from Canadian beef and cattle as well as calling upon the U.S. to not establish a “lower level of requirement” than that established in the OIE Code. AR001131, 1132. (Comments from Government of Japan). As a result of its failure to heed this important advice from its own scientists, the USDA now finds itself in the unenviable, if not untenable, position of trying to convince U.S. export countries that they should accept the BSE measures the Final Rule imposes on Canada, which measures are far more lenient than the measures applied by every other BSE-affected country in the world.

The Final Rule dismisses and ignores the early official estimates by Canada indicating that Canada’s BSE prevalence rate, based on only one confirmed case, was possibly one case per million head of cattle

Alarming, while USDA continues to argue in defense of its Final Rule that “[t]here is ample evidence to support the conclusion that the prevalence in Canada is very low and that Canada has implemented BSE prevention and control measures adequate to prevent widespread exposure and/or establishment of the disease,” (AR008112 (Final Rule at 528)), USDA had access to a Canadian Regulatory Impact Analysis Statement contained in the administrative record and generated after the detection of only one BSE case that stated, “Given that the BSE prevalence in Canada’s domestic cattle population is now estimated at possibly one in million, and incorporating information regarding age distribution of animals – in the herd and going to slaughter – it is estimated that 0.5 BSE infected animal per year could go to slaughter.” AR008851; 8852 (Canadian Regulatory Impact Analysis Statement. *See also* AR008862 (Part II Canada Gazette, August 13, 2003)). This early estimate by Canada, generated after Canada discovered only its first indigenous case of BSE, stands in stark contrast to USDA’s assertion that Canada’s prevalence is “0.4 per million” after the second Canadian BSE case was discovered. AR008096 (USDA Final Rule at 512).

The USDA Final Rule dismisses and ignores key scientific recommendations made by the Secretary’s own International Review Team, which again included on of USDA’s own BSE experts, after a Canadian cow with BSE was detected in the United States

Convened by the Secretary of Agriculture to review the response to the detection of a BSE case discovered in an imported Canadian cow in December 2003, the Foreign Animal and Poultry Disease Advisory Committee’s Subcommittee (International Review Team or IRT) was asked to review, among other things, the response actions taken by the United States to the BSE case detected in an imported Canadian cow, and to provide recommendations in the areas of SRM removal, slaughter methods, surveillance design and approaches, feed restrictions, feed manufacturing and sales, traceability enhancements, and other areas which could provide meaningful additional public or animal health benefits in light of the “North American” experience. The IRT team consisted of Prof. U.Kihm (Switzerland), Prof. W. Hueston (USA), Dr. D. Matthews (UK), Prof. S.C. MacDiarmid (New Zealand), and Dr. D. Heim (Switzerland). AR008022 (IRT Report).

This esteemed collection of scientists, most with first-hand experience in managing the BSE epidemic in the U.K and Europe, recommended a number of key science-based risk mitigation measures that the USDA dismissed and ignored in its Final Rule. These science-based measures include:

1. The IRT recommended that USDA convene a BSE task force consisting of government and non-government stakeholders in order to “assure that policies are developed and implemented in a consistent, scientifically valid manner.” AR00825. This recommendation was not adopted by USDA who decided, instead, to develop and implement policies on its own.

2. The IRT urged USDA to give “strong consideration” to the removal of SRMs from both the human food and animal feed supplies. AR008026. The USDA Final Rule does not require the removal of SRMs from animal feed in either the U.S. or Canada.
3. The IRT recommended that SRMs including brain, spinal cord, skull, vertebral column from cattle over 12 months of age and the intestine (from pylorus to anus) from cattle of all ages be removed “unless aggressive surveillance proves the BSE risk in the USA to be minimal according to OIE standards” AR008026. The IRT makes the recommendation for a 12-month cut-off in “recognition of the fact that some cattle under 30 months of age may be slaughtered with infectivity present in the tissues described above [SRM tissues, including vertebral column]. AR008026. Even for Canada, where limited testing produced 4 cases of BSE within a two-year period, the USDA Final Rule uses a 30-month cut-off for the removal of all tissues except the tonsils and small intestines. This is over twice the age limit recommended by the IRT for anything but a minimal risk based on OIE standards – a category Canada does not meet because it has not had an effectively enforced feed ban for the requisite 8 years. Moreover, the 30-month cut-off reflects a dismissal of the scientific determination that infectivity may be present in cattle under 30 months of age.
4. The IRT stated that the goals of surveillance are to estimate prevalence of BSE in the cattle population and monitor the success of the prevention and control measures. AR008027. The IRT specifically recommended the testing of all cattle over 30 months of age in the high-risk cattle population so that the prevalence of BSE can be established. Again, even though four cases of BSE were discovered under limited testing in Canada, the USDA Final Rule does not apply this scientifically determined testing recommendation to Canada, thereby precluding the establishment of the BSE prevalence in the Canadian herd as well as the ability to monitor the effectiveness of Canada’s mitigation measures.
5. The IRT recommended that USDA strongly consider a random sampling of healthy slaughter cattle over 30 months. AR008028. Again, the USDA has not implemented this science-based recommendation either for the U.S. or for Canada.
6. The IRT emphatically recommended that all SRM “must be excluded from all animal feed, including pet food.” AR008029. USDA has dismissed and ignored this recommendation.
7. The IRT stated the “partial (ruminant to ruminant) feed ban that is currently in place is insufficient to prevent exposure of cattle to the BSE agent” because it doesn’t address the dangers highlighted in Europe from accidental exposure by cattle to prohibited feed. The IRT stated it was “virtually impossible” to prevent cross contamination of unauthorized feed given the small dose of infected tissue required to infect cattle with BSE. Furthermore, the scientists cautioned, allowing protein from porcine or avian intestines, as both the U.S. and Canadian feed bans do, presents a risk from unauthorized protein that may remain in the digestive tracts of such animals and birds at slaughter. AR008029. Again, the USDA did not heed this scientific advice.
8. The IRT signified the importance of strengthening the feed ban by separately reiterating its recommendation that the current feed ban be extended to exclude all mammalian and poultry protein from all ruminant feeds, “and that this ban as well as measures to prevent cross contamination be strongly enforced.” AR008030. USDA has made no changes to its feed ban nor has it required Canada to strengthen its feed ban.

The USDA Final Rule dismisses and ignores the scientific recommendations of the United States Animal Health Association, which represents the animal health agencies of all 50 states, along with university animal scientists and federal animal health agencies

Comments submitted by the United States Animal Health Association (USAHA) “a 107 year-old science based, dues supported voluntary national organization of state and federal animal health agencies and other governmental departments, animal agriculture industry, university animal scientists, and veterinary laboratory diagnosticians that addresses issue of food safety, animal health and disease control, homeland security, animal welfare and public health” submitted formal comments to the USDA stating:

1. “Canada should not be considered a region of minimal risk for BSE.” AR000653. The USDA Final Rule persists in referring to Canada as a minimal BSE risk region.
2. “The rule states that the prevalence of BSE will be lower in countries with adequate prevention and control measures. This statement does not take into account that the level of determined prevalence is dependent on the quality and level of surveillance. While a country may state they have a low prevalence, their surveillance level may be inadequate to accurately measure prevalence.” AR000654. The USDA Final Rule persists in assuming Canada’s BSE prevalence is “very low” despite inadequate testing.
3. Based on a concern that the rule contains inadequate controls to prevent Canadian cattle from being “diverted to channels other than direct to slaughter,” the USAHA recommended either the removal of the option to import feeder cattle less than 30 months of age to a designated feed lot or, alternatively, “USDA should require that all intact animals, females and males, be neutered.” AR000654.

The USDA Final Rule dismisses and ignores the scientific recommendations of the state veterinarians from the states of New Jersey, Texas, Arizona, South Dakota, North Dakota, Utah, and California

New Jersey: The New Jersey Department of Agriculture, Division of Animal Health, submitted formal comments to USDA that:

1. States the Final Rule should contain more extensive mitigation measures to prevent the introduction of BSE into the U.S. AR001020.
2. Questions USDA’s failure to quantify the risk of introducing BSE into the United States, “We will certainly agree that Bovine Spongiform Encephalopathy (BSE) is unlikely to affect a large number of animals in the United States, but what is a “significant number” of animals?” AR001021.
3. Questions USDA’s insistence that even if the U.S. introduces BSE into the United States the Harvard study suggests it would die out in 20 years: “but can the livestock industry survive the loss of consumer confidence and the loss of export markets that would occur with a “single” case of BSE?” *Ibid.*
4. Questions why the U.S. would have a zero tolerance policy for treatable diseases but not for BSE, which is always fatal: “The United States has a zero tolerance policy for fecal, ingesta, or milk contamination on livestock carcasses or meat products. These contaminants can result in disease that are treatable, even though they may cause severe

illness and death. BSE, on the other hand, causes a disease in humans that invariably causes death. Why would we find an acceptable risk for BSE, which is always terminal, when we have zero tolerance for contaminants, which may cause diseases which are treatable?" AR001021.

5. Demonstrates that the Final Rule is less stringent than international standards: "However, a reading of the OIE standards reveals that, when applied to the present case, Canada fails to meet those standards." AR001022.
6. Warns that the livestock industry could be harmed because the Final Rule's standards are more lenient than international standards: "The consequences of being more lenient than international standards could be severe for our livestock industries." AR001022.
7. Urges that SRMs be removed from Canadian cattle of all ages: "We strongly urge the removal of all SRM from animals and products imported from minimal risk regions." AR001023.
8. Raises the concern that the 30-month standard is inadequate to protect the U.S. livestock industry: "We have recently seen cases of BSE in cattle in Japan and Italy that have had incubation periods substantially less than 30 months. Additionally, with regards to prion diseases, the incubation time tends to become shorter the longer a specific prion has been circulating within a species. Therefore, it is entirely conceivable that a 30 month limit, that was adequate when the United Kingdom initiated their controls, is not adequate at this time or in the future." AR001023.
9. Raises the concerns that the Final Rule is too lax on restrictions for advanced meat recovery systems for Canadian cattle: "We strongly urge the prohibition of AMR systems when slaughtering animals of Canadian origin and products which contain AMR meat should not be allowed into the US." AR001023.
10. Cautions that the Final Rule will have unintended international consequences: "If adopted as proposed, these rules could require the United States to recognize other regions of the world with inadequate animal health infrastructures as BSE minimal risk regions." AR001023.

Texas: The Executive Director of the Texas Animal Health Commission, Bob Hillman, DVM, submitted formal comments to USDA that:

Recommended that USDA withdraw its proposed rule upon the discovery of a Canadian-born BSE-infected cow in the state of Washington: "In order to accurately assess the current situation it is essential that the disease investigation be completed, and analysis of the disease outbreak be conducted and a new proposed rule be developed based upon the results of such epidemiological investigation and risk analysis." AR00579. Rather than to heed this advice, the USDA maintained, after each successive discovery of BSE cases in Canada, that these new cases had no effect on the agencies rule.

Arizona: The Chief Animal Health Official for the State of Arizona, R.D. Willer, DVM, submitted formal comments to USDA that:

1. Stated "Canada should not be considered a region of minimal risk for BSE." AR001257. The USDA Final Rule persists in referring to Canada as a minimal BSE risk region.

2. Stated the “rule states that the prevalence of BSE will be lower in countries with adequate prevention and control measures. This statement does not take into account that the level of determined prevalence is dependent on the quality and level of surveillance. While a country may state they have a low prevalence, their surveillance level may be inadequate to accurately measure prevalence.” AR001258. The USDA Final Rule persists in assuming Canada’s BSE prevalence is “very low” despite inadequate testing.
3. Stated that based on a concern that the rule contains inadequate controls to prevent Canadian cattle from being “diverted to channels other than direct to slaughter,” the USAHA recommended either the removal of the option to import feeder cattle less than 30 months of age to a designated feed lot or, alternatively, “USDA should require that all intact animals, females and males, be neutered.” AR001259.

South Dakota: The South Dakota State Veterinarian, Sam D. Holland, DVM, submitted formal comments to USDA that:

1. Recommending that signed agreements be obtained from all significant U.S. trading partners “**prior to unilateral rule making by the US.**” AR000383.
2. Cautions there appears to be “**no real benefits** to the industry nor the consuming public **in unilateral action by the United States** via this proposed rule.” AR000384.
3. Recommended that no tongue imports be allowed from cattle over 30 months of age because “[t]onsillar tissue has been known to contain infectivity, tonsils are connected to the tongue.” AR000385.

North Dakota: The North Dakota State Board of Animal Health and the North Dakota Department of Agriculture submitted formal comments to USDA that:

1. Recommended that the prevalence of the disease in Canada be established before making a determination as to whether Canada should be considered a “minimal risk.” AR004624.
2. Noted that USDA had abandoned its previous policy of locating imports from countries known to have BSE. “We do not believe that the BSE investigation is complete because of the failure to locate imports from a country known to have BSE.” AR004624.
3. Warned that the “closely related age and geographical locations of the two BSE positive Canadian animals may indicate a potential regional problem during the 1996 to 1997 timeframe.” AR004624.
4. Described how USDA should locate Canadian cohorts of the infected cattle (animals born between April 1, 1996 and April 1, 1998) could be efficiently traced, located, and tested in the U.S. and “[l]ooking just for these ‘animals of interest’ would seem to be the minimum we should do.” AR004626.
5. Suggested the U.S. cattle industry is not an integrated industry. “We do have a US industry that has incorporated many Canadian animals into it and this has now placed the US industry at risk.” AR004626.
6. States that “[t]here simply has not been enough of an epidemiological investigation or surveillance in either the US or Canada to state that BSE has become a ‘North American’ problem.” AR004626.

7. Encouraged the USDA and CFIA to identify animals in the U.S. from BSE affected countries and to do adequate surveillance in both countries to determine the prevalence of the disease before deciding to allow imports from a BSE affected country. AR004626.
8. Encouraged the removal of all SRM from human food and animal feed because “there is no enforcement of the feed ban on farms and a potential leak in the feed ban exists at this level.” AR004627,
9. Stated that “[i]f the US is going to import beef and beef products from BSE affected countries, Country of Origin Labeling (COOL) should be established to protect consumer confidence in the US.” AR004627.
10. Strongly recommended “that surveillance to determine the prevalence of the disease in the US and in minimal risk regions be completed before minimal risk status is conferred on a region. Recognizing a region as a minimal risk region based on the assumption of low prevalence of disease is an extremely dangerous precedent to set.” AR004629.

Utah: The Utah State Veterinarian and Commissioner of the Utah Department of Agriculture and Food submitted formal comments to USDA that:

1. Stated the U.S. border should not be opened to live Canadian beef. AR000310.
2. Stated the U.S. proposal is not in agreement with OIE Standards and “jeopardizes acceptance of U.S. beef by other countries of the world.” AR000310.
3. Recommended that Canada be required to increase laboratory capacity and improve timely testing. AR000310.
4. Questions whether any U.S. inspectors have been to Canadian packing plants to certify the products now entering the U.S are what Canada says it is. AR000310.
5. Recommended that, when trade is allowed, 20 months should be the maximum age instead of 30 months because BSE has been detected in a 23- and 21-month old animal in Japan. AR000311.
6. Stated that “[i]t is simply too soon to allow Canadian live beef to come into the United States. And if further boxed beef products come into the United States, a better inspection and verification system needs to be put in place.” AR000311.
7. Warned that the rule presents to great a risk: “The potential devastation to rural America and to American producers is simply too large a risk.” AR000311.

Oregon
Wisconsin

Universities