

**R-CALF United Stockgrowers of America**

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February 21, 2007

The Honorable Secretary Johanns
Secretary of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Request for Extension of Time in Docket Number APHIS-2006-0041: Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Importation of Live Bovines and Products Derived From Bovines

Dear Secretary Johanns,

The Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) requests an extension of time to file comments in Docket No. APHIS-2006-004 Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Importation of Live Bovines and Products Derived From Bovines 72 Fed. Reg. 1102 (“OTM Rule”). R-CALF USA represents thousands of independent U.S. cattle producers who will be directly impacted by the OTM Rule and, importantly, R-CALF USA’s members are predominantly included among the “small entities” for which USDA acknowledges it does not have enough data for a comprehensive analysis of the OTM Rule’s potential economic effects. (72 Fed. Reg. at 1115.) Even without enough data, however, the OTM Rule predicts losses to U.S. cattle producers ranging as high as \$1 billion. (*Id.* at 1118.)

Due to the agency’s lack of sufficient data to adequately assess the economic effects of the OTM Rule on the thousands of small entities represented by R-CALF USA’s membership, substantially more time is needed than the current 60-day comment period for R-CALF USA to adequately compile, analyze, summarize, and submit available data necessary to enable USDA to assess the economic effects of the OTM Rule on R-CALF USA’s membership. For this reason, an extension of time to submit comments is warranted.

The economic effects of the OTM Rule on R-CALF USA members will be intrinsically tied to the increased risk of introducing Bovine Spongiform Encephalopathy (BSE) into the U.S. associated with the proposed rule. Subsequent to the USDA’s publication of the proposed OTM Rule, Canada confirmed the 10th case of BSE in its native cattle herd; this time in a mature bull. In response to Canada’s confirmation of this latest BSE case, your agency reportedly dispatched a U.S. scientist to assist the Canadian government in its epidemiological investigation. (USDA Release No. 0031.07.) News reports indicate that the animal in this latest case was born in 2000 (See, CFIA: Latest Canadian BSE Case Likely Born in 2000, Dow Jones (Feb 8, 2006)) years after the implementation of the Canadian feed ban, as well as after the March 1999 date that USDA has determined to be the date when the Canadian feed ban became fully implemented and

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effective in preventing the spread of BSE (72 Fed. Reg. at 1107). If indeed this latest BSE case is the fourth born after March 1999, it will raise serious questions about the proposed OTM Rule that allows cattle born after March 1999 to be imported into the U.S. from Canada. Therefore, R-CALF USA believes that additional time should be allowed for filing comments on the proposed rule – until after the Canadian Food Inspection Agency (CFIA) completes an epidemiological report on the latest BSE case – so that the details of the 10th case of BSE in native Canadian cattle can be analyzed and included in comments regarding the OTM Rule.

For the foregoing reasons, R-CALF USA respectfully requests that the deadline for the submission of comments in Docket No. APHIS-2006-0041 be extended for 60 days or for 30 days after the CFIA publicly releases the final report on the epidemiological investigation concerning the latest Canadian BSE case confirmed on February 7, 2007, whichever date is later.

Thank you for your consideration and please let me know as soon as possible whether you will accommodate our request. If you should have any questions or would need any additional information, please contact the R-CALF USA office at (406) 252-2516.

Sincerely,

A handwritten signature in cursive script that reads "R. M. Thornsberry DVM". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

R. M. (Max) Thornsberry, D.V.M.
President

Cc: Docket No. APHIS-2006-0041