

*Fighting for the U.S. Cattle Producer!*



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June 18, 2008

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**Re: Response to June 11, 2008, Article “Korean Leader Considers Ways to Rework Government,” by Choe Sang-Hun.**

*Note: Because some, if not most of the information contained in my opinion-editorial below has either not been reported by the media or has been reported improperly, I have provided references and exhibits to enable you to verify the accuracy of the facts I have presented.*

Dear Mr. Rosenthal, Mr. Shipley, Ms. Chira and Editorial Board,

The June 11, 2008, article titled “Korean Leaders Consider Ways to Rework Government,” by Choe Sang-Hun was necessarily quite general in its discussion of South Korea’s concerns regarding mad cow disease in the United States. That more general discussion, however, may result in your readers’ misinterpretation of the circumstances preceding the initial closure of South Korea’s border to U.S. beef in 2003, as well as more recent events leading up to South Korea’s refusal to reopen its border after it was closed for a second time on Sept. 11, 2006.<sup>1</sup> With this letter, I will provide additional details to enable a more complete understanding of the unfortunate dilemma presently facing U.S. farmers and ranchers that raise and sell the cattle from which the beef we consume and export is derived.

The first *native* case of mad cow disease in the Western Hemisphere was discovered in May 2003 in Alberta Province, Canada.<sup>2</sup> In response to this discovery, the U.S. closed its border to all beef and cattle imports from Canada.<sup>3</sup> Additionally, both the Japanese and South Korean governments immediately sent the U.S. government a letter requesting that no beef be exported to their respective countries from a country (Canada) with native bovine spongiform encephalopathy (BSE, or mad cow disease).<sup>4</sup>

It is important to note that Canada had previously detected BSE within its borders in 1993.<sup>5</sup> However, the case was immediately identified as an animal imported from the United Kingdom and, therefore, not considered a native case of BSE.<sup>6</sup> As a result of the non-native status of this BSE case, the international community did not maintain import bans on Canadian cattle or beef after 1993. However, in December 2003, a cow imported into the United States from Canada was detected with BSE in Washington state.<sup>7</sup> The cow had a permanent metal ear tag in its ear, distinguishing it as a Canadian-origin cow.<sup>8</sup> The U.S. Department of Agriculture (USDA) did not disclose the non-native status of this cow when it announced to the world that the U.S. had discovered BSE within its borders.<sup>9</sup> In fact, USDA did not disclose this important fact to the world until several days after international export markets imposed bans on U.S. beef and cattle, including Japan and South Korea.<sup>10</sup>

As stated in Choe Sang-Hun's article, Japan did lift its ban on U.S. beef in late 2005, but under the strict condition that beef must be derived from animals under 21 months of age.<sup>11</sup> Japan also temporarily reinstated its ban after inspectors found backbone in imported beef.<sup>12</sup> However, what was not stated is that both Japan and South Korea lifted their respective bans on U.S. beef in 2006,<sup>13</sup> and the beef packing company Creekstone Farms Premium Beef exported its first shipment of beef in 3 years to South Korea in October of that year.<sup>14</sup> Unfortunately, bone fragments were found in the October shipment to South Korea and it was later rejected.<sup>15</sup>

Importantly, the two native cases of BSE detected in the United States – the first in June 2005 and the second in March 2006 – did *not* result in the imposition of additional bans on U.S. beef by either Japan or South Korea.<sup>16</sup> In fact, both Japan and South Korea lifted their respective bans *after* the two native U.S. cases of BSE were detected. As stated above, Japan lifted its ban July 2006. South Korea lifted its ban September 2006 with the restrictions that no beef could be exported to South Korea that was derived from cattle of Canadian origin<sup>17</sup> and all beef must be derived from non-Canadian cattle 30 months of age or younger.<sup>18</sup>

The reason that both Japan and South Korea lifted their respective bans despite the detection of BSE in two native U.S. animals is significant. First, and as substantiated by the U.S. Centers for Disease Control and Prevention (CDC), both U.S. cases were determined to be “atypical” BSE, and not the same strain of BSE that caused the disease outbreaks in both Europe and Canada.<sup>19</sup> Second, both native U.S. BSE cases were older animals, born well before the 1997 U.S. feed ban was implemented to arrest the spread of BSE in the United States.<sup>20</sup> Canada, on the other hand, has now detected 13 native cases of BSE,<sup>21</sup> with six cases born after Canada implemented its feed ban,<sup>22</sup> resulting in Canada having a BSE prevalence rate that is 23-fold higher than that of the United States.<sup>23</sup>

The unmitigated problem, therefore, is not that the United States itself had detected BSE, but rather, the problem is that the U.S. continues to commingle both live Canadian cattle and Canadian beef with its U.S. cattle and U.S. beef *without* implementing additional BSE mitigation measures to address the *increased* BSE risk associated with Canada's BSE problem. And, Canada is now exporting nearly 800 million pounds of beef<sup>24</sup> and over 1.4 million live cattle *annually* to the United States.<sup>25</sup>

The very least the U.S. should do to begin addressing this unmitigated problem is to allow voluntary testing of cattle for BSE. Doing so would enable ambitious meatpackers like Creekstone Farms Premium Beef to provide a science-based assurance that beef exported to South Korea was not derived from cattle with detectable levels of BSE. Additionally, the U.S. should reinstate the restrictions that were in place prior to Nov. 19, 2007, which minimized the risk of importing BSE from Canadian cattle and Canadian beef, until Canada's BSE problem is eliminated.<sup>26</sup> Those restrictions included a ban on all Canadian live cattle over 30 months of age and all beef from Canadian cattle over 30 months of age.<sup>27</sup>

Sincerely

A handwritten signature in blue ink, appearing to read "Bill Bullard". The signature is fluid and cursive, with a large loop at the end.

Bill Bullard, CEO  
R-CALF USA

## ENDNOTES

<sup>1</sup> See Statement by Agriculture Secretary Mike Johanns Regarding the Rejection of U.S. Beef Shipments by South Korea, U.S. Department of Agriculture, December 6, 2006, available at [http://www.usda.gov/wps/portal/!ut/p/.s.7\\_0\\_A/7\\_0\\_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6\\_2\\_1UH/.ce/7\\_2\\_5JM/.p/5\\_2\\_4TQ/.d/5/\\_th/J\\_2\\_9D/.s.7\\_0\\_A/7\\_0\\_1OB?PC\\_7\\_2\\_5JM\\_contentid=2006%2F12%2F0458.xml&PC\\_7\\_2\\_5JM\\_parentnav=LATEST\\_RELEASES&PC\\_7\\_2\\_5JM\\_navid=NEWS\\_RELEASE#7\\_2\\_5JM](http://www.usda.gov/wps/portal/!ut/p/.s.7_0_A/7_0_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JM/.p/5_2_4TQ/.d/5/_th/J_2_9D/.s.7_0_A/7_0_1OB?PC_7_2_5JM_contentid=2006%2F12%2F0458.xml&PC_7_2_5JM_parentnav=LATEST_RELEASES&PC_7_2_5JM_navid=NEWS_RELEASE#7_2_5JM).

<sup>2</sup> See An Economic Chronology of Bovine Spongiform Encephalopathy in North America, U.S. Department of Agriculture, Economic Research Service, LDP-M-143-01, June 2006, at 2, available at <http://www.ers.usda.gov/publications/ldp/2006/06Jun/ldpm14301/ldpm14301.pdf>.

<sup>3</sup> See *id.*

<sup>4</sup> See, e.g., Letter from Toshikazu Ijichi, Director, Animal Health Division, Livestock Industry Department, Agricultural Production Bureau, Ministry of Agriculture, Forestry, and Fisheries, Tokyo, June 10, 2003 (Exhibit 1, available at <http://www.r-calfusa.com>, under “Animal Health”).

<sup>5</sup> See Number of Reported Cases of Bovine Spongiform Encephalopathy (BSE) in Farmed Cattle Worldwide (Excluding the United Kingdom), World Organization for Animal Health (OIE), available at [http://www.oie.int/eng/info/en\\_esbmonde.htm](http://www.oie.int/eng/info/en_esbmonde.htm).

<sup>6</sup> See *id.*, at fn (b).

<sup>7</sup> See An Economic Chronology of Bovine Spongiform Encephalopathy in North America, U.S. Department of Agriculture, Economic Research Service, LDP-M-143-01, June 2006, at 4, available at <http://www.ers.usda.gov/publications/ldp/2006/06Jun/ldpm14301/ldpm14301.pdf>.

<sup>8</sup> See CFIA’s Investigation Into the December 2003 BSE Case Found in Washington State, US, Canadian Food Inspection Agency (the document states that the trace-back investigation was initiated “[t]hrough the Health of Animals ear tag,” which is the Canadian ear tag that was affixed to the infected cow), available at <http://www.inspection.gc.ca/english/anima/heasan/disemala/bseesb/america/amerinveste.shtml>.

<sup>9</sup> See Transcript of News Conference with Agriculture Secretary Ann M. Veneman on BSE Tuesday, December 23, 2003, Washington, D.C., available at

[http://www.usda.gov/wps/portal/!ut/p/.s.7\\_0\\_A/7\\_0\\_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6\\_2\\_1UH/.ce/7\\_2\\_5JM/.p/5\\_2\\_4TQ/.d/4/\\_th/J\\_2\\_9D/.s.7\\_0\\_A/7\\_0\\_1OB?PC\\_7\\_2\\_5JM\\_contentid=2003%2F12%2F0433.html&PC\\_7\\_2\\_5JM\\_parentnav=TRANSCRIPTS\\_SPEECHES&PC\\_7\\_2\\_5JM\\_navid=TRANSCRIPT#7\\_2\\_5JM](http://www.usda.gov/wps/portal/!ut/p/.s.7_0_A/7_0_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JM/.p/5_2_4TQ/.d/4/_th/J_2_9D/.s.7_0_A/7_0_1OB?PC_7_2_5JM_contentid=2003%2F12%2F0433.html&PC_7_2_5JM_parentnav=TRANSCRIPTS_SPEECHES&PC_7_2_5JM_navid=TRANSCRIPT#7_2_5JM).

<sup>10</sup> See Transcript of Technical Briefing and Webcast with U.S. Government Officials on BSE Case, December 26, 2003 (the U.S. official stated, “it would certainly be premature to speculate as to whether or not this animal might or might not have originated from Canada.”), available at

[http://www.usda.gov/wps/portal/!ut/p/.s.7\\_0\\_A/7\\_0\\_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6\\_2\\_1UH/.ce/7\\_2\\_5JM/.p/5\\_2\\_4TQ/.d/3/\\_th/J\\_2\\_9D/.s.7\\_0\\_A/7\\_0\\_1OB?PC\\_7\\_2\\_5JM\\_contentid=2003%2F12%2F0443.html&PC\\_7\\_2\\_5JM\\_parentnav=TRANSCRIPTS\\_SPEECHES&PC\\_7\\_2\\_5JM\\_navid=TRANSCRIPT#7\\_2\\_5JM](http://www.usda.gov/wps/portal/!ut/p/.s.7_0_A/7_0_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JM/.p/5_2_4TQ/.d/3/_th/J_2_9D/.s.7_0_A/7_0_1OB?PC_7_2_5JM_contentid=2003%2F12%2F0443.html&PC_7_2_5JM_parentnav=TRANSCRIPTS_SPEECHES&PC_7_2_5JM_navid=TRANSCRIPT#7_2_5JM); see also Transcript of Technical Briefing and Webcast with U.S. Government Officials on BSE Case, December 27, 2003 (the U.S. official stated that the BSE positive cow likely originated in Canada), available at [http://www.usda.gov/wps/portal/!ut/p/.s.7\\_0\\_A/7\\_0\\_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6\\_2\\_1UH/.ce/7\\_2\\_5JM/.p/5\\_2\\_4TQ/.d/3/\\_th/J\\_2\\_9D/.s.7\\_0\\_A/7\\_0\\_1OB?PC\\_7\\_2\\_5JM\\_contentid=2003%2F12%2F0444.html&PC\\_7\\_2\\_5JM\\_parentnav=TRANSCRIPTS\\_SPEECHES&PC\\_7\\_2\\_5JM\\_navid=TRANSCRIPT#7\\_2\\_5JM](http://www.usda.gov/wps/portal/!ut/p/.s.7_0_A/7_0_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JM/.p/5_2_4TQ/.d/3/_th/J_2_9D/.s.7_0_A/7_0_1OB?PC_7_2_5JM_contentid=2003%2F12%2F0444.html&PC_7_2_5JM_parentnav=TRANSCRIPTS_SPEECHES&PC_7_2_5JM_navid=TRANSCRIPT#7_2_5JM)

<sup>11</sup> See An Economic Chronology of Bovine Spongiform Encephalopathy in North America, U.S. Department of Agriculture, Economic Research Service, LDP-M-143-01, June 2006, at 14, available at <http://www.ers.usda.gov/publications/ldp/2006/06Jun/ldpm14301/ldpm14301.pdf>.

<sup>12</sup> See *ibid.*

<sup>13</sup> See Statement by Agriculture Secretary Mike Johanns Regarding the Reopening of the Japanese Market to U.S. Beef, July 27, 2006, available at

[http://www.usda.gov/wps/portal/!ut/p/.s.7\\_0\\_A/7\\_0\\_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6\\_2\\_1UH/.ce/7\\_2\\_5JM/.p/5\\_2\\_4TQ/.d/5/\\_th/J\\_2\\_9D/.s.7\\_0\\_A/7\\_0\\_1OB?PC\\_7\\_2\\_5JM\\_contentid=2006%2F07%2F0265.xml&PC\\_7\\_2\\_5JM\\_parentnav=LATEST\\_RELEASES&PC\\_7\\_2\\_5JM\\_navid=NEWS\\_RELEASE#7\\_2\\_5JM](http://www.usda.gov/wps/portal/!ut/p/.s.7_0_A/7_0_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JM/.p/5_2_4TQ/.d/5/_th/J_2_9D/.s.7_0_A/7_0_1OB?PC_7_2_5JM_contentid=2006%2F07%2F0265.xml&PC_7_2_5JM_parentnav=LATEST_RELEASES&PC_7_2_5JM_navid=NEWS_RELEASE#7_2_5JM); see also Statement by Agriculture Secretary Mike Johanns Regarding the Rejection of U.S. Beef Shipments by South Korea, U.S. Department of Agriculture, December 6, 2006, available at [http://www.usda.gov/wps/portal/!ut/p/.s.7\\_0\\_A/7\\_0\\_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6\\_2\\_1UH/.ce/7\\_2\\_5JM/.p/5\\_2\\_4TQ/.d/5/\\_th/J\\_2\\_9D/.s.7\\_0\\_A/7\\_0\\_1OB?PC\\_7\\_2\\_5JM\\_contentid=2006%2F12%2F0458.xml&PC\\_7\\_2\\_5JM\\_parentnav=LATEST\\_RELEASES&PC\\_7\\_2\\_5JM\\_navid=NEWS\\_RELEASE#7\\_2\\_5JM](http://www.usda.gov/wps/portal/!ut/p/.s.7_0_A/7_0_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JM/.p/5_2_4TQ/.d/5/_th/J_2_9D/.s.7_0_A/7_0_1OB?PC_7_2_5JM_contentid=2006%2F12%2F0458.xml&PC_7_2_5JM_parentnav=LATEST_RELEASES&PC_7_2_5JM_navid=NEWS_RELEASE#7_2_5JM).

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<sup>14</sup> See Declaration of John Stewart, *Creekstone Farms Premium Beef v. USDA*, Civil Action No. 06-544(JR), Plaintiffs Summary Judgment Reply and Opposition.

<sup>15</sup> See South Korea Bars Creekstone Beef, High Plains/Midwest Ag Journal, November 29, 2006, available at [http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6\\_2\\_1UH/.ce/7\\_2\\_5JM/.p/5\\_2\\_4TQ/.d/5/\\_th/J\\_2\\_9D/\\_s.7\\_0\\_A/7\\_0\\_1OB?PC\\_7\\_2\\_5JM\\_contentid=2006%2F07%2F0265.xml&PC\\_7\\_2\\_5JM\\_parentnav=LATEST\\_RELEASES&PC\\_7\\_2\\_5JM\\_navid=NEWS\\_RELEASE#7\\_2\\_5JM](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_1OB/.cmd/ad/.ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JM/.p/5_2_4TQ/.d/5/_th/J_2_9D/_s.7_0_A/7_0_1OB?PC_7_2_5JM_contentid=2006%2F07%2F0265.xml&PC_7_2_5JM_parentnav=LATEST_RELEASES&PC_7_2_5JM_navid=NEWS_RELEASE#7_2_5JM).

<sup>16</sup> See An Economic Chronology of Bovine Spongiform Encephalopathy in North America, U.S. Department of Agriculture, Economic Research Service, LDP-M-143-01, June 2006, at 5, available at <http://www.ers.usda.gov/publications/ldp/2006/06Jun/ldpm14301/ldpm14301.pdf>.

<sup>17</sup> See Use of Cattle Legally Imported from Canada within the EV Program for the Republic of Korea, U.S. Department of Agriculture, Agricultural Marketing Service, August 29, 2006 (Exhibit 2 available at <http://www.r-calfusa.com>, under “Animal Health”).

<sup>18</sup> See USDA Export Verification (EV) Program: Specified Product Requirements for Bovine – Republic of Korea, U.S. Department of Agriculture, Agricultural Marketing Service, March 7, 2006 (note this document has been removed from the USDA website).

<sup>19</sup> See BSE (Bovine Spongiform Encephalopathy, or Mad Cow Disease), U.S. Centers for Disease Control and Prevention, May 18, 2007 (Exhibit 3, available at <http://www.r-calfusa.com>, under “Animal Health”).

<sup>20</sup> See BSE (Bovine Spongiform Encephalopathy, or Mad Cow Disease), U.S. Centers for Disease Control and Prevention, February 13, 2008, available at <http://www.cdc.gov/ncidod/dvrd/bse/>.

<sup>21</sup> See Number of Reported Cases of Bovine Spongiform Encephalopathy (BSE) in Farmed Cattle Worldwide (Excluding the United Kingdom), World Organization for Animal Health (OIE), available at [http://www.oie.int/eng/info/en\\_esbmonde.htm](http://www.oie.int/eng/info/en_esbmonde.htm).

<sup>22</sup> See BSE (Bovine Spongiform Encephalopathy, or Mad Cow Disease), U.S. Centers for Disease Control and Prevention, February 13, 2008, available at <http://www.cdc.gov/ncidod/dvrd/bse/>.

<sup>23</sup> See *id.*

<sup>24</sup> See Livestock and Meat Trade Data, Beef and Veal: Annual and Cumulative Year-to-Date U.S. Trade, U.S. Department of Agriculture, Economic Research Service (2007 data), available at <http://www.ers.usda.gov/data/meattrade/BeefVealYearly.htm>.

<sup>25</sup> See Livestock and Meat Trade Data, Cattle: Annual and Cumulative Year-to-Date U.S. Trade, U.S. Department of Agriculture, Economic Research Service (2007 data), available at <http://www.ers.usda.gov/data/meattrade/CattleYearly.htm>.

<sup>26</sup> See Federal Register, Volume 72, No. 180, Tuesday, September 18, 2007 (Final USDA Rule allowing over 30-month cattle and beef from Canada), at 53,314 *et seq.*

<sup>27</sup> See *id.*