

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



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December 4, 2009

Docket No. APHIS-2009-0006  
Regulatory Analysis and Development, PPD  
U.S. Department of Agriculture  
Animal and Plant Health Inspection Service  
Station 3A-03.8  
4700 River Road, Unit 118  
Riverdale, MD 20737-1238

Via E-Mail: [www.regulations.gov](http://www.regulations.gov)

**Re: R-CALF USA Comments in Docket No. APHIS-2009-0006: Notice of Availability of a Bovine Brucellosis Concept Paper**

Dear Sir or Madam:

The Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) appreciates this opportunity to submit comments to the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) regarding the Notice of Availability of a Bovine Brucellosis Concept Paper published at 74 Fed. Reg. 51115-51116 (Oct. 5, 2009).

R-CALF USA is a non-profit association that represents thousands of U.S. cattle farmers and ranchers in 46 states across the nation. R-CALF USA works to sustain the profitability and viability of the U.S. cattle industry, a vital component of U.S. agriculture. R-CALF USA's membership consists primarily of cow-calf operators, cattle backgrounders and feedlot owners. Various main street businesses are associate members of R-CALF USA.

For the reasons stated below, R-CALF USA believes APHIS' concept paper that describes a new direction for the bovine brucellosis program: "A Concept Paper for a New Direction for the Bovine Brucellosis Program, Animal and Plant Health Inspection Service, Veterinary Services" (Concept Paper), is fundamentally flawed and should not be used by APHIS as a starting point to address the challenge of eradicating brucellosis from cattle in the United States. In fact, R-CALF USA will demonstrate that the Concept Paper does not constitute a new direction at all, but rather, it constitutes a continued dismantling of essential U.S. disease protections that was started several years ago by APHIS in its attempt to comply with the more liberal international standards designed to facilitate trade with countries with ongoing disease problems.

**I. THE CONCEPT PAPER IS FUNDAMENTALLY FLAWED, COUNTERPRODUCTIVE, AND STRUCTURALLY INCAPABLE OF ACHIEVING THE GOAL OF ERADICATING BRUCELLOSIS FROM THE UNITED STATES**

**A. The Concept Paper Fundamentally Frustrates APHIS' Stated Goal to Eradicate Brucellosis from the United States.**

APHIS states that the goal of the brucellosis program “is to eradicate brucellosis from the United States.”<sup>1</sup> APHIS emphatically states: “Eradication *depends* on finding the last remaining brucellosis-reactor animal, the last remaining brucellosis-affected herd, and eliminating the disease from wildlife reservoirs.”<sup>2</sup> (emphasis added). APHIS further states that “Currently the last known reservoir of disease is the wildlife population in the GYA [Greater Yellowstone Area].”<sup>3</sup> This latter assertion, however, is inaccurate. There are at least two additional disease reservoirs that directly threaten to spread brucellosis in U.S. cattle and the Concept Paper is oblivious to these known reservoirs:

**1. Mexico is a Known Brucellosis Reservoir.**

The more than one million head of live cattle imported into the U.S. from Mexico each year originate in a brucellosis reservoir.<sup>4</sup> Data from the World Organization for Animal Health (OIE) show that as recent as 2004, Mexico reported 56,363 cases of brucellosis in cattle and 2,582 cases of brucellosis in humans.<sup>5</sup> More recent data is not apparently available via the OIE. Because live cattle imported into the U.S. from Mexico can be comingled with U.S. cattle in any State (including in States considered a low risk for brucellosis) and for any length of time, APHIS' proposal to eliminate Federal funding for first-point testing at the first point of concentration and reduce slaughter surveillance will significantly decrease the prospects of identifying brucellosis in imported Mexican cattle. Eliminating first-point testing in states that graze and/or feed Mexican cattle would eliminate the potential for early detection of brucellosis. Further, a reduction in slaughter surveillance would exacerbate the risk associated with Mexican cattle that may shed the disease for years in the U.S. before detection, if they are detected at all under the Concept Paper's relaxed surveillance regime.

**2. Canada Harbors a Known Brucellosis Reservoir.**

The more than 1.5 million head of live cattle imported into the U.S. from Canada in 2008 originated in a country with known brucellosis infestations in two wildlife populations: Elk

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<sup>1</sup> A Concept Paper for a New Direction for the Bovine Brucellosis Program, Animal and Plant Health Inspection Service, Veterinary Services (hereafter “Concept Paper”), at 2.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> See Cattle: Annual and cumulative year-to-date U.S. trade (head), U.S. Department of Agriculture, Economic Research Service (the U.S. imported an average of more than 1.1 million head of Mexican cattle each year during the five-year period 2004-2008).

<sup>5</sup> See Handi Status II data sets, World Organization for Animal Health (OIE), which includes data through 2004. Quantitative data is not apparently available for later years.

Island National Park and Wood Buffalo National Park, both located in the Province of Alberta. During the ten-year period from 1995-2004, Canada detected an average of more than 8 brucellosis cases in its human population each year, with cases detected in five Canadian provinces.<sup>6</sup> According to a 2004 fact sheet published by the Government of Alberta, Sustainable Resource Development, populations of free-ranging bison “in and around Wood Buffalo National Park (WBNP)” are infected with brucellosis.<sup>7</sup> The fact sheet goes on to state, “Within WBNP, the infection rate is consistently in the range of 30-35%.”<sup>8</sup> Wood Buffalo National Park is located in northeastern Alberta with overlap into southern Northwest Territories and is purportedly the largest national park in Canada and among the largest parks in the world.<sup>9</sup>

Also in 2004, the Government of Canada published information that indicates brucellosis still resides in Canada’s wildlife population:

In Canada, the populations of Canadian cattle and farmed bison have been officially brucellosis-free since 1984. Nonetheless, a reservoir of disease in Canadian wildlife means that Canada must regularly survey its cattle for brucellosis.<sup>10</sup>

Although Canada recognizes the need to regularly test its cattle for brucellosis due to the country’s remaining reservoirs of disease, APHIS does not require the approximate one million head of Canadian cattle that are imported into the U.S. from Canada each year to be tested for brucellosis. Only bison that were born and raised in Elk Island National Park are required to be tested for brucellosis prior to entering the United States.<sup>11</sup> In fact, it would appear from a review of Canada’s export health certificate that cattle originating in any country other than Canada can be lawfully exported to the U.S. without being tested for brucellosis provided the country of origin is not subject to bovine spongiform encephalopathy (BSE) restrictions or movement restrictions within the U.S. or Canada.<sup>12</sup>

It is nonsensical that APHIS, which is intimately familiar with the risk of spread of brucellosis from wildlife populations to surrounding cattle populations in the U.S., would not require *any* brucellosis testing of Canadian cattle as a precondition of export to the United States, particularly when brucellosis is known to exist in Canadian wildlife populations.

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<sup>6</sup> See Notifiable Diseases On-line: Brucellosis, Public Health Agency of Canada, available at [http://dsol-smed.phac-aspc.gc.ca/dsol-smed/ndis/disease2/bruc\\_e.html](http://dsol-smed.phac-aspc.gc.ca/dsol-smed/ndis/disease2/bruc_e.html).

<sup>7</sup> Brucellosis (*Brucella* spp.) in Alberta, Alberta Sustainable Resource Development, Fish and Wildlife, March 2004, available at <http://www.srd.alberta.ca/BioDiversityStewardship/WildlifeDiseases/documents/Brucellosis.pdf>

<sup>8</sup> *Ibid.*

<sup>9</sup> See Wood Buffalo National Park of Canada, Parks Canada, available at [http://www.pc.gc.ca/pn-np/nt/woodbuffalo/index\\_E.asp](http://www.pc.gc.ca/pn-np/nt/woodbuffalo/index_E.asp).

<sup>10</sup> Technology Transfer Award, Federal Partners in Technology Transfer, Canadian Food Inspection Agency, Government of Canada, Feb. 23, 2004, available at <http://www.fppt-pftt.gc.ca/eng/success/awards2003/2003awards4.html>.

<sup>11</sup> See Veterinary Health Certificate: Export of Bison Originating From the Elk Island National Park to the United States of America, Government of Canada, Canadian Food Inspection Agency.

<sup>12</sup> See Veterinary Health Certificate: Export Cattle or Bison to the United States of America, Government of Canada, Canadian Food Inspection Agency.

**B. The Concept Paper Proposes Only to Manage the Brucellosis Disease in the U.S, Not Eradicate It.**

The failure of APHIS to require brucellosis testing of cattle imported from Canada, where brucellosis is known to exist in wildlife populations, and the Concept Paper's proposal to: 1) drastically reduce, if not completely eliminate, early detection surveillance that is presently conducted in numerous states at the first point of cattle concentration; and, 2) reduce slaughter surveillance, while also continually reintroducing cattle from Mexico where the disease is known to be widespread, demonstrates that APHIS' goal is not to eradicate brucellosis from cattle in the United States. Instead, the Concept Paper is an irresponsible recipe to facilitate the latent spread of brucellosis within the U.S. and most likely would result, either in this or some future generation, in a widespread disease outbreak that would result in serious financial consequences for U.S. cattle producers and possible serious health risks for humans.

Whereas APHIS continues to irresponsibly expose the U.S. livestock herd to unnecessary and avoidable risks for brucellosis, and now proposes to exacerbate this unacceptable circumstance through its Concept Paper, at least U.S. livestock producers can rely on their respective State's animal health agencies to mitigate this unacceptable, APHIS-induced risk. The States of Washington, North Dakota and South Dakota, for example, all recognize the brucellosis risk associated with live cattle imports and all have exercised their sovereign right to require brucellosis testing and/or vaccination as a condition of entry into their respective states.<sup>13</sup>

**C. APHIS Did Not Vet Its Proposal to Reduce Slaughter Surveillance, Eliminate Federal Funding for First-Point Testing in Low-Risk States and Consolidate Laboratory Testing With First-Tier Industry Stakeholders.**

As stated above, the reduction of first-point testing will reduce the potential for early disease detection and likely would facilitate the latent spread of the disease by allowing potentially diseased cattle to be diverted to other cattle herds (e.g., older cows that are returned to grass after being sold at an auction yard). Also as previously stated, reliance on slaughter surveillance alone, indeed slaughter surveillance reduced by 50 percent, would not only facilitate the latent spread of the disease, but also, would make it more likely the disease would go undetected until a significant hot spot were to develop. Though the Concept Paper asserts that these specific proposals were endorsed by the United States Animal Health Association (USAHA), that endorsement is unlikely to be shared by the men and women whose cattle businesses and livelihoods could be destroyed if a hot spot for brucellosis were to develop in a State where it is not presently known to exist, but where it could become established due to the unrestricted movement of imported cattle. The proposal to reduce or eliminate first-point surveillance testing must be summarily rejected.

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<sup>13</sup> See WAC 16-54-083, Domestic and Foreign Bovine Brucellosis Requirements, State of Washington (Female cattle must be brucellosis vaccinated.); Animal Importation Requirements, North Dakota State Board of Animal Health (All female cattle over 12 months of age must be brucellosis vaccinated.); South Dakota Import Requirements (Sexually intact feeder females over 18 months old must have negative brucellosis test within 30 days prior to entry.).

The Concept Paper does not explain why or how a strategy that would maintain confidence that brucellosis is present in less than one animal per million would be expected to achieve APHIS' stated goal of eradicating brucellosis from the United States. Further, based on the assertion that the surveillance design prevalence was based on the national herd size, it does not appear that APHIS has considered the possibility of spatial heterogeneity or a brucellosis hot spot that may be incubating in isolation either in the U.S. or in herds in Canada or Mexico, thus exposing unsuspecting humans and domestic herds to this serious disease risk. What evidence does APHIS have to demonstrate that a prevalence of anything less than one brucellosis infected animal per million would mean that brucellosis is not spreading somewhere in the U.S. cattle herd? Are there regions in the U.S. where spatial heterogeneity would be a significant factor? And, are there areas in the U.S. where the transport of a brucellosis infected animal would be expected to spread the disease more aggressively than in others? These potentialities are best addressed using the highly successful and time-proven State-by-State census sampling and first-point testing strategy that has both eliminated brucellosis from all but a single wildlife population (i.e., the Greater Yellowstone Area) and has given the public confidence that the claim of near eradication is accurate. The Concept Paper fails completely to demonstrate how reduced surveillance and reduced first-point testing can be expected to eliminate the last vestiges of brucellosis in the U.S. and prevent its reemergence or reintroduction.

**D. The Concept Paper Appears to be an Attempt by APHIS to Mandate its National Animal Identification System (NAIS) and Centralize Its Control over Disease Programs and Laboratories by Wresting Control Away from the States.**

The success of the current brucellosis program can be attributed to early disease detection achieved through widely dispersed first-point testing and extensive slaughter surveillance. Though APHIS asserts that outbreaks of brucellosis currently occur sporadically,<sup>14</sup> and implies that delays in the completion of traces and epidemiological investigations are detrimental,<sup>15</sup> APHIS nevertheless proposes to reduce, if not eliminate, its current ability to detect the disease earlier in the cattle's life cycle than at the time of slaughter. This does not square. The Concept Paper makes clear that APHIS knows this does not square as it emphatically states that under its proposed action plan, "rapid and effective response to brucellosis occurrences will depend on full implementation of an animal ID system."<sup>16</sup> Thus, APHIS' action plan orchestrates a self-fulfilling prophecy because when States are no longer able to achieve early detection through first-point testing, the only remaining means of detection by surveillance is to wait for months or even years until an infected animal is brought to slaughter. By then, however, the animal may have transmitted the disease to several herds that could be dispersed across several States and the *only* means available to APHIS to even begin to address the outbreak is to trace the animal's movements back through time. APHIS should reject this Concept Paper on the grounds that the centralized control of disease surveillance contemplated therein would inherently prolong and postpone disease traces and epidemiological investigations.

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<sup>14</sup> See Concept Paper at 12.

<sup>15</sup> See *Id.*, at 6

<sup>16</sup> *Ibid.*

The Concept Paper further proposes to require official animal ID and, “when appropriate, electronic movement certificates” for animals leaving affected herds or disease management areas.<sup>17</sup> The use of an official animal identification device, i.e., the metal brucellosis ear tag that identifies the breeding animal’s State of origin with a numeric state code, was instrumental in reducing the prevalence of brucellosis to what it is today. APHIS does not explain why this simple, low cost, efficient and State-referenced system should not continue to be used for animals leaving affected herds or areas where the disease is known to exist. APHIS should not impose upon the States a requirement to use any form of animal identification device other than the time-proven, brucellosis-type metal ear tag with a State identifier. Nor should APHIS require States to use electronic movement certificates. The States should decide, based on their available resources, experiences and preferences, what medium to use for movement certificates. The success of the current brucellosis program was not predicated on a centralized, federally controlled program and surveillance plan and APHIS provides no valid reason why a continued, decentralized and State-vested program would not be far superior in achieving early detection of emerging brucellosis outbreaks (both where the disease might or might not be expected to occur) and in responding quickly and appropriately following detection.

It is difficult to fathom what possible efficiencies and shipping-cost savings would result from pulling laboratory testing away from the States and funneling the nation’s entire volume of samples to perhaps only two Federal laboratories.<sup>18</sup> Such a plan would inherently increase the risk of sample contamination and lost testing results from perhaps millions of test samples in the event of a natural disaster or some other disruptive force. APHIS has not explained why standard laboratory protocols cannot be as effectively applied in numerous State-run laboratories as they can in the two chosen Federal facilities, or why the consolidation of testing laboratories is preferred by APHIS when the integrity of the total volume of samples and their corresponding results are strategically safer when they are dispersed over a larger geographic region.

**E. The Concept Paper Improperly Attempts to Undermine the Democratic Rulemaking Process Designed to Ensure that Federal Agencies Do Not Take Actions Without First Considering the Concerns of Affected Individuals.**

The Concept Paper seeks greater discretionary authority to allow APHIS to change requirements imposed on States and individuals without adhering to the agency’s rulemaking procedures.<sup>19</sup> APHIS argues that the rulemaking process is too lengthy and results in rules that are too prescriptive and rigid to afford APHIS the flexibility it needs to adapt to changing program needs. Weighed against the intrinsic value of the democratic rulemaking process that provides citizens an opportunity to express their concerns *before* a Federal agency takes action that might harm their interests, APHIS’ request must be denied. This proposal is particularly disconcerting given that APHIS has recently demonstrated its propensity to abuse its authority that arises from existing statutes, rules and regulations. For example, on July 3, 2008, a Federal District Court remanded to the agency the APHIS rule that allows the importation of over-30-

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<sup>17</sup> *Ibid.*

<sup>18</sup> *See id.*, at 4.

<sup>19</sup> *See id.*, at 6.

month (OTM) cattle and beef from Canada because the agency failed to initiate a new rulemaking as required by the Administrative Procedure Act before allowing importation of beef from Canadian cattle of any age into the United States.<sup>20</sup> It is obvious that in this instance APHIS desired the flexibility and discretion to take action without having to provide notice and consider comments from affected individuals. However, the exercise of APHIS' desire to be unencumbered by the public rulemaking process countermands our nation's core democratic principles.

More recently, on Sept. 22, 2008, APHIS issued its Veterinary Services Memorandum No. 575.19 (Memo 575.19) that declared, without affording the public notice or opportunity to comment, that the Premises Identification Number (PIN) established under the agency's National Animal Identification System (NAIS) "is to be the sole and standard location identifier for all VS program activities" and that premises "will be registered in the NAIS."<sup>21</sup> The effect of APHIS' edict was to immediately transform NAIS into a mandatory system for persons engaged in interstate commerce and who participate in any one of the dozen or more regulated disease programs, despite APHIS' emphatic statement that, "In keeping with the objectives of the NAIS, the use of the new numbering system is voluntary."<sup>22</sup> It was not until Dec. 22, 2008, well after R-CALF USA and perhaps others complained strenuously to Congress about APHIS' inappropriate and unlawful action did APHIS finally cancel its Memo 575.19.<sup>23</sup>

The foregoing examples provide empirical evidence that APHIS has already abused its regulatory authority and has trampled over the rights and privileges vested in the citizens of the United States. It is incomprehensible that APHIS should now be granted any additional flexibility beyond that expressly granted by statute and the Federal rulemaking process.

**F. The Concept Paper Improperly Justifies Proposed Actions By Weighing Them Against International OIE Surveillance Standards Without Any Documentation to Suggest that OIE Standards Have Been Successful in Eradicating Brucellosis.**

The Concept Paper justifies its proposal to drastically reduce surveillance by asserting that the proposed surveillance strategy "exceeds the standards set by the World Organization for Animal Health (OIE) for a country recognized as disease-free for brucellosis."<sup>24</sup> APHIS should provide specific examples of countries that have successfully eradicated brucellosis by following OIE surveillance standards prior to presuming that OIE surveillance standards are adequate for countries like the U.S. that are serious about eradicating the disease. If no such examples are available, APHIS should cease touting OIE standards as justification for its proposal.

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<sup>20</sup> See *R-CALF USA et al., v. USDA et al.*, Memorandum Opinion and Order on Motion for Preliminary Injunction, United States District Court, District of South Dakota, Northern Division, at 16.

<sup>21</sup> Veterinary Services Memorandum No. 575.19, John R. Clifford, Deputy Administrator, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Sept. 22, 2008.

<sup>22</sup> 69 Fed. Reg., 64645, col. 2.

<sup>23</sup> See Veterinary Services Memorandum No. 575.19, John R. Clifford, Deputy Administrator, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Dec. 22, 2008.

<sup>24</sup> Concept Paper, at 4.

**G. The Concept Paper Erroneously Assumes that the OIE's Regionalization Strategy Is an Effective Means of Disease Containment.**

The Concept Paper proposes to adopt the OIE's regionalization (or zoning) strategy by dispensing with State geopolitical boundaries for disease control purposes and replacing them with what would essentially be a Federal disease management area.<sup>25</sup> Not only would this approach infringe upon the sovereign rights of each State, but also, the OIE's regionalization concept is fundamentally flawed. The U.S. has recent, first-hand experience regarding the failure of the OIE's regionalization strategy to ensure that disease prevalence and spread can be contained in a specified zone or region within a geopolitical-defined area. For example, in Dec. 2000 APHIS proposed to regionalize Uruguay following that country's detection of foot-and-mouth disease (FMD). APHIS proposed to remove only Artigas, a department in Uruguay, from the list of regions considered by the U.S. to be free of FMD as APHIS had determined that Artigas qualified as a distinct subpopulation for disease control and international trade purposes.<sup>26</sup> However, within about four months, beginning April 2001, widespread FMD outbreaks were confirmed in numerous Uruguayan departments.<sup>27</sup> By June 22, 2001, there were 1,596 new cases of FMD confirmed in 18 separate departments in Uruguay.<sup>28</sup> This example empirically demonstrates that the ideological concept of regionalization is fundamentally flawed, inherently risky, and incapable of ensuring disease containment. Cattle producers in the U.S. are indeed fortunate that APHIS' attempt to relax essential import restrictions on Uruguayan imports via regionalization did not result in the introduction of FMD into the United States, an outcome that could have resulted in substantial financial losses to their industry.

APHIS should abandon its misguided effort to regionalize the U.S. and, instead, should continue to respect the geopolitical boundaries of the States and the sovereignty of each State. In coordination with each States' animal health agency, APHIS should consider the appropriateness of establishing a containment and surveillance area around those areas where brucellosis is detected and that are within each State's geopolitical boundaries, and work in coordination with multiple States to establish complimentary containment and surveillance areas within their respective States as needed. The usurpation of State's rights that would result from APHIS' regionalization plan was not necessary to attain the enviable level of brucellosis control achieved today and is not necessary to continue the process of eradicating brucellosis from the United States.

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<sup>25</sup> See Concept Paper, at 7

<sup>26</sup> See 65 Fed. Reg., at 77772,

<sup>27</sup> See 66 Fed. Reg., at 36695.

<sup>28</sup> *Ibid.*



**II. A FEW ELEMENTS CONTAINED IN APHIS' BRUCELLOSIS CONCEPT PAPER ARE WORTHY OF FURTHER CONSIDERATION AND INCLUSION IN A RULEMAKING PROCESS**

**A. The Concept Paper's Proposal to Reduce the Prevalence of Brucellosis in Wildlife Populations and to Mitigate the Risks of Disease Transmission to Livestock Is Commendable.**

The Concept Paper's proposal to enhance efforts to mitigate disease transmission from wildlife is precisely what APHIS and its State partners must do to eradicate brucellosis from the United States. It is troubling, and perhaps highly revealing, however, that APHIS' stated motive for pursuing this goal is not to protect the people of the United States or the cattle herds of U.S. cattle producers from brucellosis infection. Instead, APHIS expressly states, "To demonstrate the disease-free status of the United States, we must mitigate risks from wildlife."<sup>29</sup> If APHIS' motive is only to maintain brucellosis prevalence at levels acceptable to meet international standards for disease-free status, then the goal of eradicating brucellosis from the United States will not likely be achieved. R-CALF USA requests that APHIS clarify whether its motive for proposing to enhance efforts to mitigate disease transmission from wildlife is to comply with its statutory mandate to protect the people of the U.S. and U.S. livestock from the introduction and spread of animal diseases and pests, or if it is, as APHIS states, to demonstrate the disease-free status of the United States, presumably to international organizations and/or corporations.

R-CALF USA believes APHIS should pursue the goal of mitigating disease transmission from wildlife to protect U.S. cattle producers and the people of the United States from the financial risks and health risks associated with brucellosis introduction and spread. To implement this goal, APHIS should initiate a rulemaking so the public can consider and comment on APHIS' specific plan of action.

**B. APHIS' Proposal to Define Prevalence on a "Case" Basis Should Be Expounded.**

APHIS proposes to modify the current practice associated with epidemiological investigations to define prevalence on a "case" basis to allow multiple epidemiologically linked affected herds to be counted as one case.<sup>30</sup> Though APHIS asserts that this would allow for a risk-based decision in determining the boundaries of a disease management area, the agency provides insufficient information to justify the need for such modification. It would appear that the current definition has served the agency quite well given the successful reduction in brucellosis outbreaks experienced over the past several decades. Would this modification merely change the way a case is reported to international organizations? Or, is there a legitimate epidemiological advantage to be gained by the modification? And, how would the modification assist in the goal of eradicating brucellosis from the United States? A more thorough explanation

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<sup>29</sup> Concept Paper, at 4.

<sup>30</sup> *Id.*, at 4.

of the agency's rationale for proposing this change should be offered to the public by way of notice and rulemaking.

**C. APHIS' Proposal to Explore Viable Alternatives to Herd Depopulation Should be Pursued.**

APHIS proposes to offer a viable alternative to herd depopulation that presumably would not impede the goal of eradicating brucellosis from the United States. If this can be accomplished it could mitigate the severe consequences associated with brucellosis detection, including financial loss and loss of genetically superior cattle. R-CALF USA believes that APHIS' proposal to seek alternatives to herd depopulation should be pursued and encourages APHIS to provide more detailed information to the public through notice and rulemaking.

**D. APHIS Should Pursue a Scientifically Valid Method of Identifying the Scope of the Risk Associated with a Brucellosis Outbreak Within a State that Would Maintain the Confidence of Health Officials in Surrounding States that Herds Outside the Risk Area Do Not Present a Risk of Brucellosis Transmission.**

APHIS should further pursue the idea of modifying its current rules and regulations to achieve a scientifically valid method of identifying the scope of the risk within a State, i.e., the geographic area and/or the herds that harbor a heightened risk for brucellosis, following the detection of brucellosis in a cattle herd residing in that State. The objective should be to maintain confidence among industry participants and surrounding State animal health officials that herds outside the risk area do not present a risk of brucellosis transmission. This suggestion is very different from the proposal contained in the Concept Paper as it likely would necessitate more early detection surveillance, a comprehensive rulemaking to prescribe the scientific methodology to be used in determining the scope of risk, directing additional Federal funding to affected States and granting them control over the management of herds both within and outside the risk area within their respective States. And, importantly, there would be no multi-state regionalization designation by APHIS.

**E. APHIS Should Evaluate the Current First-Point Surveillance System and Determine What Improvements Are Needed to Establish an Effective Early-Detection Surveillance System in Each State that would Detect the Emergence of Brucellosis in Live Cattle with a Design Prevalence Suitable for Total Disease Eradication.**

Although this recommendation runs counter to APHIS' Concept Paper, R-CALF USA believes that because APHIS allows foreign cattle from countries that harbor BSE, in either their wildlife populations or cattle herds, to enter the U.S. and mingle with U.S. cattle (see Section I. A above), it is absolutely essential that APHIS maintain a surveillance system in each State that is capable of detecting brucellosis as early in the animal's life span as possible and at a design prevalence that would enhance total disease eradication. Testing at the first point of concentration is a proven and successful means of early detection and must not be abandoned.

December 4, 2009

Page 11

### III. CONCLUSION

R-CALF USA appreciates this opportunity to submit its comments regarding APHIS' bovine brucellosis Concept Paper and would be pleased to answer any questions that these comments may inspire.

Sincerely,

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

R.M. (Max) Thornsberry, D.V.M.  
R-CALF USA President of the Board