

COALITION TO PROTECT THE HEALTH OF THE U.S. LIVESTOCK HERD

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Q&A FACTSHEET

June 2010

Questions and Answers: USDA's Plan to Lift FMD Restrictions for Brazil Through International "Regionalization"

Q. What is international "regionalization" and when and why was it adopted by the U.S. Department of Agriculture (USDA)?

A. Several years ago, the U.S. Department of Agriculture (USDA) defined regionalization as:

A procedure implemented to define geographical areas of differing animal disease risk based on biological, climatological, and geographical factors within a country or among multiple countries, usually for the purpose of facilitating international trade of animals or animal products.¹

More recently, USDA has cited the international World Organization for Animal Health's (OIE's) definition for regionalization:

[A] clearly defined geographical part of a country containing an animal subpopulation with a distinct health status with respect to a specific disease that requires surveillance, control, and biosecurity measures for international trade.²

In 1997, USDA adopted international regionalization to replace its historical policy of establishing import restrictions based on the disease risks contained within the borders of a particular importing country.³ The reason USDA took this action was

to comply with sanitary and phytosanitary (SPS) measures it said were stipulated by the World Trade Organization (WTO),⁴ which is an international, intergovernmental organization with a strong, formal relationship with the United Nations (UN).⁵ USDA justified international regionalization on the grounds that it believed the disease risk presented by imported animals and animal products "are often tied more to climatological, geographical, and biological factors than to national political boundaries."⁶ Thus, USDA believes it is required by the WTO to no longer impose import restrictions based on the overall disease risks within a country and to, instead, determine if regions within a country, or among multiple countries, constitute a distinct subpopulation for disease control and international trading purposes.⁷ In its April 16, 2010 evaluation of its proposed rule to apply international regionalization to lift FMD restrictions for Santa Catarina, Brazil, even while USDA considers all of Brazil to be affected by FMD,⁸ USDA states it is attempting to lift FMD restrictions for Santa Catarina to facilitate trade.⁹

Q. Why did the WTO encourage USDA to adopt international regionalization?

⁴ See Proposed Rule for the Status of Santa Catarina, Brazil, Regarding Foot and Mouth Disease, Classical Swine Fever, Swine Vesicular Disease, African Swine Fever, and Rinderpest, Environmental Assessment, January 2010, USDA, APHIS (hereafter "USDA Environmental Assessment Regarding Brazil"), at 4.

⁵ See The WTO and the United Nations, World Trade Organization, Geneva, Switzerland, ("The WTO-UN relations are governed by the 'Arrangements for Effective Cooperation with other Intergovernmental Organizations-Relations Between the WTO and the United Nations.'"), available at http://www.wto.org/english/thewto_e/coher_e/wto_un_e.htm#top.

⁶ 62 Fed. Reg., 56027, col. 2.

⁷ See USDA Brucellosis Concept Paper Concept Paper, at 7 (USDA states, "The OIE adopted the concept of zoning (or regionalization) to define distinct subpopulations for disease control and international trade purposes," which is what the agency found with respect to a department in Uruguay that it unsuccessfully regionalized in 2000 after concluding that "FMD is not known to exist outside the department of Artigas [Uruguay]. See 65 Fed. Reg., 77772, col. 2.).

⁸ See USDA Environmental Assessment Regarding Brazil, at 1 ("Animal and Plant Health Inspection Service (APHIS) considers all of Brazil to be a county affected with foot-and-mouth-disease (FMD).")

⁹ See *id.*, ("This regionalization action was designed to facilitate trade while maintaining a low risk of animal disease introduction to the United States.").

¹ Appendices to PL107-9 Inter-Agency Working Group Final Report, Animal Disease Risk Assessment, Prevention, and Control Act of 2001 (PL 107-9), PL 107-9 Inter-Agency Working Group, Final Report, January 2003, at 1-3.

² A Concept Paper for a New Direction for the Bovine Brucellosis Program, U.S. Dept. of Agriculture (hereafter "USDA") Animal and Plant Health Inspection Services (hereafter "APHIS"), September 2009 (hereafter "USDA Brucellosis Concept Paper"), at 7.

³ See 62 Fed. Reg., 56027-56033.

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A. The mission of the WTO is to facilitate global trade through trade liberalization, and its overriding purpose is to help trade flow as freely as possible.¹⁰ In the view of the WTO, the United States represents an important market destination for beef producing countries around the world, particularly for under-developed and developing countries that, despite their lack of economic sophistication, are blessed with abundant grass and water, which enables them to produce and trade cattle and beef. However, because the United States imposed strict restrictions to protect against the introduction of FMD into the U.S. from FMD-affected countries, the United States' disease-related import restrictions were viewed as an impediment to trade. In fact, in the early 90s, the combination of the United States' disease import restrictions related to FMD and those applied to bovine spongiform encephalopathy (BSE) applied to much, if not most, of the world. Even by the early 2000s, the OIE, which is a reference organization for the WTO, reported that 43 percent of countries listed in its database reported FMD in one or more years during 1999, 2000, or 2001.¹¹

An early 2000 report issued by the OIE states that FMD was the single disease that “bars many developing countries from participation in formal trade, both regionally and internationally,” and it argues that “recent studies have predicted an unprecedented high demand for animal protein, which can only be met through enhanced participation of developing countries in trade in livestock products.”¹² The OIE report states the global FMD problem must be addressed on two fronts to: 1) support international schemes for the control of FMD; and, 2) “set a pathway approach that would offer countries access to market opportunities progressively, as successive new ‘sanitary steps’ are attained.”¹³ That “pathway approach” to progressively grant FMD-affected countries early

market access to the U.S. and other beef markets is international regionalization.

Thus, the WTO encouraged USDA to adopt international regionalization so developing countries could access the U.S. market before those countries make the necessary investments and take the necessary steps to eradicate FMD and other dangerous diseases from within their borders.

Q. Can USDA implement risk mitigation measures to ensure that regionalized sections of FMD-affected countries remain free of FMD?

A. No. USDA has tried repeatedly to impose what it considers effective risk mitigation measures under its regionalization scheme, but its efforts met with failure and the agency was forced to abandon regionalization. In addition, USDA has attempted to impose the same regionalization-based risk mitigations on entire countries; and no sooner had the agency concluded that an entire country was free of FMD, when new and widespread outbreaks of FMD occurred. Specific examples of the failures of USDA's regionalization-based risk mitigations are provided below.

Importantly, USDA acknowledges that its regionalization scheme is an inherently risky proposition by admitting that regionalization results in an increased risk for FMD introduction into the United States. In its risk evaluation for its April 16, 2010 proposed rule to regionalize Santa Catarina, Brazil, USDA states that while it believes the risk mitigations it is proposing for Santa Catarina are effective, “there remains some potential risk that does not exist under the no action alternative [the action of *not* regionalizing Santa Catarina].”¹⁴

A report by the World Organization for Animal Health (OIE) also acknowledges that the FMD risk mitigation measure recommended by the OIE and known as “buffer zones” are ineffective: “Experience in South America shows that sooner or later, the integrity of such buffer zones is breached.”¹⁵ Despite the reported ineffectiveness of buffer zones, the Brazilian State that USDA

¹⁰ See Understanding the WTO, World Trade Organization, Geneva, Switzerland, February 2007, at 9 and 10, available at http://www.wto.org/english/thewto_e/whatis_e/tif_e/utw_chap1_e.pdf

¹¹ See Animal Disease Risk Assessment, Prevention, and Control Act of 2001 (PL 107-9), PL 107-9 Inter-Agency Working Group, Final Report, January 2003, at 4.

¹² Global Perspective for Foot and Mouth Disease Control, M.M. Rweyemamu and V.M. Astudillo, Rev. sci. tech. Off. Int. Epiz., 2002, 21 (3), at 765.

¹³ Global Perspective for Foot and Mouth Disease Control, M.M. Rweyemamu and V.M. Astudillo, Rev. sci. tech. Off. Int. Epiz., 2002, 21 (3), at 767.

¹⁴ USDA Environmental Assessment Regarding Brazil, at 6.

¹⁵ Global Perspective for Foot and Mouth Disease Control, M.M. Rweyemamu and V.M. Astudillo, Rev. sci. tech. Off. Int. Epiz., 2002, 21 (3), at 768.

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proposes to release from its FMD restrictions, Santa Catarina, continues to import beef from Brazilian buffer zones (known also as “infected zones for FMD”).¹⁶

Failures of USDA’s Regionalization-Based Risk Mitigations

Empirical evidence show USDA neither has the ability to accurately assess the risk of FMD nor the ability to accurately evaluate the effectiveness of regionalization-based risk mitigations in countries with histories of FMD outbreaks, including countries where FMD had not been reported for nearly a decade:

1. About three months after USDA regionalized Argentina and concluded that Argentina’s outbreak of FMD was “well controlled,” USDA was forced to abandon regionalization through an emergency action in response to new, widespread FMD outbreaks in Argentina.¹⁷

2. About four months after USDA regionalized Uruguay and concluded the risk of FMD was limited to only one region in Uruguay, USDA was forced to abandon regionalization through an emergency action in response to new, widespread FMD outbreaks throughout Uruguay.¹⁸

3. About two months after USDA regionalized the Republic of South Africa and concluded that the country’s outbreak of FMD was “well controlled,” USDA was forced to abandon regionalization through an emergency action in response to widespread FMD outbreaks in the Republic of South Africa.¹⁹

4. Less than a month after USDA declared South Korea free of FMD, and after USDA concluded the country had everything in place to maintain South Korea as free of FMD (based on the agency’s evaluation of South Korea in the context

of USDA’s 11 factors used to implement regionalization), USDA was forced to abandon its effort to lift FMD restrictions for South Korea due to numerous new outbreaks of FMD in South Korea.²⁰

The evidence clearly shows USDA lacks the ability to predict not only the potential for FMD outbreaks, but also, the capacity to design and implement effective risk mitigations to prevent and control outbreaks of FMD. This strongly suggests USDA neither has sufficient knowledge regarding the susceptibility of livestock to FMD, nor does the agency precisely know all the ways in which this disease is transmitted.

Q. Under what authority is USDA proceeding to lift FMD restrictions through international regionalization in countries where FMD is known to exist?

A. USDA states it adopted international regionalization because, “We [USDA] believe this change [to adopt regionalization] is in accordance with international trade agreements entered into by the United States.”²¹ More specifically, USDA states it adopted international regionalization to comply with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (WTO-SPS) and the North American Free Trade Agreement (NAFTA) Agreement on the Application of Sanitary and Phytosanitary measures (NAFTA-SPS), which both state:

A Member Country shall recognize the concepts of regions of low pest or disease prevalence, and shall ensure that its sanitary and phytosanitary measures are adapted to take into account the characteristics of regions from which products originate and to which products are destined. In doing so, the Member should take into account relevant geography, ecology, methods of surveillance and effectiveness of control systems.

¹⁶ See APHIS Evaluation of the Status of the Brazilian State of Santa Catarina Regarding Foot-and-Mouth Disease, Classical Swine Fever, Swine Vesicular Disease, and African Swine Fever, USDA, APHIS, January 16, 2009 (hereafter “USDA Risk Evaluation: Brazil”), at 34.

¹⁷ See 65 Fed. Reg., 82895, col. 1; see also 66 Fed. Reg., 29897, col. 3; 29898, col. 1.

¹⁸ See 65 Fed. Reg., 82894, col. 3; 65 Fed. Reg., 77772, col. 1; see also 66 Fed. Reg., 36695-697.

¹⁹ See 65 Fed. Reg., 65728, col. 3; see also 66 Fed. Reg., 9641-9642.

²⁰ See 74 Fed. Reg., 68478, col. 3; 479, col. 2; see also 75 Fed. Reg., 1697, col. 1; see also USDA Risk Evaluation: Brazil, at 39.

²¹ 61 Fed. Reg., 16978, col. 1.

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[NAFTA–SPS, Article 716; WTO–SPS, Articles 6.1–6.2]²²

Thus, USDA is acting pursuant to stipulations by the WTO in its implementation of international regionalization, which allows for the circumvention of USDA's long-standing policy of imposing trade restrictions on countries based on the disease status of the entire country.

However, and as discussed above, the effect of USDA's adoption of regionalization is that the risk of introducing dangerous livestock diseases into the United States is increased. This action of knowingly increasing the risk of disease introduction into the United States is, we firmly believe, a clear violation of USDA's statutory obligation under U.S. law.

The U.S. Animal Health Protection Act (AHPA) charges USDA with protecting the American people and the U.S. cattle herd from FMD. Congress was clear that “the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect . . . animal health [and] the health and welfare of the people of the United States.”²³ In order to provide this protection, the AHPA authorizes the Secretary of Agriculture to “prohibit or restrict . . . the importation or entry” of cattle or beef “if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.”²⁴

Clearly, USDA's admission that lifting FMD restrictions for Brazil (or any other FMD-affected country), through its regionalization scheme, will increase the United States' risk for FMD above its current level of risk demonstrates that USDA's regionalization scheme is in direct violation of USDA's statutory duty to take action to prevent the introduction of FMD into the United States from countries known to be FMD-affected.

Q. But wait a minute. Doesn't the U.S. have to accept the inherently higher risk created by

regionalization in order for the U.S. to be regionalized by other countries in the event of a FMD outbreak in the United States?

A. The first part of this answer is that recent history clearly demonstrates that U.S. export markets *do not* reciprocate when USDA unilaterally lifts U.S. disease-related import restrictions to comply with the WTO's directive to facilitate trade. For example, the U.S. unilaterally lifted its BSE-related prohibition against the importation of beef from cattle over thirty months of age (OTM) for both Japan (in 2005)²⁵ and Canada (in 2007).²⁶ Yet today, several years later, U.S. export markets, including Japan, South Korea and Mexico, continue to prohibit OTM beef from the United States.²⁷ Moreover, both Brazil and Argentina – countries with pending requests to be regionalized by the United States – continue to prohibit the importation of *any* U.S. beef.²⁸ As a practical matter, regionalization is proved to be a one-way street.

The second part of this answer is that it is highly unlikely that international regionalization, which was designed specifically for disease-affected developing countries, would even be applicable to the United States should an outbreak of FMD occur. This is because of the unique concentrated structure of the U.S. cattle industry and beef industry combined with the general absence of geographical formations, such as mountain ranges or large expanses of water, that would serve as a barrier for *livestock and wildlife* within the High Plains region of the U.S. – the region where about 75 percent of all U.S. beef is produced and where 80 percent of U.S. cattle are fed.²⁹ If an outbreak

²⁵ See 70 Fed. Reg., 73905-919 (Dec. 14, 2005) (USDA lifted BSE restrictions for Japan to allow the importation of whole muscle cuts of boneless beef derived from cattle of any age that were born, raised, and slaughtered in Japan.).

²⁶ See 72 Fed. Reg., 53314-378 (Sept. 18, 2007) (USDA lifted BSE restrictions for Canada to allow the importation of beef from cattle of any age.).

²⁷ See Index of Export Requirements for Meat & Poultry Products, USDA, Food Safety and Inspection Service (FSIS), available at http://www.fsis.usda.gov/regulations_&_policies/Index_of_Import_Requirements_by_Country/index.asp.

²⁸ *Ibid.*

²⁹ See Amended Complaint, United States of America, et al. v. JBS S.A. and National Beef Packing Company, Civil Action No. 08-CV-5992, U.S. District Court, Northern District of Illinois, Eastern Division, Nov. 7, 2008, at 6 (The U.S. Department of Justice states, “Approximately three-quarters of the fed cattle packing capacity in the

²² 61 Fed. Reg., 16978-979.

²³ 7 U.S.C. § 8301(1).

²⁴ *Id.* at § 8303 (a)(3).

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of FMD were to occur in the High Plains, the vast majority of U.S. livestock on feed and the vast majority of U.S. beef would be ineligible for export. Moreover, because there is insufficient packing and feeding capacity outside the High Plains to accommodate all the feeder cattle produced outside the High Plains, the prospects for U.S. cattle producers to continue exporting beef from either east of the Mississippi River or west of the Rocky Mountains would be exceedingly slim. Conversely, if an outbreak occurred outside the High Plains, the value of those cattle remaining outside the High Plains likely would fall dramatically because there is insufficient packing capacity in other regions of the U.S. to even bring the beef derived from those outlying cattle to the domestic market. And, movement restrictions would preclude the transport of cattle into the High Plains for feeding and slaughter as such transport would result in the commingling of livestock between free and non-free regions, which would jeopardize the ability of High Plains' packers to export beef.

Based on past disease experience, the most likely scenario following a FMD outbreak in the U.S. is that most countries would close their borders. This happened to the U.S. in 2004, and because the U.S. cattle industry does not produce enough beef for its domestic market and because only about seven percent³⁰ of U.S. production is exported, U.S. cattle producers received the highest prices in the history of their industry when U.S. export markets were closed.

The only effective strategy to minimize, to the greatest extent possible, the risk of FMD introduction into the United States is for the U.S. to reinstate strict disease import restrictions, which means the U.S. should not regionalize foreign countries that are not completely free of FMD. Regionalization was neither designed nor intended for the United States. It was designed and in-

tended to enable developing countries to access the U.S. market before those developing countries make the necessary investment and take the necessary steps to eradicate FMD. The regionalization of foreign disease-affected countries increases the United States' risk of FMD introduction, without providing the United States with any compensation or benefit.

Q. What is the expected financial cost to the U.S. livestock industry if FMD were to be introduced into the United States through regionalization?

A. USDA admits that, "The consequences of a FMD outbreak in the United States would be extremely high" and the effect of an outbreak of FMD "on rural and regional economic viability, including businesses reliant on livestock revenue, could be substantial."³¹ The agency states that based on a 2001 estimate, the lost exports of beef products caused by a FMD outbreak was over \$3 billion.³² The agency further predicts that consumer impacts, direct costs and trade losses from a FMD outbreak in the U.S. over a 15-year period would be between \$37 billion and \$44 billion (in 2001 dollars).³³

Q. What would be the expected consequences to U.S. wildlife if FMD were introduced into the United States through regionalization?

A. This is an important question because FMD can affect all cloven-hoofed animals, not just domestic livestock. In fact, USDA states the FMD virus, in addition to being spread by cloven-hoofed livestock and cloven-hoofed wildlife, can be spread by humans, birds, rodents, dogs and cats.³⁴ Notwithstanding these numerous vectors for FMD spread and transmission, USDA's risk evaluation for the Brazilian State of Santa Catarina is void of any analysis regarding the potential for cloven-hoofed wildlife (such as deer), birds, rodents, dogs or cats to transmit the FMD virus into the Brazilian State of Santa Catarina

United States is found in this region [the High Plains], along with close to 80% of all cattle on feedlots.").

³⁰ See Livestock Slaughter 2009 Summary, USDA, NASS, April 2010, at 2 (The U.S. produced approximately 26 billion pounds of beef in 2009.); see also Global Agricultural Trade System (GATS) Database, USDA, Foreign Agricultural Service (The U.S. exported approximately 1.8 billion pounds of beef, beef variety meats, and processed beef in 2009, representing approximately seven percent of domestic beef production.).

³¹ APHIS Evaluation of the Status of the Brazilian State of Santa Catarina Regarding Foot-and-Mouth Disease, Classical Swine Fever, Swine Vesicular Disease, and African Swine Fever, USDA, APHIS, January 16, 2009, at 69.

³² *Ibid.*

³³ *Ibid.*

³⁴ See USDA Environmental Assessment Regarding Brazil, at 8.

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from other regions in Brazil that are affected by FMD.³⁵ Thus, USDA ignores known and potential sources for FMD outbreaks in the Brazilian State of Santa Catarina.

USDA ignores completely the potential impact to susceptible U.S. wildlife (with the exception of six species considered endangered³⁶) should FMD enter the United States. USDA also ignores the potential for FMD to become established in U.S. wildlife populations (such as in the wild herds of white-tailed deer, mule deer, antelope, elk, bison, and feral hogs, for example), thereby creating a FMD reservoir that could continuously re-infect domestic livestock, which is precisely the case in the Greater Yellowstone Area where brucellosis-infected wildlife are known to transmit the disease to domestic cattle.³⁷

In addition to U.S. cattle farmers and ranchers who are gravely concerned about the health and welfare of their livestock herds, sportsman, wildlife enthusiasts and consumers should be equally concerned with USDA's proposal to increase the United States' risk for FMD through regionalization.

Q. How substantial is the cattle industry and beef industry in Santa Catarina, Brazil, where USDA wants to lift FMD restrictions?

A. USDA dismisses the potential risk posed to the U.S. from the regionalization of Brazil in large part by downplaying the size and scope of the cat-

tle industry and beef industry in Santa Catarina, Brazil. USDA states that, "As noted in the risk evaluation for this rule, Santa Catarina contains less than three percent of Brazil's cattle, most of which are dairy animals."³⁸ However, this minimization of the potential impact that Santa Catarina, Brazil, may have on increasing the risk of FMD introduction into the U.S. based on the size and scope of Santa Catarina's cattle industry and beef industry is highly misleading. When compared to the 50 U.S. States, Santa Catarina, with over 164,000 cattle operations, has more cattle operations than any State in the United States.³⁹ The U.S. State of Texas, with 152,000 cattle operations, has more cattle operations than any other U.S. State, and yet, it is far surpassed by Santa Catarina, Brazil.⁴⁰ Also, Santa Catarina, Brazil, with 2.75 million cattle,⁴¹ would rank tenth in the United States in terms of the size of its cattle inventory.⁴² In fact, Santa Catarina, Brazil, has more cattle than are in the U.S. States of Montana, Colorado, Kentucky, Minnesota, North Dakota, or Wyoming, to name just a few of the 41 U.S. States that have fewer cattle than are in Santa Catarina, Brazil. In addition, Santa Catarina has four federally inspected slaughterhouses and 34 State inspection service slaughterhouses that slaughter cattle, for a total of 38 cattle slaughterhouses.⁴³ When compared to the number of bonded livestock packers in the United States, there are more cattle slaughtering houses in Santa Catarina, Brazil, than there are bonded packers in any one of the United States' 50 states.⁴⁴

Thus, when compared to any State in the United States, the size and scope of Santa Catarina, Brazil's, cattle industry and beef packing industry is huge. It has more cattle operations than any State

³⁵ See APHIS Evaluation of the Status of the Republic of Korea Regarding Foot-and-Mouth Disease and Rinderpest, USDA, APHIS, at 28 (USDA explains that an objective of South Korea's FMD surveillance program is to look for the presence of the disease in wildlife, though no mention of wildlife is made in its evaluation of Brazil); see also WAHID Interface database, World Organization for Animal Health (OIE) (According to FMD disease notifications submitted to the OIE, the Republic of South Africa attributes its 2009 outbreak of FMD to "contact with wild species;" Botswana likewise attributes its recent FMD outbreaks to "contact with wild species."), available at <http://www.oie.int/wahis/public.php?page=home>.

³⁶ See USDA Environmental Assessment Regarding Brazil, at 24 (Despite its omission of the risk of FMD transmission in Brazilian wildlife, USDA purports to evaluate the risk of FMD on the health of U.S. wildlife listed as endangered. These wildlife include woodland caribou, Columbian white-tailed deer, key deer, Sonoran pronghorn, Sierra Nevada bighorn sheep, and peninsular bighorn sheep.).

³⁷ See USDA Brucellosis Concept Paper, at 2 (USDA explains that in order to eradicate brucellosis from U.S. livestock the agency must mitigate risks in wildlife populations and states, "Currently, the last known reservoir of disease [brucellosis] is the wildlife populations in the GYA [Greater Yellowstone Area]").

³⁸ Economic Analysis and Certification Statement, Proposed Rule: Recognition of the Brazilian State of Santa Catarina as free of foot-and-mouth disease, rinderpest, swine vesicular disease, classical swine fever, and African swine fever to allow importation of live ruminants, live swine, and their products from Santa Catarina, USDA, APHIS, Docket No. 09-034-1, July 1, 2009, at 1.

³⁹ See USDA Risk Evaluation: Brazil, at 41.

⁴⁰ See Farms, Land in Farms, and Livestock Operations 2008 Summary, USDA National Agricultural Statistics Service (hereafter "NASS"), February 2009, at 18.

⁴¹ See USDA Risk Evaluation: Brazil, at 41.

⁴² See Cattle, USDA, NASS, January 2010, at 2.

⁴³ See USDA Risk Evaluation: Brazil, at 46.

⁴⁴ See Packers and Stockyards Statistical Report, 2006 Reporting Year, USDA, Grain Inspection Packers and Stockyards Administration, May 2008, at 67, 68.

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in the Union, it has more cattle slaughter houses than any State in the Union has bonded packers, and its cattle inventory would rank tenth in size in the United States. Santa Catarina, Brazil, has a huge population of cattle as well as a huge potential to produce substantial volumes of beef, both of which are factors that significantly heighten the risk of introducing FMD into the United States from Brazil. USDA is doing a tremendous disservice to U.S. citizens through its attempts to downplay the size and scope of Santa Catarina, Brazil's, cattle industry and beef industry.

Q. What must be done to stop USDA from endangering U.S. livestock and U.S. wildlife through its present plan to regionalize Santa Catarina, Brazil, and through its pending plan to regionalize a portion of Argentina?

A. USDA's current rulemaking to employ international regionalization to lift FMD restrictions for Santa Catarina, Brazil, and its pending rulemaking to employ regionalization to lift FMD restrictions for a portion of Argentina,⁴⁵ is clear and convincing evidence that USDA is an advocate for increasing the risk for FMD introduction into the United States. For this reason, Congress must be convinced to introduce and pass legislation that would prohibit USDA from lifting FMD restrictions for any country that is not certified as being completely free of FMD.

Livestock producers, sportsmen, wildlife enthusiasts and consumers are urged to immediately write their U.S. Senators and U.S. Representatives to strongly urge them to immediately introduce and pass legislation that would permanently stop USDA from increasing the risk of FMD introduction into the United States through regionalization. You can reach your members of Congress at the following addresses:

The Honorable (Full Name of Senator)
United States Senate
Washington, DC 20510

The Honorable (Full Name of Representative)

⁴⁵ See 72 Fed. Reg., 475-480 (USDA has a pending rulemaking to lift FMD restrictions for the Patagonia South Region of Argentina, even though Argentina has not demonstrated it is free of FMD.).

United States House of Representatives
Washington, DC 20515

In addition, and because USDA has chosen to proceed with a formal rulemaking to achieve its plans to employ regionalization to lift FMD restrictions for Santa Catarina, Brazil, every livestock producer, sportsman, sportswoman, wildlife enthusiast and consumer is urged to submit written comments directly to USDA's rulemaking to demand that USDA immediately withdraw its proposed rule to regionalize Brazil. Instructions on how to submit comments to USDA are below. *The deadline for submitting comments to USDA is June 15, 2010.*

You may submit comments by either of the following methods:

Federal eRulemaking Portal: Go to <http://www.regulations.gov/fdmspublic/comment/main?main=DocketDetail&d=APHIS-2009-0034>

For Postal Mail Delivery, Send Comments to:

Docket No. APHIS-2009-0034,
Regulatory Analysis and Development,
PPD, APHIS, Station 3A-03.8, 4700
River Road Unit 118, Riverdale, MD 20737-1238.

Q. What organizations participate in the Coalition to Protect the Health of the U.S. livestock Herd?

A. The following organizations are participants in the Coalition to Protect the Health of the U.S. Livestock Herd:

American Agriculture Movement, Inc.
BueLingo Beef Cattle Society
California Farmers Union
Cattle Producers of Washington
Citizens for Private Property Rights, Missouri
Colorado Independent Cattle Growers Association
Coalition for a Prosperous America
Dakota Rural Action
Food & Water Watch
Freedom21, Inc.
Idaho Rural Council
Independent Beef Association of North Dakota

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Independent Cattleman of Nebraska
Independent Cattlemen of Wyoming
International Texas Longhorn Association
Intertribal Agricultural Council
Michigan Farmers Union
Mississippi Livestock Markets Association
Missouri's Best Beef Co-Operative
Missouri Farmers Union
National Association of Farm Animal Welfare
Nebraska Farmers Union
Nevada Live Stock Association
Ohio Farmers Union
Organization for Competitive Markets
Pennsylvania Farmers Union
R-CALF USA
SmallHolders Alliance of Massachusetts
Socially Responsible Agriculture Project
South Dakota Livestock Auction Markets Association
South Dakota Stockgrowers Association
Sovereignty International, Inc.
Texas Longhorn Marketing Alliance
Tooling, Manufacturing & Technologies Association