

Fighting for the U.S. Cattle Producer!



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January 20, 2009

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Sent via Facsimile

Re: Three Urgent Rulemaking Priorities from the U.S. Live Cattle Industry

Dear Secretary Vilsack,

On behalf of the thousands of independent U.S. farmers and ranchers who raise and sell live cattle and who are members of R-CALF USA, congratulations on your confirmation as our new Secretary of Agriculture. Fundamental changes are needed in the agency you now lead, and R-CALF USA looks forward to working with you to re-establish the U.S. Department of Agriculture (USDA) as an agency that furthers U.S. agriculture by properly balancing the interests of agricultural producers, food consumers, and industry agribusinesses. Though the list of needed changes at USDA is vast, R-CALF USA implores you to initially focus on three urgently needed, rulemaking-related reforms.

R-CALF USA members have literally expended millions of dollars over the past several years to fund their intense, heated fight against the previous Administration's efforts to: 1) willfully expose U.S. consumers and the U.S. cattle herd to an unnecessary and avoidable risk of BSE (mad cow disease); 2) prevent U.S. cattle producers from distinguishing beef produced exclusively from their cattle – born, raised, and slaughtered in the United States; and, 3) dismantle historically successful disease prevention and control programs and to substitute them with an unproven, intrusive, and ill-conceived National Animal Identification System (NAIS) scheme that constitutes a national premises registration for private property, both personal (i.e., livestock) and real (i.e., land).

Specifically, R-CALF USA urges you to take the following actions within the first few days of President Barack Obama's Administration:

1. Fully rescind the Animal and Plant Health Inspection Service's (APHIS') rulemaking in Docket No. APHIS-2006-0041, commonly known as the over-30-month rule (OTM Rule). The agency's risk modeling conducted for this rulemaking predicts that the rule will result in the introduction of between 19 to 105 BSE-infected Canadian cattle, resulting in 2 to 75 BSE infections of U.S. cattle over the next 20 years. R-CALF USA, the South Dakota Stockgrowers Association,

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five national consumer groups, and several individual ranchers won a preliminary injunction in U.S. district court on July 3, 2008, that required the agency to reopen the rulemaking for this docket. The new rulemaking is Docket No. APHIS 2008-0093, and no final agency action is evident in the *Federal Register*. R-CALF USA submitted comprehensive comments to the agency that more fully support rescinding the entire OTM Rule.

2. Modify the Agricultural Marketing Service's (AMS') final rule for mandatory country-of-origin labeling (COOL), in Docket No. AMS-LS-07-0081, which is scheduled to take effect March 16, 2009. The final rule defies Congress' intent to distinguish meat produced from animals exclusively born, raised, and slaughtered in the United States with a USA label. Instead, the final rule allows meatpackers to mislabel beef exclusively of U.S. origin with a mixed-origin label (e.g., "Product of the United States, Canada, and Mexico") if the meatpacker responsible for making an origin declaration commingles any amount of meat derived from imported cattle during the meatpackers' production day. In addition, the final rule improperly limits commodities subject to labeling requirements if the commodity undergoes minor processing. R-CALF USA submitted comprehensive comments in this rulemaking that more fully describe the modification needed to maximize this rule's benefits to U.S. consumers and U.S. producers.

3. Rescind all actions by APHIS to register the premises of livestock owners under the agency's proposed NAIS, including the agency's Veterinary Services Memorandum No. 575.19 dated Dec. 22, 2008, and the agency's Jan. 13, 2009, proposed rule in Docket No. APHIS 2007-0096. Together, these actions usurp Congress' authority by effectively mandating NAIS participation, including premises registration, by producers that participate in any number of federal disease programs. APHIS is trampling over the rights of U.S. livestock owners and the states in its attempt to compile a national registry of individuals' premises and their livestock. R-CALF USA looks forward to working with you to improve APHIS' ability to control disease outbreaks in a manner that is more cost-effective than NAIS and that does not intrude on the rights of independent cattle producers.

The U.S. cattle industry and U.S. consumers would benefit greatly by the three actions described above. It is our belief that USDA's severely damaged credibility, which resulted from the agency's irresponsible pursuits described in each of the forgoing requests, would be substantially restored if these matters were to be expeditiously addressed under your leadership. R-CALF USA is available to meet with you and/or your staff at your convenience to further discuss the urgent need for these actions. Please contact R-CALF USA CEO Bill Bullard at 406-670-8157 or billbullard@r-calfusa.com should you require any additional information.

Respectfully,



R.M. Thornsberry, D.V.M.
President, R-CALF USA Board of Directors

cc: Select Members of Congress