



**NATIONAL MEAT ASSOCIATION®**

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Docket No. 03-080-2  
Regulatory Analysis & Development  
PPD, APHIS  
Station 371  
River Road Unit 118  
Riverdale, MD 20730-1238

Email: [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov)

Re: Proposed rule; Reopening of comment period  
*Federal Register* March 8, 2004  
pages 10633-10636

Gentlemen:

National Meat Association, organized in 1946, represents the interests of meat packers and processors throughout the United States. Close to 300 general member companies, about 25% of whom are meat slaughterers, and several of these having more than one slaughter facility, have a substantial interest in the proposed rule. Indeed, National Meat Association submitted comments on January 5, 2004 on the original proposal, published in the *Federal Register* on November 4, 2003, and this further submittal, responding to a reopening of the comment period, simply re-enforces its earlier comments.

While it may have been appropriate for the USDA to provide an additional comment time in light of the finding of a single Holstein cow, slaughtered at a USDA-inspected official establishment on December 23, 2003, NMA is of the opinion that this fact in no way materially changes its position with respect to the proposed rule. In fact, this finding simply validates that there should be a category of (worldwide) regions that present a minimal risk of introducing bovine spongiform encephalopathy, and that now two of the three participants of the North American marketplace, through their surveillance systems, have each identified a single case.

Quite frankly, the United States response with emergency regulation promulgation in January to such a finding has been proactive science in action. The recent announcement by the Secretary of Agriculture to increase the level of surveillance, as recommended by a distinguished

international review panel, was expected and appropriate. Strong action has been taken by the United States government, with the full support of the beef producing and packing industry, to control this animal disease in the United States since it first emerged in Europe in the 1980s. It is fully expected that it will never reach the endemic levels in North America that it has reached elsewhere in the world because of the barriers to transmission which the United States and its North America trading partners took to prevent it.

National Meat Association continues to believe that one of the most significant preventive hurdles for BSE transmission was the development of the mammalian feed ban, both in Canada and the United States. It is extraordinarily significant that the investigation of the source backgrounds of both the Canadian cow and the cow found positive on December 23 in Washington suggest that they were both exposed to feed that pre-dated the feed ban. Those feed bans were instituted in 1997, and followed earlier regulatory control interception against livestock imported from disease-burdened areas.

NMA has postulated previously, and recommends again here, that a date certain be established to permit freedom of cattle movement with Canada, based on traditional border controls, rather than an arbitrary floating 30 months of age. This freedom of movement would be allowed for cattle that were born after the feed ban. In the traditional trading mode, veterinary health certificates are required for livestock that are not shipped for direct slaughter at an official establishment. In light of the United States trace-back investigation, we believe that a control based on the date of birth of an animal after the implementation of the feed ban is more warranted than ever. Further, such a date certain will encourage livestock producers to engage in cattle identification systems and to phase out livestock whose birth date preceded the mammalian feed ban.

National Meat Association summarizes its recommendations in the following three areas:

Trade between minimal risk areas, such as both Canada and the United States now find themselves classified, should be resumed as previously, with the only restriction being to bovine livestock whose birth date precedes a date certain relative to the implementation in both countries of the mammalian feed ban. NMA has suggested that this date be January 1, 1998, leaving a buffer time from the date of the feed ban to allow for implementation and for ease of controls. This is a science-based recommendation, and is supported by information in both the Canadian and the United States instances of May and December 2003 when the single cases were traced to birth dates that preceded the feed ban, and appeared likely to have been caused by the ingestion of contaminated feed. There is no science that demonstrates that any particular age of an animal is more likely to have developed BSE. Rather, the science suggests that the consumption of contaminated feed is the source of infection, and any science-determined basis for excluding trade should be based on this fact, not an arbitrary age of the animal. Food safety is further enhanced by the removal of Specified Risk Materials (SRMs), and we

will argue in separate comments under the FSIS rulemaking that this requirement should be reevaluated with a date certain to assure phase out of older livestock from current slaughter activities.

Again, an arbitrary determination that 30 months of age distinguishes between two different classes of bovine livestock is neither supported by science nor logic, and should not be a basis for public policy.

Trade in bovine products between minimal risk countries, as defined within OIE guidelines, should be without restriction. The re-issued proposal notes that Canada, like the United States, “has implemented strong measures to prevent the establishment, propagation and spread of BSE among cattle in that country, to detect infected animals through surveillance, and to protect the Canadian animal and human food supplies.” For this reason, and in full cooperation with this long-standing trading partner, open trade without restrictions not only in beef and beef products, but also in live ruminants that have birth dates on or after January 1, 1998, as set forth above should be resumed without delay.

We appreciate this opportunity to comment on this important rulemaking, and urge speedy resumption of normal trade relations with Canada.

Sincerely,

Rosemary Mucklow  
Executive Director