



## Consumer Federation of America

November 19, 2008

Regulatory Analysis and Development  
PPD, APHIS  
Station 3A-03.8  
4700 River Road, Unit 118  
Riverdale, MD 20737-0093

**Re: Docket No. APHIS 2008-0093**

The Consumer Federation of America (CFA) is pleased to provide comments on Docket No. APHIS 2008-0093, "Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Meat, Meat Byproducts, and Meat Food Products Derived from Bovines 30 Months of Age or Older." CFA is a nonprofit association of approximately 300 consumer groups, representing more than 50 million Americans nationwide, that was established in 1968 to advance the consumer interest through research, education and advocacy. CFA is one of the plaintiffs in the litigation that required USDA to reopen the comment period on the rule that would allow importation of cattle over 30 months of age (OTM) as well as meat and meat products from OTM cattle into the United States.

CFA opposes lifting the ban on importation of OTM cattle and meat from OTM cattle from Canada. Cattle over thirty months of age are more likely to carry BSE. The importation of those cattle into the U.S. raises both animal health and public health concerns. Canada has seen a number of new cases of BSE recently, indicating a possible problem with the enforcement of its feed ban. Additionally, U.S. efforts to assure that specified risk materials have been removed from cattle at slaughter are inadequate. U.S. efforts to approve and track live animals coming into the country have also been called into question.

There have been fifteen cases of BSE in Canada since May 2003 when the first case was discovered. Since January 2007, when USDA proposed to open the border to OTM cattle, Canada has identified six cases of BSE. In fact, one of these animals was identified on the same day that comments to this docket were due. Almost all of these cases were from infected animals born after the ruminant-to-ruminant feed ban was implemented in Canada. Clearly, Canada has a problem enforcing its feed ban, despite recent improvements to the regulations.

Removing specified risk materials (SRMs) is one of the "firewalls" touted by the federal government to protect consumers from BSE. However, efforts to assure that specified risk materials (SRMs) have been removed from cattle at slaughter are inadequate. While USDA

introduced a ban on SRMs in the human food supply, the evidence shows that this ban may only be successful on paper. There have been no changes to the FSIS inspection process and no additional inspectors employed to ensure adequate removal of SRMs. The consumer group Food & Water Watch analyzed FSIS non-compliance reports and identified many instances of plants not properly addressing SRMs in their HACCP plans and improper removal or handling of SRMs in the plant<sup>1</sup>. A January 2006 Office of Inspector General (OIG) report noted that many plants did not have adequate plans for removing SRMs while other plants did not even comply with the plans they did have<sup>2</sup>. In addition, companies have not been required to slow their line speeds or utilize new technology to provide for complete removal of these materials.

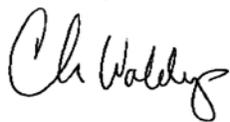
Furthermore, APHIS has been criticized by USDA's OIG regarding the agency's ability to monitor the health of animals crossing the border into the United States. The OIG report stated:

“APHIS does not have effective systems or controls for approving and/or tracking live animals into the United States. We found animals entered the country without APHIS inspection...APHIS does not always reconcile or follow up on discrepancies in the number of animals arriving at their final destinations as compared to those approved for entry into the United States. Therefore, APHIS cannot always demonstrate that all restricted animals are slaughtered. Also, we found inadequate accountability over the inventory and issuance of official USDA seals used to secure the movement of restricted animals after inspection at the port-of-entry.<sup>3</sup>”

The inability of the federal government to adequately track live animals coming into the U.S. and to assure removal of SRMs from cattle suggests that a removal of the ban on OTM cattle from Canada would be unwise.

For these reasons, CFA opposes the proposed rule to allow importation of OTM cattle into the U.S. and urges APHIS to reinstate the ban.

Sincerely,



Chris Waldrop  
Director, Food Policy Institute

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<sup>1</sup> Food & Water Watch, “BSE Noncompliance Record Analysis.” November 2005, available at: <http://www.foodandwaterwatch.org/food/pubs/reports/bse>.

<sup>2</sup> Office of the Inspector General, “Audit Report: APHIS BSE Surveillance System – Phase II and FSIS Controls Over BSE Sampling, SRMs, Advanced Meat Recovery Products – Phase III.” U.S. Department of Agriculture, Report No. 50601-10-KC, January 2006.

<sup>3</sup> Office of the Inspector General, “Audit Report: USDA's Controls Over the Importation and Movement of Live Animals.” U.S. Department of Agriculture, Report No. 50601-0012-Ch, March 2008.