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**Testimony of Roger Johnson
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Senate Subcommittee on Interstate Commerce, Trade and Tourism
Missouri Room
Bismarck State College, Bismarck, ND
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Senator Dorgan and members of the U.S. Senate Subcommittee on Interstate Commerce, Trade and Tourism, I am North Dakota Agriculture Commissioner Roger Johnson. I appreciate the opportunity to testify on behalf of North Dakota State Veterinarian Dr. Susan Keller and myself in opposition to the United States Department of Agriculture (USDA) proposal allowing importation of Canadian cattle over 30 months of age.

It is frustrating to witness USDA's continuing efforts to open the border to Canadian cattle and products, despite the known risks and the unknown prevalence of bovine spongiform encephalopathy (BSE) in the Canadian cow herd. USDA acknowledges that cattle over 30 months of age are at even greater risk of having the disease than are the younger cattle currently allowed in only under stringent movement restrictions that require transport of animals in a sealed truck directly to approved feedlots and/or slaughter. Canada has now recorded 10 cases of BSE, six within the last year and the most recent case just this month. Before we further lift of our import restrictions and requirements on Canadian cattle, we must consider a number of issues.

CANADA TAKING ADDITIONAL PRECAUTIONS

While Canada is taking additional measures to decrease the potential amplification and spread of typical BSE, USDA has unilaterally ignored the fact that other countries do not approve of USDA's new BSE minimal risk status. This summer, Canada will implement more stringent

restrictions on the use of specified risk materials (SRMs) in both ruminant and non-ruminant feed. The success of this prohibition will be inconclusive for several years, because of BSE's long incubation period. Further, the United States does not have these measures in place, nor are they it even being initiated.

Minimal Risk Rule 2 (MRR2) – the proposed rule allowing Canadian cattle over thirty months of age into the U.S. – acknowledges the risk of the SRMs from older Canadian cattle by declaring that the distal ileums of these older age animals cannot enter the U.S. The same rule, however, allows older cattle to be trucked across the border with their distal ileums intact and makes no effort to completely remove the distal ileums from all U.S. feed supplements, including those to non-ruminants, as is the case now in Canada. How can this be explained logically to producers and consumers, both here and abroad?

While USDA buries its head in the sand, Canada is taking at least some additional actions to improve their ability to export and decrease the incidence of BSE in their national herd over time. USDA's overall lack of responsible actions with respect to BSE in Canada has already decreased the status of the U.S. cattle herd in the eyes of our trading partners.

FEED COHORTS and TYPES OF BSE

Canada acknowledges that contaminated feed was the likely source of the infection and that additional feed cohorts are likely to be infected as well. Yet higher risk, older feed cohorts, will be allowed to come across the border, if this rule is adopted. In addition, five Canadian BSE cases reportedly were born after the implementation of its 1997 feed ban, indicating that either the ban has not been effective in preventing BSE or there is a greater prevalence of BSE in their country than originally thought. Either scenario increases the probability that infected cows will be imported into the U.S.

Canada is clearly admitting it has a BSE problem. Through regulatory actions, USDA appears to want to bring Canada's problem into the US and make it ours. We must remember that Canada's BSE cases have all been identified as "typical" BSE and the U.S. cases have all been identified as an 'atypical' form of BSE. The pathogenic differences between those two prion forms are still unknown.

IDENTIFICATION

I believe that if Canadian cattle over thirty months of age (OTM) are allowed to come into the U.S., those animals must be permanently identified with an official tag and a CAN brand and must be strictly segregated by USDA through the entire slaughtering process. Should positive cases of BSE be found in any Canadian animals that are processed in the U.S., it must not be to the detriment of the U.S. cattle industry or our consumers.

The recent investigation of seven head of Canadian animals slaughtered in a Nebraska plant dramatically points out the critical need to improve animal identification and tracking capabilities in the U.S., starting first at our ports and borders. USDA needs to start leading by example in all matters associated with animal health. Its primary concern should be its own current inability to quickly and accurately trace all animals that enter the U.S. and ultimately our food supply.

USDA should not implement this rule until it can assure domestic and foreign markets of the origin of our beef products. Finding another BSE-infected cow from Canada in the U.S. could be just as devastating to our domestic market as it has been to our export markets. We must have mandatory, country-of-origin labeling fully implemented before USDA further weakens our standards on Canadian beef imports.

AGE

Allowing importation of Canadian cattle born after March 1, 1999 does not make scientific sense in light of the BSE cases diagnosed in Canada after USDA declared that Canada's feed ban was "effective." It is also unenforceable, since it is nearly impossible to verify the true age of older (Canadian) cattle. In many cases, veterinarians will have to accept producers' statements as the only source of verification on the age of their cattle. When dealing with a disease such as BSE, with its serious health and economic implications, this is not an effective import requirement. Animals born prior to March 1, 1999, will unknowingly (even to the veterinarians signing certificates of veterinary inspection) be able to move into the U.S. under this proposed rule.

BSE MINIMAL RISK STATUS:

BSE is not only an animal health concern, but it is also a public safety concern. Congress should demand that USDA adhere to the most conservative policies with respect to BSE that the OIE guidelines allow. USDA appears to be establishing a much more lenient approach to animal health standards for the U.S. How can producers and consumers be assured that USDA's "Minimal Risk Status" will not be assigned to other countries that have 19, 109 or even a greater number of BSE cases?

FOREIGN MARKETS:

I believe this proposed rule will make it more difficult for the U.S. to regain its lost export markets. The United States must first restore and maintain the confidence of our foreign trading partners before we allow any additional suspect animals into the U.S. marketplace from a country that has not met international standards of minimal risk. Japan and Korea have reduced U.S. beef imports and continue to put up additional restrictions and roadblocks. I believe this rule would make it even harder to regain their confidence and may result in the permanent loss of these markets. USDA's inability to fully regain these lost exports makes the case that more stringent standards are needed rather than proposing to allow additional risks for our domestic and foreign markets. If we are to maintain current export markets and regain lost export markets, USDA should make its existing and future BSE import policies compliant with OIE international standards.

SUMMARY:

The science of prion diseases (especially BSE) is still unfolding, and the sensitivity of tests and detection limits are continually improving. There must be more certainty and fewer assumptions before rules are promulgated to allow more high risk cattle from Canada to enter the U.S., or the results could be devastating. Opening the border to OTM age cattle in the manner proposed in the MRR2 cannot be justified at this time and will only serve to increase the risk of BSE being introduced into the U.S. cattle herd.

Senator Dorgan and committee members, thank you for the opportunity to testify on this important issue. I would be happy to answer any questions.