OBAMA-BIDEN TRANSITION PROJECT

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R-CALF USA Policy Brief to the USDA Agency Review Team

USDA Agency: Animal and Plant Health Inspection Service (APHIS)

Recommendation: Reverse APHIS' Unauthorized Weakening of Import Restrictions Needed to Prevent the Introduction of Foreign Animal Diseases and Pests

Discussion: Congress established a standard of protection against foreign animal diseases and pests and directed USDA to "prevent the introduction into or dissemination within the United States of any pest or disease of livestock."[1] APHIS has defied Congress' directive and has unilaterally established a new, ineffective standard of protection – that of merely preventing disease "establishment" *after* the disease is allowed to enter the United States.[2]

APHIS' improper weakening of disease protection standards has permeated numerous policy initiatives that have resulted in both actual and highly probable increases in disease and pest introductions, thereby threatening the health and welfare of the U.S. cattle herd. For example:

- APHIS promulgated a rule to allow the importation of Canadian cattle over 30 months of age (OTM Rule) despite the agency's prediction that the U.S. will introduce 19 to 105 BSE-infected Canadian cattle, resulting in 2 to 75 infections of U.S. cattle over the next 20 years.[3]

- APHIS has failed completely to prevent the continual reintroduction of bovine tuberculosis (TB) in Mexican cattle despite APHIS' knowledge that 75 percent of the cattle detected between 2001 and 2005 with TB in U.S. slaughter plants originated in Mexico.[4]

- APHIS has proposed a rule to import fresh and chilled beef – products with a higher risk for foot-and-mouth disease (FMD) – from Argentina, a country not considered free of FMD.[5]

- APHIS proposed rules to weaken already lenient restrictions against the introduction of fever ticks from Mexican cattle imports and has failed to prevent both their introduction and the continuing spread of fever ticks within the United States.[6]

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[1] 7 U.S.C. § 8303(a)(3); *see also* the Animal Disease Risk Assessment, Prevention, and Control Act of 2001, P.L. 107-9 (among the purposes of this reporting statute is "to prevent . . . bovine spongiform encephalopathy, and related diseases" from entering the United States" (emphasis added)).

[2] *See*, e.g., 73 Fed. Reg., 54087, col. 3 (APHIS "assumed that infected animals could be imported into the United States under the provisions of the proposed rule [proposed over-30-month BSE rule]," but determined this was acceptable on the basis that "our [APHIS'] conclusion that the risk of the exposure of U.S. cattle and the establishment of BSE in the United States was negligible." (Emphasis added.)).

[3] *See* 72 Fed. Reg., 1109, col. 2; 72 Fed. Reg., 53347, col. 1.

[4] *See* Audit Report, Animal and Plant Health Inspection Service's Control Over the Bovine Tuberculosis Eradication Program, USDA Office of Inspector General, Midwest Region, Report No. 50601-0009-Ch, September 2006, at 19.

[5] *See* 72 Fed. Reg., 475-480 (Proposal to regionalize Argentina to allow imports from Patagonia South, though Argentina itself is not considered free of FMD. *See id*., 477, col. 2.).

[6] *See* 70 Fed. Reg., 67933 *et seq*.; 73 Fed. Reg., 5132 *et seq*. (APHIS proposals to open additional U.S. ports to facilitate the importation of Mexican cattle that have been infested with or exposed to fever ticks); *see also* Stakes High in Fight Against the Cattle Fever Tick; Pest Could Spread Coast-to-Coast, Texas Animal Health Commission, Oct. 2007 ("Livestock health officials say it could cost upwards of $13 million and take as long as two years to stop an incursion of fever ticks into the formerly fever tick free areas of five counties along the Texas-Mexico border.").

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