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December 29, 2014

Docket Number APHIS-2014-0032
Regulatory Analysis and Development
PPD, APHIS, Station 3A--03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

RE: Importation of Beef From a Region in Argentina (Docket Number APHIS 2014-0032)

To whom it may concern:

The National Milk Producers Federation (NMPF) welcomes the opportunity to comment on the United States Department of Agriculture Animal and Plant Health Inspection Service's (USDA-APHIS) proposed rule to allow, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Argentina located north of Patagonia South and Patagonia North B, referred to as Northern Argentina into the United States. The National Milk Producers Federation, based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies.

NMPF is a proponent of fair trade policy and utilizing science-based standards to facilitate international trade. We believe that every effort should be made to develop an integrated domestic-foreign trade policy which encourages reciprocity, elimination of unfair trade restrictions and a movement toward free markets. Over the past decade, the U.S. dairy industry has experienced over 20 percent annual growth in exports now totaling more than 16 percent of domestic milk production (\$6.7 billion in 2013). In that time the U.S. dairy industry has become a global leader and is the market leader in dairy exports for such products as cheese, skim milk powder, whey products, and lactose.

At the same time, NMPF is committed to ensuring the continued health and well-being of the U.S. dairy cattle herd to produce safe and wholesome dairy products for consumers. NMPF supports animal product import rules based on scientifically informed principles and consistent with the World Organization for Animal Health (OIE) guidelines. We have concerns regarding the resources and the infrastructure of Argentina to consistently perform adequate risk management in order to mitigate the risk for the introduction of Foot and Mouth Disease (FMD) into the United States through the importation of fresh Argentine beef. In risk analysis for the importation of fresh beef from a Northern Argentina, USDA-APHIS acknowledges that the consequences of an FMD outbreak in the U.S. would be extremely high with direct impacts upon animal health and

Agri-Mark, Inc.
Associated Milk Producers Inc.
Bongards' Creameries
Cooperative Milk Producers Association
Cortland Bulk Milk Producers Cooperative
Dairy Farmers of America, Inc.
Dairymen's Marketing Cooperative, Inc.
Ellsworth Cooperative Creamery
Farmers Cooperative Creamery
FarmFirst Dairy Cooperative
First District Association
Foremost Farms USA
Land O'Lakes, Inc.
Lone Star Milk Producers
Maryland & Virginia Milk Producers Cooperative Association
Michigan Milk Producers Association
Mid-West Dairymen's Company
Mount Joy Farmers Cooperative Association
Northwest Dairy Association
Oneida-Madison Milk Producers Cooperative Association
Prairie Farms Dairy, Inc.
Premier Milk Inc.
Scioto County Cooperative Milk Producers' Association
Select Milk Producers, Inc.
Southeast Milk, Inc.
St. Albans Cooperative Creamery, Inc.
Swiss Valley Farms Company
Tillamook County Creamery Association
United Dairymen of Arizona
Upstate Niagara Cooperative, Inc.
Zia Milk Producers, Inc.

productivity as well as indirect impacts for personal livelihoods and the loss of trade and economic well-being for our country.

A first line defense against the introduction of FMD into a free area is to have adequate import controls and quarantine procedures for live animals as well as to establish proper risk analysis of the hazards associated with the importation of animal products from FMD affected areas of the world. FMD is an extremely contagious viral disease, primarily of cloven-hoofed animals (cattle, bison, swine, sheep and goats) and many wildlife species (deer, elk, antelope). The last documented outbreak of FMD in the U.S. occurred in 1929 while the last documented outbreak of FMD in Argentina occurred in 2006. A review of the literature of 627 documented outbreaks of FMD from 1870 through 1963 revealed that the majority of these outbreaks (>68%) were caused by the legal or illegal importation of infected animals or animal products.¹

USDA-APHIS Risk Analysis

The *OIE Import Risk Analysis* is the appropriate scientific method for assessing the likelihood that a disease or disease agent will be spread through movement or trade of animals and animal products. The OIE states: “*The principal aim of import risk analysis is to provide importing countries with an objective and defensible method of assessing the disease risks associated with the importation of animals, animal products, animal genetic material, feedstuffs, biological products and pathological material. The analysis should be transparent. This is necessary so that the exporting country is provided with clear reasons for the imposition of import conditions or refusal to import.*”²

A **Risk Assessment** can be either quantitative, providing a numeric estimation of the probability of risk and the magnitude of consequences, or qualitative, using a descriptive approach. The USDA-APHIS Risk Assessment for FMD from the importation of fresh beef from Northern Argentina is a *qualitative* risk assessment. NMPF notes that the 2002 USDA-APHIS Risk Assessment for the importation of fresh beef from Uruguay was a *quantitative* risk assessment. Both Uruguay and Northern Argentina are recognized by the OIE as “FMD free with the practice of vaccination”³ Based upon precedent with Uruguay and given the geographic colocation, USDA-APHIS should conduct a quantitative risk assessment for Northern Argentina.

Additionally a complete Risk Assessment includes a variety of elements including an **Entry Assessment** and an **Exposure Assessment**. In review of the USDA-APHIS risk analysis, NMPF has found concerns with conformance to the *OIE Import Risk Analysis* for these requirements, perhaps this is due to the lack of transparency of the analysis. For the **Entry Assessment**, the biological pathways necessary for an importation activity to introduce pathogenic agents into a particular environment and the probability of the disease occurring are not clearly identified as directed in the *OIE Terrestrial Animal Health Code*. For example the USDA-APHIS Entry Assessment suggests that wildlife play only a minor role in the transmission of FMD in Northern Argentina. This appears to be without scientific basis. For an **Exposure Assessment**, the biological pathways necessary for exposure of animals identifies only a single exposure pathway through the feeding of FMD-contaminated meat to swine.

¹ U.S. Animal Health Association Committee on Foreign and Emerging Diseases. “Foot-and-Mouth Disease.” *Foreign Animal Diseases* (2008, 7th ed.). p. 272.

² World Animal Health Organization (OIE). “Import Risk Analysis.” *Terrestrial Animal Health Code* (2013). Chapter 2.1.

³ World Animal Health Organization (OIE). “List of FMD free members.” <http://www.oie.int/animal-health-in-the-world/official-disease-status/fmd/list-of-fmd-free-members>. Accessed December 29, 2014.

APHIS recognizes a risk for the reintroduction of FMD into the region of Northern Argentina based on the fact that Bolivia, Paraguay, Uruguay and parts of Brazil are not recognized as FMD free in accordance with U.S. Code of Federal Regulations.⁴ Argentina has several internal and external border areas with few or no natural barriers. The history of FMD outbreaks in the area of the export region under systematic vaccination, possibly caused by illegal animal movements, makes the reintroduction of FMD a likely event. The Argentine National Health and Agrifood Quality Service considers the most vulnerable borders for the potential introduction of FMD to be the Paraguayan and Bolivian borders in the northern part of the country. Some farmers own property on both sides of the border, increasing the potential for animal movements across the borders. Additionally, nomads live in the area and are likely to move animals without an animal transport document. While Argentina has provided documentation of their border control programs and cooperative efforts with Bolivia, Paraguay, Uruguay and Brazil, there are still concerns for illegal movements, wildlife movements and the potential of FMD introduction through feral swine populations. Since FMD is endemic in several of the countries surrounding the region of Northern Argentina, there is ongoing risk for the reintroduction of FMD from adjacent affected areas into the export region. There remains a risk that beef destined for the United States could originate from or be comingled with animals or animal products from affected neighboring regions or countries.

In border control and surveillance discussions, the potential wildlife transmission of FMD has received only a cursory review in the USDA-APHIS FMD risk analysis for Northern Argentina. Feral swine populations inhabit the Gran Chaco region of Northern Argentina, southern Bolivia, western Paraguay, and a small region in Brazil as shown by the accompanying map. Feral swine populations roam freely with their population numbers uncontrolled between the countries in the Gran Chaco region. The hunting of feral swine provides substantial local income in this region and this revenue serves to encourage efforts to maintain the feral swine populations. Additionally, a group of about 3-5000 feral swine, called *Chacoan Peccary*, exist as an endangered protected species⁵ that are allowed to move freely within the Gran Chaco. Feral swine in the Gran Chaco serve as a potential source of wildlife transmission for FMD between Northern Argentina, Bolivia, Paraguay and Brazil and should be considered more seriously in the risk assessment.



Argentine Compliance Issues with Export Requirements

The USDA Food Safety Inspection Service (USDA-FSIS) conducts comprehensive audits of foreign country inspection systems to guarantee compliance with the regulatory requirements of the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act. A review USDA-FSIS audits of Argentina from 2005 to 2012 raises concerns about adequate oversight for importation of meat products. Below

⁴ Title 9 Code of Federal Regulations § 92.2 Application for recognition of the animal health status of a region. <http://www.gpo.gov/fdsys/pkg/CFR-2014-title9-vol1/pdf/CFR-2014-title9-vol1-sec92-2.pdf>. Accessed December 29, 2014.

⁵ Altrichter, M., Taber, A., Noss, A., Maffei, L. & Campos, J. 2014. *Catagonus wagneri*. The IUCN Red List of Threatened Species. Version 2014.3. <http://www.iucnredlist.org/details/4015/0>. Accessed December 29, 2014.

are brief highlights of the USDA-FSIS audits of Argentina which demonstrate these concerns:

- 2005 – Deficiencies were noted in sanitation standard operating procedures (SSOP) in 30% of the establishments audited and 50% of the establishments had deficiencies noted in the implementation of Hazard Analysis and Critical Control Point Systems (HACCP).
- 2006 – HACCP implementation deficiencies were found in 50% of the establishments evaluated.
- 2007 – Deficiencies in SSOP were noted in 67% of the establishments audited while all establishments (100%) inspected displayed HACCP implementation deficiencies.
- 2008 – Problems found included 60% of audited establishments showed SSOP issues, 55% had sanitary performance (SPS) deficiencies, 100% demonstrated HACCP implementation problems.
- 2009 – Deficiency in FSIS equivalency requirements was found in 73% of audited establishments and 30% demonstrated deficiencies in their Specified Risk Material (SRM) removal equipment and/or procedures.
- 2012 – Deficiencies identified included the need for improvements in the government oversight and microbiological testing program.

European Commission Compliance Audits

Audits have also been conducted in Argentina by the European Commission (EC), Food and Veterinary Office (FVO) for evaluation of animal health controls concerning FMD and related certification procedures for bovine and ovine fresh meat intended for export into the EU in 2009, 2010, 2011 and 2012. A review of these audit findings identified points of concern in the areas of border controls, animal identification/registration, vaccination controls, FMD surveillance measures, and wildlife management plans.

Most recently, a 2012 EC FVO audit noted “*some outstanding issues still undermine the effectiveness of the FMD control system described above, such as:*

- *A weak official control system along the border with Bolivia that cannot ensure adequate management of risks related to animal movements and sufficient verification of satisfactory implementation of FMD vaccination campaigns.*
- *The limited attention paid to official on-the-spot controls on FMD vaccination that casts doubts on the adequate fulfillment of the vaccination coverage in all areas with an increased risk of FMD appearance.*
- *The negligible contribution of passive surveillance to the detection and notification of suspect cases of vesicular diseases.*
- *A less than satisfactory enforcement of some requirements of the sheep identification and movement registration system.”⁶*

Wildlife issues have been presented as a concern for continued management for FMD risk in the EC FOV audits. The required investigations have not been carried out to assess the risks associated with the presence of pigs (and wild boars) in the areas neighboring Bolivia and Paraguay and their possible exposure to feeding practices that may carry risks of introduction of the FMD virus. Additionally, wildlife may move across traversable national boundaries and infect other wildlife and livestock by means

⁶ European Commission Health and Consumers Directorate-General. “Final Report of an Audit in Order to Evaluate Animal Health Controls Concerning FMD and Related Certification Procedures for Bovine and Ovine Fresh Meat Intended for Export to the EU.” (November 20-30, 2012). http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=3099. Accessed December 29, 2014.

such as sharing contaminated water, exposure to infected saliva, feces or urine or possibly, mechanical transfer of the virus.

Conclusion

NMPF believes the concerns raised in our comments warrant further analysis prior to finalizing an allowance for importation of beef from Northern Argentina and cannot support finalization of the rule as presented. While recognizing a qualitative risk assessment is OIE compliant, NMPF does not believe that the qualitative risk assessment is complete and further urges USDA-APHIS to follow the precedent of a quantitative risk assessment as used for the importation of the same products from Uruguay. The risk assessment should be more transparent so that conformance to OIE requirements can fully be evaluated. Finally, the risk assessment should clearly address issues with Argentine compliance with meat export requirements (as identified by USDA-FSIS), and border control (as identified by EC FVO) with particular attention to potential wildlife reservoirs (including feral swine).

With so much at stake concerning the potential impact of the proposal on the U.S. dairy industry and other food animal sectors, USDA-APHIS must invoke this added measure of caution and conduct a more robust risk assessment.

NMPF appreciates the opportunity to review and comment on this important rule. Please contact me at 703-243-6111 or jjonker@nmpf.org if you have any questions about these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jamie Jonker".

Jamie Jonker, Ph.D.
Vice President
Sustainability & Scientific Affairs