



James Mulhern, President & Chief Executive Officer | Randy Mooney, Chairman

April 22, 2014

Docket Number APHIS 2009-0017
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 Brazil (Docket Number APHIS 2009-0017)

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 for the importation of fresh, matured, deboned beef from a Region in Brazil 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 Brazil 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 Brazilian beef. In risk analysis for the importation of fresh beef from a region in Brazil, 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 productivity as well as indirect impacts for personal livelihoods and the loss of trade and economic well-being for our country.

Agri-Mark, Inc.
Arkansas Dairy
Cooperative
Association
Associated Milk
Producers Inc.
Continental Dairy
Products, Inc.
Cooperative
Milk Producers
Association
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
Northwest Dairy
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.

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 the proposed export region in Brazil 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 a region of Brazil 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 Brazil and Uruguay 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 Brazil.

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*

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 April 22, 2014

Health Code. For example the USDA-APHIS Entry Assessment suggests that wildlife play only a minor role in the transmission of FMD in Brazil. This appears to be without scientific basis and solely based on the opinion of Brazilian animal health officials. For an **Exposure Assessment**, the biological pathways necessary for exposure of animals identifies only a single exposure pathway through the feeding of FMD-contaminated beef to susceptible animals. The USDA-APHIS Exposure Assessment does not discuss of any alternative exposure pathways for FMD such as backyard pig feeding.

Brazil 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 Brazil from 2003 to 2010 (results from a 2013 audit are not yet available) raises concerns about adequate oversight for importation of meat products. Below are brief highlights of the USDA-FSIS audits and voluntary actions of Brazil which demonstrate these concerns:

- 2003 – Identified that certain laboratory procedures and methods to test for residues and pathogens were not being employed.
- 2004 – Determined that the Brazilian Central Competent Authority did not maintain direct oversight over the laboratories where testing for residues was being performed.
- 2005 – Found serious deficiencies in all aspects of government oversight; the payment of inspectors in Brazil with the use of establishment-paid inspectors creating conflict of interest issues; concerns with laboratory operations; concerns with establishment operations; and residue compliance issues. As a result, Brazil voluntarily suspended all of the country's establishments certified for meat export to the United States in April 2005.
- 2008 – Brazil again "self-suspended" all of the country's slaughter establishments due to a myriad of oversight issues.
- 2010 – Brazil "voluntarily" suspended all exports of cooked beef products to the U.S. due to adulterated product. This adulterated product was discovered through port of entry sampling in the United States.

Brazil Animal Disease Reporting Issue

In the risk assessment, USDA-APHIS concluded Brazil could detect FMD quickly, limit its spread, and report promptly, as demonstrated by the 2005 and 2006 FMD outbreaks where cases were quickly identified and international authorities notified in a timely manner. USDA-APHIS does not appear to have updated the assessment of the ability of Brazil to report animal disease promptly since their 2006 evaluation. More recently, Brazil demonstrated a significant problem with animal disease reporting when in 2010 Brazil failed to promptly identify and report the country's first case of Bovine Spongiform Encephalopathy (BSE) to OIE. While initial reports of the animal produced a suspected case of BSE, Brazil did not confirm and report the case to the OIE until July 2012.

As a result, the OIE reprimanded Brazil for the 18 month delay in reporting the disease as well as the delay in sending samples to the OIE Reference Laboratory for confirmation. Brazil's response for their delay in animal disease reporting was due to laboratory work overload. In 2013, the OIE requested additional detailed information from Brazil concerning the processes in place for managing laboratory samples while cautioning that the OIE would be monitoring for improvements in the surveillance system for identifying and reporting animal diseases.

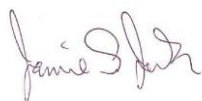
Conclusion

NMPF believes the concerns raised in our comments warrant further analysis prior to finalizing an allowance for importation of beef from a Region of Brazil. While recognizing a qualitative risk assessment is OIE compliant, NMPF 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 Brazilian compliance with meat export requirements (as identified by USDA-FSIS) and animal disease reporting to OIE.

With so much at stake concerning the potential impact of the proposal on the U.S. dairy industry and other food animal sectors, it seems only logical for USDA-APHIS to invoke this added measure of caution.

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 blue ink that reads "Jamie Jonker". The signature is stylized with a large "J" and a cursive "Jonker".

Jamie Jonker
Vice President
Sustainability & Scientific Affairs