



January 4, 2005

MEMORANDUM FOR AMI BOARD OF DIRECTORS, GENERAL MEMBERS, INSPECTION COMMITTEE, AND SCIENTIFIC AFFAIRS COMMITTEE MEMBERS

FROM: SKIP SEWARD

SUBJECT: FURTHER SUMMARY OF APHIS RULE – BSE; MINIMAL-RISK REGIONS AND IMPORTATION OF COMMODITIES

The Animal and Plant Health Inspection Service (APHIS) published a final rule (the Rule) “Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities,” amending its regulations to provide for the importation of certain ruminants, ruminant products and byproducts from regions that pose a minimal risk of introducing bovine spongiform encephalopathy (BSE) into the United States. Importantly, this rule defines what establishes a region as “minimal-risk.” Currently, Canada is the only country classified as minimal-risk. The final rule will become effective on March 7, 2005. The final rule and accompanying documents are available on the APHIS website at: <http://www.aphis.usda.gov/lpa/issues/bse/bse.html>.

The Rule defines a BSE minimal-risk region as one meeting the following criteria:

- Import restrictions in place
- Surveillance in place at levels that meet or exceed OIE recommendations – no numerical threshold was set for incidence of BSE
- Ruminant-to-ruminant feed ban in place that is effectively enforced
- Epidemiologic investigations undertaken to confirm adequacy of risk mitigation measures
- Other considerations include on-going awareness program for vets and farmers, compulsory notification and investigation of all suspect BSE cases, and adequate laboratories

APHIS made changes to the final rule from the provisions proposed in November 2003. These changes include the following:

For feeder cattle:

- Permanent marking with a brand is required; the “CAN” must be  $\geq 2$ ” and  $\leq 3$ ” high and applied to each animal’s right hip
- Individual ID with an ear tag is required to trace to premise of origin (since 1/1/01 Canada requires all cattle to carry RFI or bar-coded tags)
- Ear tag is to be removed only at slaughter
- Animal health certification must include animal ID, origin, destination and responsible parties
- Movement from point of entry to a single feedlot (identified on APHIS Form VS 17-130, Permit for Movement of Restricted Animals, along with the Canadian health certificate that lists all ear tag numbers and certification as to the age, feeding history and other cattle ID data) must occur in sealed container, as must conveyance from the feedlot to the point of slaughter
- Upon arrival at the feedlot, the seal must be broken only by accredited vet or the state or USDA representative or the designee; for transport to the slaughter plant, APHIS Form 1-27 must be completed to identify the slaughtering establishment and responsible persons; again the seal must be removed by a USDA representative

For sheep and goats:

- All of the above, except feedlot is identified as the “designated feedlot” and the “C” brand must be  $\geq 1$ ” and  $\leq 1 \frac{1}{4}$ ” and easily visible

For meat, meat by-products and meat food products derived from bovines:

- Meat is defined by FSIS in 9 CFR 301.2; also the Rule defines meat to include meat, meat by-products and meat food products from bison (not covered in §301.2)
- Tongues and livers are subject to the same requirements as other meat
- Air-injection stunning process cannot be used in slaughter to provide the meat
- SRMs (9 CFR 310.22) and small intestines must be removed at slaughter from animals providing the meat
- Animals providing the meat may be  $< 30$  and  $\geq 30$  months of age (i.e., of any age)
- Non-ambulatory animals are not eligible for slaughter in Canada for export to the United States

Other specific notations associated with the Rule include:

- Imported live cattle, whether for immediate slaughter (within 2 weeks), or feeding then slaughter, must be  $< 30$  months of age at slaughter; APHIS is considering older animals in a separate rulemaking process. Animals imported and 30 months of age at the time of slaughter will be condemned and not permitted into the human or animal food chain.

- Bovines imported from Canada for immediate slaughter must be accompanied by APHIS Form VS 17-33
- Live cattle imported into the United States, including those from Mexico, must be accompanied by a certificate with data that includes the region of origin of the animal
- Imported live sheep and goats must be <12 months of age at slaughter
- Veal calves are eligible for importation
- Bovine is defined to include domestic cattle, zebu cattle and American bison; water buffalo may not be imported into the United States under the Rule
- Tallow may be imported if it is comprised of <0.15% insoluble impurities (also referred to as *protein* the Rule); protein-free tallow that could be used in animal feed must be accompanied by certification that it is protein-free and enter the United States through a port listed in §94.19(g)
- Sheep casings may be imported provided the sheep were <12 months of age and subject to feed ban controls, and have a certificate stating these conditions were met
- Neither fetal bovine serum nor ruminant bile can be imported under the Rule
- Gelatin imported must be derived from bones of bovines (of any age) from which the SRMs were removed
- Hide-derived gelatin and collagen is allowed to be imported under permit
- Camelids and cervids from a BSE minimal-risk region may be imported without restrictions related to BSE
- Neither FSIS nor APHIS consider the third eyelid to be an SRM
- FSIS and Canada require removal of the entire small intestine to ensure effective removal of the distal ileum
- Importation of offal, the parts of an animal removed in dressing, including meat, meat by-products and organs, from BSE minimal-risk regions are regulated the same as the importation of meat, meat by-products and meat food products; conditions are specified in §95.4(g)
- The Canadian BEV program will not be affected by the Rule
- As stated in the Rule, County of Origin Labeling “is a retail labeling program and as such does not address food safety or animal health concerns”

The Rule allows overland transiting through the United States of products from BSE minimal-risk regions that are derived from bovines, sheep or goats. In addition to meeting existing transiting conditions, the shipments must be exported from the United States within 7 days of entry, the commodities must not be transloaded, and a copy of the import permit required under the transiting conditions must be presented to the Federal inspector at the port of arrival and the port of export in the United States.

The non-prescriptive OIE guidelines served as the basis for the prescriptive Rule; however, because the OIE guidelines are constantly evolving and are subject to change, they were not adopted as written as a final rule.

Although Canada is the only country to be defined according to the Rule as a country of minimal-risk, the Rule specifies that APHIS will consider requests from other countries for recognition as minimal-risk once the regulatory framework has been established by the Rule.

APHIS indicated that they are developing written instructions for FSIS personnel to use at approved slaughter establishments.

Section 93.403(b) of the regulation lists 20 designated ports of entry for live ruminants from Canada; fewer ports of entry are designated for meat and edible products in section §94.19(g).

There are considerable pages allocated to the economic and trade impact of the Rule; however the predictions and estimates will not be summarized herein as they are only predictions and estimates, and may not represent specific situations that exist for selected companies.

If you have any questions regarding the Rule, please contact Mark Dopp, Lynn Morrissette or me; and we will provide the assistance necessary.

cc: AMI BSE TEAM