July 12, 2012

Department of Agriculture
Docket No. APHIS–2008–0010
Regulatory Analysis and Development, PPD, APHIS
Station 3A–03.8, 4700
River Road Unit 118,
Riverdale, MD 20737–1238


The Center for Science in the Public Interest (CSPI) is a non-profit consumer advocacy and education organization that focuses largely on food safety and nutrition issues. It is supported principally by the 850,000 subscribers to its Nutrition Action Healthletter and by foundation grants. CSPI appreciates the opportunity to comment on the proposed rule governing import restrictions with regard to bovine spongiform encephalopathy (BSE). CSPI has closely followed the public health implications of BSE both in the United States and around the world. Our consumer members are very interested in this issue and very concerned about the safety of U.S. and imported beef products. While we recognize that the U.S. has not suffered from a major outbreak linked to BSE, we believe it is crucial for the U.S. beef industry and regulators to maintain vigilance and strong protections for beef consumers.

To that end, CSPI supports the harmonization of U.S. import standards for BSE with the standards of the World Organization for Animal Health (OIE). In general, the OIE Code provides an international guideline for the safe trade of animals and animal products. We note, however, that the OIE does not consult with consumer stakeholders in setting policy. This makes the organization and its resulting policies less transparent than Codex Alimentarius (the standard-setting body of the World Health Organization) in setting international food safety standards. Because food has become a global commodity and U.S. consumers bear the benefits and risks of international food safety standards, CSPI generally favors harmonization of U.S. and international standards—particularly when international guidelines are stronger than our domestic food safety policy. In this proposal, we recognize that there are certain instances in which the proposed rule would impose import conditions that are more restrictive than the conditions described in the OIE Code. CSPI urges APHIS to use science-based policies for making these determinations, and to ensure that policies designed to stimulate trade do not impact sound public health decision-making.

While harmonization with OIE is important, CSPI also urges the agency to look closely at whether in fact the OIE standards go far enough in protecting consumers. Although OIE criteria indicate what volume of tests should be performed to detect BSE, the standards do not specify what type of BSE, what animals are most likely affected, or what tissues should be examined. Although the
current testing regime has largely proven adequate for detecting Classical BSE, APHIS should remain vigilant to ensure that new strains (such as the “L-type”) are detected and contained.

Further, CSPI notes that while APHIS intends to harmonize with the OIE on BSE import regulations, USDA has not chosen to implement other key programs that have been adopted by the OIE, including guidelines on animal identification. Animal identification programs are important to protecting the livestock industry and consumers. The discovery of a single dairy cow with bovine spongiform encephalopathy (“BSE”) in the U.S. in 2003 resulted in a 17 percent decline in cattle exports and the industry lost an estimated $4.7 billion in the following year. The losses were due, in part, to an inability to reassure the international community that more U.S. cattle were not infected with BSE in light of the absence of an animal identification program.

While economic costs argue for establishing a program, its major value is as a tool to prevent the spread of diseases that impact animal and human health. It is not possible to do this in the absence of a properly functioning animal identification system. While the U.S. began work on an animal identification system in 2004, it has yet to implement an effective program.

In 2009, the Director General of the OIE expressed concerns about animal identification among the international community: “Discrepancies between national identification of live animals and traceability systems of animal products make it difficult to trace products of animal origin throughout the food chain at world level; developing countries risk losing out on market access because of trade barriers that sometimes are put in place as a result of these discrepancies. The best way to prevent this is for all countries to progressively implement international standards, such as those of the OIE and Codex.”

Although CSPI has no specific objections to APHIS’ current proposal on BSE imports, we urge the agency to take a more comprehensive look at harmonization with international standards on these important public health issues. Animal identification is part of an effective animal health control system, and the U.S. should join with the international community on a comprehensive approach to protect consumers.

Sincerely,

Sarah Klein
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1 Geoffrey S. Becker, BSE (“Mad Cow Disease”): A Brief Overview, Congressional Research Service (Dec. 8, 2005).