

Importation of Processed Canadian Beef Products Regulatory Timeline

On May 20, 2003, USDA announces Canada's detection of bovine spongiform encephalopathy (BSE) in an animal in that country. USDA places Canada under its BSE restriction guidelines and begins prohibiting the entry of all ruminants or ruminant products from Canada, pending further investigation into the detection. USDA also dispatches a team to assist Canadian officials with the epidemiological investigation and help provide USDA with necessary scientific information regarding the situation.

On August 8, 2003, following the completion of Canada's epidemiological investigation, USDA announces it will no longer prohibit the importation of hunter-harvested wild ruminant products intended for personal use. In addition, USDA announces that it will accept applications for import permits for certain low-risk products. These products include:

- boneless sheep or goat meat from animals under 12 months of age
- boneless bovine meat from cattle under 30 months of age
- veal meat from calves that were 36 weeks of age or younger at slaughter
- fresh or frozen bovine liver
- vaccines for veterinary medicine for non-ruminant use
- and pet products and feed ingredients that contain processed animal protein and tallow of non-ruminant sources when produced in facilities with dedicated manufacturing lines.

Subsequent permit requests were examined thoroughly by USDA's Animal and Plant Health Inspection Service (APHIS), taking into account risk mitigations that were in place (such as facility dedication, specified risk material (SRM) removal, and age of cattle). Permits were issued, as authorized by existing regulatory authority, for products that were deemed to be low risk. The import permits included specific risk mitigation requirements that must be followed in order for the permit to be valid.

On August 15, 2003, USDA posts an amended list of allowable products on its website as a clarification of the August 8 announcement. The list includes "trim" from boneless beef from cattle under 30 months of age and veal (including carcasses) from calves 36 weeks of age or under.

Permit applications were subsequently submitted to APHIS for processed product made from allowable product. APHIS determined that processed product from trim and boneless beef from cattle under 30 months of age would be allowed, since processing would not increase the risk associated with the products.

On August 27, 2003, APHIS issues the first permit for approved ground product. Subsequent permits allow the entry of other processed meat from cattle under 30 months of age, such as hot dogs, pepperoni pizza toppings, hamburger patties, smoked briskets, dry cured beef cuts, and soups/TV dinners containing beef.

From August 27, 2003, to April 26, 2004, a total of 5,611,580 million pounds of processed product and ground beef are imported into the United States. More than half of this product is not Canadian in origin, but rather originates in the United States (or another recognized BSE-free country such as Australia or New Zealand) and simply goes to Canada for processing. The product is imported under conditions designed to ensure that there was no commingling with Canadian product.

The remaining 2,232,459 pounds of product is imported on permits allowing for importation of product that either originated in the United States (or another BSE free country) *or* that

originated in Canada, *provided that* the product was processed strictly from animals under 30 months of age, and in accordance with a number of processing requirements designed to further mitigate any risk.

On October 21, 2003, USDA issues an alert on the policy that allows transit through the United States of certain meat and meat products from Canada. These shipments must be accompanied by an import permit, and all permit conditions must be met.

On October 22, 2003, USDA issues an amendment adding several new low risk Canadian products to the "Low Risk Canadian Products" list. These products are edible bovine tongues, edible bovine hearts or kidneys, and edible bovine lips. These products are enterable if accompanied by an APHIS permit and other necessary documentation.

On November 4, 2003, USDA publishes in the *Federal Register* a proposed rule to allow the importation of certain live ruminants and ruminant products and byproducts from minimal risk regions under specified conditions. The proposed rule would also add Canada to this list of minimal risk regions.

Following the completion of USDA's epidemiological investigation into the **December, 2003**, detection of BSE in Washington State, USDA republishes the proposed rule in the *Federal Register* for public comment. The comment period closed in **April 2004**, and the Department is currently reviewing all of the comments received.

On April 19, 2004, APHIS posts information on its website regarding the Agency's decision to issue import permits for bone-in beef for animals under 30 months of age. This posting leads the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) to file suit against USDA in U.S. District Court for the District of Montana.

On April 26, 2004, a U.S. District Court judge issues a Temporary Restraining Order that prohibits APHIS from issuing import permits for products other than those included as part of the August 15, 2003, list of low-risk Canadian products. USDA reaches a subsequent settlement agreement with R-CALF representatives in which USDA reinstates the August 15, 2003, permitting and risk mitigation measures pending completion of the rulemaking initiated on November 4, 2003.

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