

HOUSE CONCURRENT RESOLUTION NO. 3021

Introduced by

Representatives Froelich, Boucher, Kempenich, Nicholas

Senators Erbele, O'Connell

1 A concurrent resolution urging the North Dakota Attorney General to support legal action to
2 prevent the importation of live cattle and edible beef products from Canada and other countries
3 where bovine spongiform encephalopathy is present.

4 **WHEREAS**, on January 4, 2005, the United States Department of Agriculture published
5 a final rule relaxing restrictions on imports of live cattle and edible beef products from countries
6 known to have bovine spongiform encephalopathy; and

7 **WHEREAS**, despite the discovery of bovine spongiform encephalopathy-infected cattle
8 in Canada and the subsequent discovery of a bovine spongiform encephalopathy-infected cow
9 that had been imported from Canada, and in contravention of the United States Department of
10 Agriculture's preexisting policy and international practice not to accept cattle or edible bovine
11 products from a country with bovine spongiform encephalopathy infection, United States
12 Department of Agriculture representatives, up to and including the Secretary of Agriculture and
13 other administration officials, made numerous statements in advance of any meaningful
14 scientific analysis and before completion of the rulemaking process; and

15 **WHEREAS**, the United States Department of Agriculture's failure to apply precautionary
16 principles inherent in the legislation it implements and its emphasis of certain economic
17 interests and foreign policy concerns over the health and well-being of United States
18 consumers, cattle, and cattle producers makes the United States Department of Agriculture's
19 issuance of the final rule an action in excess of and inconsistent with its statutory authority; and

20 **WHEREAS**, the North Dakota cattle industry is best served by such decisions being
21 based upon sound science rather than political and foreign policy consideration; and

22 **WHEREAS**, a legal action enjoining implementation of the United States Department of
23 Agriculture rule and enjoining the importation into the United States of all live cattle from
24 Canada and all edible beef products derived from cattle of Canadian origin has been filed in the
25 United States district court in Billings, Montana; and

1 **WHEREAS**, other legal action may be necessary to protect the integrity of the United
2 States cattle herd and the interests of the United States consumer;

3 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
4 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

5 That the Fifty-ninth Legislative Assembly urges the North Dakota Attorney General to
6 support legal action to prevent the importation of live cattle and edible beef products from
7 Canada and other countries where bovine spongiform encephalopathy is present; and

8 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this
9 resolution to the Governor, Attorney General, and the Secretary of the United States
10 Department of Agriculture.