

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

3021

2005 HOUSE AGRICULTURE

HCR 3021

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3021

House Agriculture Committee

Conference Committee

Hearing Date 2---3---05

Tape Number	Side A	Side B	Meter #
ONE		B	7 TO 26.4
Committee Clerk Signature <i>Edward D. Elleton</i>			

Minutes:

CHAIRMAN NICHOLAS: Committee Members, we will open on HCR 3021.

REPRESENTATIVE FROELICH: DISTRICT 31. I am here on HCR 3021.

I Am sure you are all aware of the recent decision by U.S.D.A. To open the U.S. Border to Canadian cattle and beef products. A recent lawsuit filed in Billings, Montana has asked the courts to prevent such action. HCR 3021 asks the Attorney General of North Dakota to join in the legal proceedings.

I have distributed some information which I believe will support this resolution.

{{{please see printed testimony along with other information as to mad cow disease, cows being fed protein. Etc. We have to stand up for our producers. The dollar loss to the state of NORTH DAKOTA will be 70 to 80 million dollars. The USDA is doing away with some of the worlds health standards. Forty nine percent of Canadian cattle were found to have animal protein.

REPRESENTATIVE ONSTAD: There was just a fact finding committee in Canada and they say it is safe. What is your comment on that?

REPRESENTATIVE FROELICH: There are many reports. This is a Canadian report on their own cattle. According to internal Canadian Food Inspection Agency documents---obtained by the Sun through the Access to information Act---feed samples labeled as vegetable--only were tested by the agency between January and March of this year. Of those, 41 [[59 percent]]] were found to contain "undeclared animal material.

REPRESENTATIVE BOUCHER: Thank you Mr. Chairman and committee members.

We talk about BSE and my perspective as a cattle producer and how I feel it impacts me and my fellow cattle producers. Across the state of ND and THE UNITED STATES and also the consumers of the United States. I feel it is a critical issue and now is not the time to think about opening the border. There are a lot of issues at hand. They need to be addressed. First issue is the integrity of the product and what the consumer safety concerns are and what the consumers are going to tolerate. I think there will be a consumer reaction. It will have a significant impact upon the industry and those of us who are producers I think soon and up front as far as prices and so on. I also believe there are significant signs the Canadians have not got there act together. There is no way the animal products coming out of Canada can be assured to be safe until they clean up their act. Impact US COW HEARD. We could destroy one of the largest industries in NORTH DAKOTA. And many areas of the country and jeopardized our food supply in the US. Sanitary rules are to be for each country. They should be the same. We can make it happen. Free exchange and flow does not happen with Canada. There are concerns with sanitary rules. As we go through the process and the day has come when the flow of cattle

between Canada and the United States addresses the sanitary rules between countries. They go both directions.

CHAIRMAN NICHOLAS: Other testimony.

CHARLES CARVELL: The Attorney General has questions as to bill. Whether the substance of it can be challenged. And where the procedure by which it was adopted can be challenged.

We have also opened communications with the Montana lawyers North Dakota might be helpful. We have not decided what we are going to do.

CHARLES IS WITH NORTH DAKOTA AG. OFFICE.

EUGENE RAINER: I am a resident of North Dakota.

Perception. Mexico is the only country buying any meat from the United States. The reality they are only taking cattle up to thirty months. The Japanese, a survey was just taken and the results were that if the Japanese were allowed to buy US BEEF STEAK would they buy it.

71 percent of the people said no. We are joined at the hip with Canada. We are like Siamese twins. What is the first thing you think about when you see Siamese twins. Separation.

The boarder is not closed. When you consider the boxed beef that is coming across the boarder now under 30 months of age it is equivalent to 80 percent of the meet that used to come across the boarder with or without a vote. When the boarder goes open it goes to 140 percent.

We will be the dumping ground for Canadian Beef. The trade relations say they are close

To opening the Asian market. Now they are not saying anything. If we have labeling they will take the meat. We have to test for it.

The Japanese perception is they do not want US BEEF Perception. Do not want US BEEF.

We offer it for sale and no one wants it.

CHAIRMAN NICHOLAS: Other comments on resolution.

BRIAN KARMA ND FARM BUREAU:

We support resolution.

JEFF WEISPFENNING Pretty much everything has been said. I URGE A DO PASS ON
RESOLUTION. SEE WRITTEN TESTIMONY.

JAMES SCHMIDT: MENOKEN ND

We are going to be dumping ground for another 36 countries if this law is allowed to stand as
To Canada selling meat to US after March 7 05.

MARK QUANVIG: We feel media will turn of producer.

CHAIRMAN NICHOLAS: Any other testimony.

REPRESENTATIVE MUELLER: Is there any reason why we can't take action on the resolution
now?

CHAIRMAN NICHOLAS: I think not.

REPRESENTATIVE MUELLER: MADE A MOTION FOR A DO PASS.

REPRESENTATIVE DAMSCHEN: SECONDED THE MOTION.

THE ROLL WAS TAKEN. THERE WERE 11 YES

0 NO

2 ABSENT

CHAIRMAN NICHOLAS CARRIED THE BILL.

CLOSED ON HCR 3021

HCR 3021

Date: 2-3-05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House HOUSE AGRICULTURE COMMITTEE Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Mueller Seconded By Damschen

Representatives	Yes	No	Representatives	Yes	No
REP. EUGENE NICHOLAS CHAIRMAN	✓		REP. TRACY BOE		
REP. JOYCE KINGSBURY VICE CHAIRMAN	✓		REP. ROD FROELICH	✓	
REP. WESLEY BELTER			REP. PHILLIP MUELLER	✓	
REP. M. BRANDENBURG	✓		REP. KENTON ONSTAD	✓	
REP. CHUCK DAMSCHEN	✓				
REP. CHAIG HEADLAND	✓				
REP. GARY KREIDT	✓				
REP. GERALD UGLEM	✓				
REP. JOHN WALL	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment NICHOLAS

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 4, 2005 9:05 a.m.

Module No: HR-23-1833
Carrier: Nicholas
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3021: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3021 was placed on the
Tenth order on the calendar.

2005 TESTIMONY

HCR 3021

Testimony, HCR 3021
Rep. Rod Froelich

Chairman Nicholas, members of the House Agriculture Committee,

I am Rod Froelich, Representative from District 31. I am here to introduce to you HCR 3021.

I am sure you are all aware of the recent decision by U.S.D.A. to open the U.S. border to Canadian cattle and beef products.

A recent lawsuit filed in Billings, Montana has asked the courts to prevent such action.

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<http://www.canada.com/vancouver/vancouvernews/story.html?id=892f5a65-1b99-4b84-8359-6629bbd1f419>

Secret tests reveal cattle feed contaminated by animal parts

Mad cow fears spark review of 'vegetable-only' livestock feeds

Chad Skelton
Vancouver Sun

Thursday, December 16, 2004

A series of secret tests on cattle feed conducted by the federal government earlier this year found that more than half the feed tested contained animal parts not listed on the ingredients, according to internal documents obtained by The Vancouver Sun.

The test results raise troubling questions about whether rules banning the feeding of cattle remains to other cattle -- the primary way in which mad cow disease is spread -- are being routinely violated.

According to internal Canadian Food Inspection Agency documents -- obtained by The Sun through the Access to Information Act -- 70 feed samples labelled as vegetable-only were tested by the agency between January and March of this year. Of those, 41 (59 per cent) were found to contain "undeclared animal materials."

"The presence of animal protein materials [in vegetable feeds] may indicate ... deliberate or accidental inclusion of animal proteins in feeds where they are not supposed to be," said an internal memo to the president of the Canadian Food Inspection Agency last April that described the test results as "worrisome."

The memo, from Sergio Toluoso, feed program coordinator for the CFIA, said the contamination could also have been caused inadvertently -- for example, through the transporting of different feeds in the same trucks.

Controlled experiments have shown an animal needs to consume as little as one milligram of infected material -- about the size of a grain of sand -- from an animal with bovine spongiform encephalopathy (BSE) to develop the brain-wasting disease.

Michael Hansen, an expert on mad cow disease with the U.S.-based Consumers Union, the independent research institute that publishes Consumer Reports, said the CFIA tests are troubling.

"The fact that stuff that is labelled as vegetable feed, that 59 per cent of it has animal material, that's incredibly high," said Hansen, who has a PhD in biology. "This should be a wake-up call to CFIA. It doesn't look good."

Michael McBane, national co-ordinator for the Canadian Health Coalition, a watchdog group, said the tests suggest the feed ban is not being adequately enforced.

"It demonstrates the fact that the [feed] ban is basically meaningless," McBane said. "It's pretty well recognized that we have mad cow disease in Canada because of contaminated feed. It's the frontlines in the battle to stop the spread."

Consumption of beef from cows infected with BSE has been linked to the development in humans of variant Creutzfeldt-Jakob disease (vCJD), a deadly brain-wasting illness.

In the 1990s, the United Kingdom suffered an outbreak of BSE that was followed by more than 100 people dying of vCJD.

In 1997, as a precaution, Canada implemented a ban on feeding ruminants -- like sheep and cattle -- to other ruminants. However, ruminant remains can still be fed to chicken and pigs, and chicken and pig remains can be fed to cattle.

With the discovery of a lone Alberta cow with BSE in May 2003, the feed ban took on added importance.

"Compliance with the existing ban is a critical factor in preventing the disease from spreading to other animals," Toluoso wrote in January in an internal memo to CFIA president Dick Fadden. "Major non-compliance with the feed ban cannot be tolerated,

and measures to address the risks of domestic ruminants being exposed to prohibited animal proteins must be initiated promptly."

According to the documents, concerns about the integrity of Canada's feed were first raised in the summer of 2003, when U.S. authorities turned back seven separate shipments of vegetable feed from Canada because they were contaminated with animal parts.

"The animal proteins detected in these [shipments] were not supposed to be in the feeds," Tulusso explained to Fadden in an August 2003 memo. "While the results initially appear to be very worrying, it is difficult to interpret the real significance of these findings."

To determine if there was a wider problem with Canadian feed, the CFIA initiated a nationwide testing program of both domestic and imported feed in early 2004.

To make the job easier for its scientists, the agency collected only samples that were labelled as vegetable-only, such as soy meal or grain -- feed that shouldn't have any animal parts in it at all.

The samples were tested by CFIA scientists in Ottawa, who looked at a few grams of each sample under a microscope.

The first batch of 70 samples found that a majority contained animal protein.

And the worst results were for feed manufactured in Canada.

Of the 28 domestic feed samples tested by the agency, 20 had undeclared animal protein in them -- 71 per cent of all the samples.

In comparison, just under half of the imported samples -- 19 of 39 -- contained animal parts.

(Three of the 70 samples were of undetermined origin.)

In an interview with The Sun, Tulusso said he couldn't say how many of the contaminated feed samples contained cattle remains.

"In the absence of real identifiable material like feathers and hairs, [scientists are] left looking at bone fragments and pieces of muscle tissue, and those are virtually impossible to determine what species they might come from," Tulusso said.

As a result, he said, the agency doesn't have a clear idea of how much cattle remains have been fed to other cattle.

"We knew entering this testing survey that there was a possibility we could generate more questions for ourselves than we could answer," he said. "We hadn't done this before and to some extent we weren't sure what we were going to find. And it does make it worse that you can't explain what they actually are."

In addition to concerns over testing, the CFIA documents obtained by The Sun also reveal problems with the feed mills that produce animal feed.

There are about 550 commercial feed mills in Canada.

According to a memo to Fadden last March, an initial inspection last year of several hundred of those mills found that 21 per cent were not complying with federal regulations.

Most of those violations were minor and quickly corrected.

However, the report notes that seven mills had "major non-compliance issues" involving things like proper labelling and record-keeping.

And three mills were failing "to prevent the contamination of ruminant feeds with non-ruminant feeds containing ruminant meat and bone meal" -- the exact type of contamination that can spread BSE.

Two of those three mills successfully recalled their contaminated product, but the report notes that in one case, some of the feed was sent out and consumed by cattle.

Tolusso said the CFIA's feed tests led to some follow-up inspections in feed mills, but no further recalls of feed.

Earlier this month, the CFIA announced it would ban the parts of cattle most susceptible to BSE infection -- such as the spine and brains -- from all feed, including that destined for pigs and chickens.

Such animal parts are known as specified risk materials (SRMs).

Tolusso acknowledged the agency's tests were one reason for the stricter regulations.

"If we recognize there are lots of opportunities for the wrong kind of protein to get in the wrong kind of feed ... then perhaps the more prudent thing to do is to remove some of these higher-risk tissues altogether," he said.

Some experts have argued that Canada should go even further and keep cattle remains out of feed altogether, as is done in Europe.

"What they need to do is cut out the loopholes [and] stop feeding mammalian protein to food animals," Hansen said.

McBane agreed.

"At the end of the day, the only way to stop the transmission of BSE is a complete stop on recycling animal protein," he said.

Tolusso said the CFIA believes a ban on just the riskiest materials -- like cow brains -- will eliminate most of the risk of BSE spreading in Canada.

But he said the agency hasn't ruled out a total ban on cattle remains in feed.

"At this point, we've put our best guess forward [on] the most appropriate approach," he said. "But that doesn't preclude that ... we might have to go to a more strict ban."

cskelton@png.canwest.com