

2001 SENATE AGRICULTURE

SB 2111

#### 2001 SENATE STANDING COMMITTEE MINUTES

#### BILL/RESOLUTION NO. SB 2111

Senate Agriculture Committee

□ Conference Committee

Hearing Date January 11, 2001

Tape Number	Side A	Side B	Meter#
1		X	3,6
Jan. 19 1		/ X	10,2 - 20,0
Committee Clerk Signa	yure Later (1)	humen	
Minutes:			

The hearing was opened on SB 2111 relating to adulteration of commercial feeds.

**<u>Jeff Olson:</u>** Program Manager Plant Industries of North Dakota Department of Agriculture, testified in support of SB 2111, see attached testimony.

**Senator Klein:** Currently the adulteration portion of the bill is in law and we are adding 7 - 11, these additional five points and straighten around a few sections.

**<u>Jeff Olson:</u>** We are just adding the last five sections from the AAFCO (American Association of Feed Control Officials) official publication into the state law.

**Senator Klein:** Those have been taken from a national publication that all the other states are using?

**Jeff Olson:** More uniformity amongst all states.

**Senator Urlacher:** Will there be a need to inspect storage and feed products?

Jeff Olson: As we speak FDA is coming out with some guidelines and is in the process of requesting states to increase inspections on feed sources. We are submitting our cost per inspection to FDA who would cover those cost per inspection that we perform. It will increase the duties of our department of inspectors to pull extra samples and cover feed stores and possible farms that grind their own or elevators that sell the feed stuffs.

Senator Urlacher: Does this also include shipped in feeds and their storage?

Anyone that deals in the feed industry, purchasing or selling, would be in line for inspections.

Senator Wanzek: Is this a result of the worldwide concern of Mad Cow Disease?

That is what has brought the interest to the department and why we felt we needed to help maintain a safe feed source for the livestock industry in North Dakota. FDA is getting more strict on imports and restrictions from where feed stuffs are coming from around the world.

Senator Urlacher: How many reports of Mad Cow Disease do we have in North Dakota and even in the United States?

**Jeff Olson:** There is no detection in North Dakota or the United States. It is isolated in European countries.

Senator Klein: Is this going to increase cost for those who grind their own feed?

Jeff Olson: There should not be an increase in cost to the farmer or rancher. This is more a detection and an elimination process, if we do have some contaminated feeds we can take possession of it and follow back to find out where the source of where the contamination came from and dispose of it properly so we don't have the potential of the spread of BSE, Bovine Spongioform Encephalopathy, to occur or other diseases that may come about.

Wade Moser: North Dakota Stockmen's Association, (meter # 13.3).

Page 3
Senate Agriculture Committee
Bill/Resolution Number SB 2111
Hearing Date January 11, 2001

There is no BSE in the United States or in the Western Hemisphere. There has been action taken several years ago to make sure that we don't import animals or animal bi-products or meats from certain countries that have BSE. There is absolutely no scientific proof to date that BSE is linked with a very similar human disease called Creutzfeldt - Jakob's Disease. Animal Rights Group want to tie that link together to promote their animal rights agenda but that has not been proven and we need to make sure that everyone can understand this. The Feed Industry has been very proactive and have taken a lot of the problems out of this system because of their actions in making sure that our feeds are safe.

Senator Wanzek: From a business or industry prospective you are saying that particular proposal or measure is a proactive move by the industry and by the government to send a message to the consumer's that we are as concerned in providing safe and reliable meat or beef products to them.

Wade Moser: A lot of the things in this bill have already been done.

The hearing was closed.

Committee began discussion on the bill.

January 19, 2001 action was taken on this bill as follows:

SENATOR KLEIN made the motion to DO PASS on this bill. SENATOR NICHOLS seconded the motion. Roll call was taken 6 Yeas, 0 No, 0 Absent or not voting. SENATOR KLEIN will carry the bill.

Date: /- //- 0/ Roll Call Vote #:

# 2001 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. Z///

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Senators	Yes	No	Senators	Yes	No	
Senator Wanzek - Chairman Senator Erbele - Vice Chairman			Senator Kroeplin Senator Nichols			
Senator Klein	X	 	Senator Michols			
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# REPORT OF STANDING COMMITTEE (410) January 19, 2001 12:56 p.m.

Module No: SR-09-1298 Carrier: Klein Insert LC: . Title: .

#### REPORT OF STANDING COMMITTEE

SB 2111: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

2001 HOUSE AGRICULTURE SB 2111

### 2001 HOUSE STANDING COMMITTEE MINUTES

#### BILL/RESOLUTION NO. SB 2111

House Agriculture Committee

☐ Conference Committee

Hearing Date 3--2--01

Tape Number	Side A	Side B	Meter #
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Minutes:

CHAIRMAN NICHOLAS: Committee Members we will open the hearing on SB 2111

JEFF OLSON: I am the Program Manager Plant Industries. Department of Agriculture.

Please see attached printed testimony.

CHAIRMAN NICHOLAS: ANY QUESTIONS

REPRESENTATIVE LLOYD: Where dose the 1200 head of cattle fit into this from Texas.

Where they were fed the bone meal?

JEFF: That particular heard was bought by the company that sold the feed and were disposed of or segregated out. I am not sure if they have been disposed of as yet. What it dose, it give the state authority to go and take control of that heard. Until such testing proves dose not have disease. This bill dose give the department a little more authority to grab ahold of those type of situations.

Page 2
House Agriculture Committee
Bill/Resolution Number SB 2111
Hearing Date 3--2--01

REPRESENTATIVE LLOYD: With regard to some of the food supplements that are on the shelves that contain materials that are take from the brains of cows, what is FDA position on that right now.

JEFF: Right now the main concern is the ingredients that are fed to the animals. There has not been any indication that that kind of ingredient has had any effect on domesticated dogs and cats. That is where most of the bone meal now are contained in more of the pet food type products. There has been no indication that BSC can be transmitted into those animals. The feed that are one the shelf are pretty much bone meal free. In ND we are already following what the guide lines dictate so it would be no extra burden on them. As far as the operation of their mills etc. retail stores.

REPRESENTATIVE LLOYD: What about human vaccines that are being developed etc?

DR SCHULLER: I think that the FDA is getting a little lax in what there doing as far as controlling some of these products. Most of the anthrax vaccine in the US are made from Bovine products from the US so we are not looking at a contaminated source.

CHAIRMAN NICHOLAS: Any other question of Jeff. Thank you Jeff. Anyone else offering testimony as to this Bill.

WADE MOSER: I am with the ND STOCKMAN ASSOCIATION. We do support the Bill.

I do have a hand out that will be of interest to you. As a result of the BSE scare across this country and across the world. It give you a time line a little bit about what the industry, what the regulators are doing and have done to make sure that BSC dose not arrive here in the US.

CHAIRMAN NICHOLAS: O.K. are there any more questions of Wade? Any further testimony for the support of the Bill. Any opposition? We will close the hearing on SB 2111.

#### 2001 HOUSE STANDING COMMITTEE MINUTES

#### BILL/RESOLUTION NO. SB2111 A

House Agriculture Committee

□ Conference Committee

Hearing Date 3--2--01

HEARING ON SB 2111.

Tape Number	Side A	Side B	Meter #
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#### Minutes:

1A:3130 CHAIRMAN NICHOLAS: O.K. Committee Members we will look at Bill 2111.

The Chair will entertain a motion of SB 2111.

REPRESENTATIVE LLOYD MADE A MOTION FOR A "DO PASS". SECONDED BY
REPRESENTATIVE MUELLER. IS THERE ANY DISCUSSION? O.K. THE CLERK WILL
TAKE THE ROLL. ON 2111. THERE WERE """14 YES"""0 NO"""1 ABSENT"".
CHAIRMAN NICHOLAS: WHO WOULD LIKE TO TAKE THAT BILL.
REPRESENTATIVE LLOYD WILL CARRY THE BILL. WE WILL CLOSE THE

3-2-2011

Date: Roll Call Vote #:

# 2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO.

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Dennis E. Johnson - Vice	1,		Doug Lemieux	1	
Chairman					
Rick Berg			Philip Mueller		
Michael Brandenburg	- <i> </i>	<del></del>	Kenton Onstad	1./	
Joyce Kingsbury	المسا		Sally M. Slandvig	- Inventor	
Myron Koppang			Dennis J. Renner	- Luni	
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# REPORT OF STANDING COMMITTEE (410) March 2, 2001 1:06 p.m.

Module No: HR-36-4716 Carrier: Lloyd Insert LC: . Title: .

#### REPORT OF STANDING COMMITTEE

SB 2111: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2111 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2111



PHONE (701) 328-2231 (800) 242-7535

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DEPARTMENT OF AGRICULTURE
State of North Dakota
600 E. Boulevard Ave. Dept. 602
Bismarck, ND 58505-0020

# NORTH DAKOTA DEPARTMENT OF AGRICULTURE LEGISLATIVE TESTIMONY

Testimony of Jeff Olson, Program Manager
Plant Industries
North Dakota Department of Agriculture
Senate Bill NO. 2111
January 11, 2001
9:30 a.m.
Senate Agriculture Committee
Roosevelt Room

Chairman Wanzek and members of the committee. My name is Jeff Olson. I am the Program Manager for the Plant Industries Program Area in the Department of Agriculture. I am here to testify in support of SB 2111.

Concern about the increase in Bovine Spongloform Encephalopathy (BSE) or mad-cow disease caused by contaminated feed stuffs in Europe and recent information that links BSE to related infectious diseases in humans prompted the North Dakota Department of agriculture to introduce this bill. The present law contains a portion of the model bill from the American Association of Feed Control Officials (AAFCO). To ensure safe animal feed ingredients, SB 2111 adds the portion of the AAFCO model bill that sets

conditions on the storage and quality of material to be used for animal feed stuff.

Thirty percent of the states have adopted the entire model regulations as their state

law. The sections in this bill are taken from the AAFCO Official Publication for 2001 and are designed to promote uniformity in feed law among states.

Rationale for including each section follows:

- **No. 7.** Protects the feeder and the feed manufacturer from the sale and/or purchase of spoiled or putrid feed products.
- **No. 8.** Mandates proper storage of feed products to prevent spoilage and contamination.
- No. 9. Prevents companies from distributing products from diseased animals.

  This would give us legal authority to hold a suspected product.
- No. 10. Mandates proper transportation and containment of feed products.
- No. 11. Prevents irradiated feed products from being distributed in North Dakota unless they conform to the Federal Food Drug and Cosmetic Act.

Thank you for your consideration.



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# NORTH DAKOTA DEPARTMENT OF AGRICULTURE LEGISLATIVE TESTIMONY

Testimony of Jeff Olson, Program Manager
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North Dakota Department of Agriculture
Senate Bill NO. 2111
March 2, 2001
9:30 a.m.
House Agriculture Committee
Peace Garden Room

Chairman Nicholas and members of the committee. My name is Jeff Olson. I am the Program Manager for the Plant Industries Program Area in the Department of Agriculture. I am here to testify in support of SB 2111.

Concern about the Increase in Bovine Spongioform Encephalopathy (BSE) or mad-cow disease caused by contaminated feed stuffs in Europe and recent information that links BSE to related infectious diseases in humans prompted the North Dakota Department of agriculture to introduce this bill. I want to emphasis that there has been no detection of BSE in the United States. The present law contains a portion of the model bill from the American Association of Feed Control Officials (AAFCO). To ensure

safe animal feed ingredients, SB 2111 adds the portion of the AAFCO model bill that sets conditions on the storage and quality of material to be used for animal feed stuff. Thirty percent of the states have adopted the entire model regulations as their state law. The sections in this bill are taken from the AAFCO Official Publication for 2001 and are designed to promote uniformity in feed law among states.

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- No. 11. Prevents irradiated feed products from being distributed in North Dakota unless they conform to the Federal Food Drug and Cosmetic Act.

Thank you for your consideration.

# **U.S. Works to Remain BSE Free**

Produced by the National Cattlemen's Beef Association

Because BSF (boxine spongiform encephalopathy) was identified in several European countries last year, the disease has gained attention from the U.S. news media. They are asking if the disease is in the United States, or could it happen here?

The National Cattlemen's Beef Association (NCBA) is working aggressively to educate reporters and the general public about BSF—the so-called "mad cow" disease and steps the industry and government have taken to prevent the disease from entering the United States. NCBA

spokespersons have done numerous interviews with network and cable television, newspaper and radio reporters.

"The most important thing we can do now is make sure the public understands that we've never had a case of BSE; in the United States and that we have stringent protective measures in place to prevent the disease from occurring here," said Gary Weber, NCBA Executive Director of Regulatory Affairs

NCBA has worked closely with the government, feed manufacturers, renderers, packers, processors, veterinarians and animal scientists to keep BSF out of the United States

# THE DESCRIPTION OF SERVICE OF SER

1. There has never been a case of BSE in the United States.

- BSE remains a foreign animal disease, never identified in the United States. It is believed entile can contract the disease by consuming feed containing the BSE agent. The prevailing belief is the agent is a mutated protein molecule called a prion. If cattle have BSE, the disease causing agent is almost exclusively found in the brain and spinal cord. BSE has been determined to be spread as a result of feeding meat and bone meal containing brain and spinal cord from cattle with the disease. The United States has prevented BSE from entering here through restrictions on importing eattle and any feed ingredients capable of carrying the infectious agent from any country suspected of having the disease, or at risk to have the disease.
- The government, the cattle industry and allied industries have put stringent safeguards in place to prevent the disease from occurring here.
- More than 10 years of active surveillance for BSE in the United States has never found this or any similar disease. The surveillance program targets cattle at slaughter that show signs of possible neurological disease, as well as field cases of cattle exhibiting possible neurological disease signs. The program especially focuses on animals over 30 months of age who exhibit behavior that could be caused by neurological disease, and non-ambulatory animals (fallen stock). They are slaughtered and brain samples are tested for BSF. As of December 2000, 11,954 brain specimens had been tested. Because the sampling focuses on animals with the highest risk of having a neurological disease, USDA/Animal and Plant Health Inspection Service considers this an adequate sample to find BSE if the disease were here.
- The United States began appressive measures to prevent BSE in this country in 1989. A ban was imposed on imports of live runnmant animals and runnmant products from countries where BSF had been found.

- That was expanded in 1997 to include all European countries, regardless of whether or not BSF had been found there.
- In 1997, the Food and Drug Administration enacted a
  feed regulation that banned the feeding of runtinantderived, and most mammal-derived, animal protein to
  runtinants. This feed ban will ensure that if BSE were
  ever to get into the United States, the disease could not
  be amplified or spread and it could be isolated and
  eradicated.
- Although there is no evidence the BSh agent has everentered the Umted States, achieving 100 percent compliance with the feed regulation is the government and industry goal. The most important regulation with respect to BSF prevention is keeping this foreign animal disease out of the United States. The feed ban is an extra level of protection and 2 is our goal to rapidly achieve 100 percent compliance with this important regulation.
- In December 2000, the USDA banned the import of all rendered animal protein regardless of species from all European countries.
- NCBA on Jan. 29, 2001, held a meeting with representatives of the rendering industry, feed producers and meat processors. Government officials from the Food and Drug Administration and USDA Animal and Plant Health Inspection Service also attended. Participants discussed the need for 100 percent compliance with the U.S. ban on feeding runnmant protein from other runnants.
- Canada and Mexico have similar stringent BSE preventative measures in place.
- Officials from the National Cattlemen's Beef
   Association, Canadian Cattlemen's Association and
   Conferacion Nacional Ganadera of Mexico on
   February 3, 2001, signed a joint statement pledenia to
   keep BSL out of North America.

For complete information about BSE, visit the BSEinfo.org Web site.

# What the Law Says

**Producers Must Do** 

The Food and Drug Administration requires that anyone feeding ruminant animals must save copies of involces and labeling of all feed they receive that contains animal protein? Feed that we does not have an involce of label from the manufacturer or distributor does not comply with the law and the feed can not be fed to earlie with the law and the feed can not be fed to earlie with the law and the feed can not be fed to earlie with the law and the feed can not be fed to earlie with the law and the feed can not be fed to earlie with the law and the feed can not be fed to earlie with the law and the feed can not be fed to earlie with the law and the feed can not be fed to earlie with the law and may be used in rumant feeds. There is no evidence

be used in running treeds. There is no evidence feeding byproducts from these species represent a risk to the health of caute, especially the spread of USE 11 was a real of the spread of the

# **What Producers** Can Do

NCBA urges that producers have written documentation from their feed suppliers that the premixes, supplements and complete feeds they buy are free of prohibited materials.

Cattle feeders/producers should consider buying feeds exclusively from feed mills that do not handle prohibited materials. While this is not part of the Food and Drug Administration regulations, NCBA believes that this is a reasonable step to reduce the risk of prohibited materials being incorporated in premixes, supplements and complete feeds destined for cattle.

## **New variant** Creutzfeldt-Jacob Disease (vcJb)

The human disease that has been linked to BSE

1. This disease has never been found in the United States.

New variant Creutzfeldt-Jacob Disease (vCJD), believed to be linked to exposure to the BSE agent, has caused the deaths of 87 people in Europe (83 in England, three in France and one in Ireland).

New variant CJD was first diagnosed in England in 1996. It is believed people contract vCJD when they become infected with the BSE agent. Since the BSE agent is primarily found in the brain and spinal cord of animals over 30 months of age, it is assumed people with vCJD must have consumed products containing brain or spinal cord from older, BSE-infected cattle. The infectious protein that causes BSE has not been found in muscle meat.

2. Sometimes people, including the news media, mistake new variant CJD with another disease.

According to the federal Centers for Disease Control and Prevention, the United States has not had any cases of new variant CJD. There is some confusion, however, because of a disease with a similar name.

The disease known as classic CID is a rare disease that ecurs in an average of one person per million, per year, worldwide. The incidence rate of classic CJD in older populations (55 years and older) ranges between five and seven cases per million, per year, Classic CID was first diagnosed in the 1920s.

It's important to know that we believe we know the probable cause of new variant CID, namely consumption of product containing brain and spinal cord from older BSE-infected cattle. While there are no dietary or occupational factors associated with classic CID, there is a genetically inherited form of the disease and it can be transmitted by inadvertent exposure to CJD-contaminate equipment or material as a result of neurosurgery. We do know new variant CID and classic CID are distinct discases and, as such, there must be a difference between their respective causes. One must not be confused with the other.

- Gary Weber, NCBA Executive Director of Regulatory Affairs

#### RESOURCES

To view further information about BSE, visit the following sites:

- http://www.bscinfo.org This is NCBA's scientificallyreviewed Web site about BSF, classic CJD and new variant CID.
- USDA/APHIS Veterinary Services

http://www.aphis.usda.gov/oa/bse/

Centers for Disease Control and Prevention

http://www.edc.gov/neidod/diseases/cjd/cjd/htm

Food and Drug Administration

http://www.fda.gov/eym/index/bsc/bsetoe.html

 Council for Agricultural Science and Technology. TSE report - http://www.cast-science.org/

#### For more information, contact:

National Cattlemen's Beef Association PO Box 3469 Englewood, CO 80155 Attn: Issues Management Department Phone 303-694-0305 Fax 303 694 2851

Visit our Web site at www.beef.org

# **Timeline**

intions Taken by USDA/APHIS, the Food and Drug Administration and the United States Livestock Industry to Prevent BSE

Assertion of the second	Due to disease risks other than BSE, no United Kingdom (U.K.) processing plants were approved to export British beef into the United States.	January, 1997	FDA proposes a ban on the use of runninant products in livestock feed.		
	Consequently, the U.S. has not imported beef from there since 1985.	June 2, 1997	FDA issues a regulation banning the use of at-risk mammahan protein in animal feed. Limited exception include blockl, milk or gelatin products, and equine and		
Roschiber, 1986	BSE is first confirmed in the U.K.		porcine protein which is derived from species not known to develop TSEs naturally		
July 18, 1988	Ruminant meat and bone meal (MBM) is banned from inclusion into cattle feed in the U.K.	August 4, 1997	FDA rule that banned the use of at-risk manufal- derived protein by-products in bulk feeds for cattle becomes effective.  FDA rule that banned the use of mammal-derived protein by-products in bagged feed for cattle becomes effective.		
Ady 21, 1989	USDA/APHIS bans the importation of ruminant animals from countries with confirmed cases of BSE.	, , , , , , , , , , , , , , , , , , ,			
	USDA/APHIS enacts emergency ban on the importation of at-risk numinant products from countries with confirmed cases of BSE. Formal regulation to	October 3, 1997			
	follow.	December 12, 1997	USDA/APHIS bans imports of all live ruminants and at-risk ruminant products from Europe until risk		
1990	FDA intensifies microbiological review of new drug applications for human drug products derived from bovine sources.		factors associated with BSE are more fully examined.		
<b>6</b> 1991	USDA/APHIS enacts formal regulation to restrict the importation of ruminant meat and edible products and ban at-risk by-products of ruminant origin from countries known to have BSE.	April 24, 1998	USDA/APHIS enters into a cooperative agreement with Harvard University's School of Public Health to analyze and evaluate the USDA's BSE prevention measures.		
	USDA/APHIS expands BSE surveillance program to include examination of brain tissue from "downer" cows.	July 14, 2000	The U.S. Secretary of Agriculture issues a Declaration of Extraordinary Emergency after four sheep in Vermont test positive for a Transmissible Spongiform Encephalopathy (TSE). The sheep came from one of		
	BSE epidemic in U.K. peaks with 1,000 new cases reported per week.		three flocks that have been quarantined by the state of Vermont since 1998 after learning the sheep may have been exposed to BSE-contaminated feed in Belgium		
	USDA/APHIS implements immunohistochemistry testing method for BSE. This is a lab method that uses antibodies and chemicals to accurately detect the presence of the BSE infectious agent.		and the Netherlands, from where they originated. One of three flocks (21 sheep) were voluntarily relinquished and destroyed. Diagnostic samples were taken for testing and the possibility of further research. On Feb. 6, 2001, a federal judge ruled that USDA may seize		
Marus 20, 1996	British government announces possible link between BSE and 10 cases of what seems to be a new Transmissible Spongiform Encephalopathy (TSE) called variant CJD (vCJD).	December 7, 2000	APHIS prohibits all imports of rendered animal protein products from Europe, regardless of species.		
	National livestock organizations and professional animal health organizations in the U.S. announce a voluntary program to discontinue the use of ruminant-derived protein in ruminant feed. The FDA and USDA announce their intentions to determine if additional regulations are necessary to prevent the introduction and or amplification of the BSE agent in the United States.				

# Documented BSE Cases in Cattle Worldwide



United Kingdom, 180,501\*
Ireland, 587
Portugal, 509
Switzerland, 366
France, 218
Germany, 34
Belgium, 22
Spain, 17
Intherlands, 9

Denmark, 3 Liechtenstein, 2 Italy, 2 Luxembourg, 1 Africa, 0 Australia, 0 New Zealand, 0 South America, 0 United States, 0

Cases of BSE also have been confirmed in cattle imported from the U.K. to the following countries:

Canada (1) Falkland Islands (1) Oman (2)

<sup>\*</sup> The United Kingdom is comprised of Grent Britain, Northern Ireland, Isla of Man, Jersey and Guernsey. Figure as of October 31, 2000. Source: Office of International Epizodics, February 2001. http://www.oia.int/eng/into/en\_esb.htm Last updated February 13, 2001