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ROLL NUMBER

DESCRIPTION

3009

2005 HOUSE AGRICULTURE

HCR 3009

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3009

House Agriculture Committee

☐ Conference Committee

Hearing Date 1---27---05

Tape Number	Side A	Side B	Meter #
FIVE	A		0.00 TO 21.9
Committee Clerk Signature <i>Edward D. Ellyson</i>			

Minutes:

CHAIRMAN NICHOLAS: Committee Members, we will open on HCR 3009. The resolution deals with trade restrictions on all Canadian cattle and on all edible bovine meat products derived from cattle of Canadian origin until various health, safety, and economic concerns can be satisfactorily addressed. We as a committee hope are hoping that the action in place by the Department of Agriculture will be challenged and that pressure will be put to bear to stop the cattle from coming in. There is tremendous concern on part of ranchers not only in ND but through out the country. It dose not appear that the Canadians have cleaned up there animal feeds at this point. It appears that animal protein is still be added to the feeds. Animals have been found after 1997 the last animal found to contain BSC in Canada was born in 1098. Feed tests as recently as a few weeks ago are still showing animal protein. We feel that what ever can be done not only by this committee but our state legislature can help the flow of cattle. I hope we will get support of this committee.

REPRESENTATIVE HERBEL: We have compelling reason to halt Canadian cattle from entering the U.S. I urge you to support the resolution. I am wearing two hats tonight.

I am a cattle producer as well as a legislator. I am in the cattle and ranching business and am very concerned because of the negative impact that it is going to have if the Canadian cattle do come in. Lets get the resolution passed on and address it.

REPRESENTATIVE: GUELLESON: I think it is very important that we as a state send a message to our Agriculture Commissioner. Everyone who will be involved in this situation. We are not ready to open the borders. We simply can't be in light of recent information as to more cows with BCD. My husband and I are ranchers. We share fears as to our livelihood.

CHAIRMAN NICHOLAS: Representative Brandenburg. We have a lot of cattle in my district. Canadian cattle entering the US will have an effect on are ranchers. We have to keep doors closed to Canadian cattle.

ERIC AASMONSTEAD: FARM BUREAU. We are in support of this resolution. Protect our domestic producer's.

RODGER JOHNSON: N.D. AGRICULTURE COMMISSIONER: We feel very strongly about this. We have registered our concern against the importation of Canadian Cattle.

The clock is ticking. This rule will be in effect March 7, 05 {{please read Roger Johnsons printed testimony}} We don't want Canadian cattle importation at this time. This is not a rule that has been put out for comment. This is a final rule. This is a rule that was issued and will be in effect March 7, 05 unless something is done to reverse it. The only way it gets reversed is if the UDA pulls it back or congress overrides it. Move this resolution through the house and senate so we can get it down there

DR. CARLSON: TESTIMONY OF DEPUTY STATE VETERINARIAN.

[[please read Dr. Carlsons testimony.]] We URGE A DO PASS ON 3009.

WOOD BARTH: N.D.FARMERS UNION. I am here to testify in support of this resolution.

For all members of ND FARMERS UNION. [[please see printed testimony]] See line ten..

WADE MOSER: N.D. CATTLEMEN'S ASSOCIATION: Refer line ten of resolution.

“Canada but urge that the normalization be based on sound science to ensure the long term health of their cattle. We support line ten March 7 we start import. We must regain our own export market that we lost to mad cow disease. In 2003 we were exporting 3.86 billion dollars of meat products. In 2004 that shrank to 765 million dollars. Total volume of beef products declined from 2.5 billion pounds in 2003 to 400 million pounds in 2004. We must have exports to Korea and Japan. Japan had accounted for US BEEF 30 percent of the volume and 36 percent of the value. S. Korea was our third largest market which accounted for twenty percent in 2003 in volume and 21 percent in value. As you can see the impact has been tremendous. We need to press USDA. All total there is a million head of Canadian cattle to be moved across the boarder. Normal cattle would be over 311,00 thousand. The back log supply 204,000. The back log of cattle over 30 months of age are estimated at 465,000 head. They are ready to be slaughtered .. 2 million of back logged cattle. In the US THE AVERAGE COW HERDS AGE IS ABOUT FIVE YEARS. IN CANADA BECAUSE OF THE PROBLEMS THEY HAVE HAD THE AVERAGE AGE IS 9.7 YEARS. We need consumers to buy our cattle. Make a personal call to new Agriculture Commissioner.

CHAIRMAN NICHOLAS: ANY ADDITIONAL TESTIMONY ON THIS RESOLUTION.

WE WILL CLOSE THE HEARING ON HCR 3009.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3009

House Agriculture Committee

☐ Conference Committee

Hearing Date 1---28---05

Tape Number	Side A	Side B	Meter #
ONE	A		18.5 TO 19.0
Committee Clerk Signature <i>Edward J. Elphinstone</i>			

Minutes:

MADAM CHAIR WOMAN KINGSBURY: Committee Members, we will re-open on HCR 3009?

Committee Members, what are your wishes on HCR 3009?

REPRESENTATIVE MUELLER: I MAKE A MOTION FOR A DO PASS.

REPRESENTATIVE HEADLAND: I SECOND THE MOTION.

COMMITTEE MEMBERS: THE CLERK WILL TAKE THE ROLL.

THERE WERE 10 YES

0 NO

3 ABSENT

REPRESENTATIVE FROELICH CARRIED THE HCR 3009.

CLOSED

HCR 3009

Date:
Roll Call Vote #:

1-28-05

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

HEADLAND

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)

10

No

0

Absent

3

Floor Assignment

FROELICH

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

REPORT OF STANDING COMMITTEE (410)
January 28, 2005 12:51 p.m.

2 u 2

Module No: HR-19-1334
Carrier: Froelich
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3009: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3009 was placed on the
Tenth order on the calendar.

2005 TESTIMONY

HCR 3009

Roger Johnson
AGRICULTURE COMMISSIONER

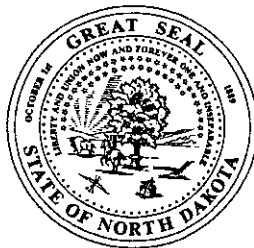
Dr. Susan Keller
STATE VETERINARIAN

Dr. Beth Carlson
DEPUTY STATE VETERINARIAN

Francis Maher, Menoken
PRESIDENT
COMMERCIAL BEEF CATTLE

Nathan Boehm, Mandan
SECRETARY
DAIRY CATTLE

Dr. Neil Dyer, Fargo
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Shawn Schafer, Turtle Lake
NONTRADITIONAL LIVESTOCK

Testimony of Deputy State Veterinarian Dr. Beth Carlson
House Concurrent Resolution 3009
House Agriculture Committee
Peace Garden Room
January 27, 2005

Chairman Nicholas and member of the House Agriculture Committee, I am Dr. Beth Carlson, Deputy State Veterinarian. I am here today in support of HCR 3009, which will maintain trade restrictions on all Canadian cattle and on all edible bovine meat products derived from cattle of Canadian origin until various health, safety, and economic concerns can be satisfactorily addressed.

The North Dakota State Board of Animal Health serves to "protect the health of the domestic animals and nontraditional livestock of this state"¹. The Board also works closely with the Department of Health on issues that relate to both human and animal health, using scientific information as a basis for judgement. The State Veterinarian is the chief animal health official and serves as the executive officer of the Board of Animal Health. At this time, the State

¹ ND §36-01-08

Veterinarian's office does not feel that science supports allowing the importation of Canadian cattle and meat products.

Canada is a country which has produced four cases of BSE since 2003. The prevalence of BSE in Canada has not yet been established. According to USDA/APHIS, testing 30,000 head in Canada is equivalent to testing 240,000 head in the United States. However, as of December 1, 2004, Canada had only tested 15,800 samples.² Furthermore, the 2004 International Animal Health code states that "Surveillance programmes should be determined by, and commensurate with, the outcome of the risk assessment, and should take into account the diagnostic limitation associated with sub-populations and the relative distributions of infected animals among them"³. Surveillance needs to include both active and passive surveillance. That translates into testing animals in the targeted high-risk group as well as clinically normal, lower-risk animals. "In countries not free from BSE, sampling at routine slaughter is a means of monitoring the progress of the epizootic and the efficacy of control measures applied, because it offers continuous access to a cattle population of known class, age structure, and geographical origin."⁴ Canada also needs to focus on testing animals from the geographical cluster area where the positive cases have originated.

It is widely accepted by the scientific community that the primary route of transmission of BSE is through feed contaminated with the prion agent. Tracing animals imported from areas known to have BSE, as well as known feed cohorts (animals which have consumed the same feed) is

² "Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities" USDA/APHIS 9 CFR Parts 93, 94, 95, 96 p.56

³ International Animal Health Code-2004, Appendix 3.8.4. Article 3.8.4.1

⁴ International Animal Health Code-2004, Appendix 3.8.4. Article 3.8.4.4.

recommended by the International Organization for Epizootics (OIE).⁵ Despite this, USDA/APHIS has stated that it would be a misfocus of resources and has chosen not to trace Canadian feed cohorts into the United States.

"Canadian Food Inspection Agency officials are just preparing to undertake a review of Canada's feed ban. This process will examine the effectiveness of industry's compliance with the ban in limiting the spread of BSE. The review will include participation from international animal health and feed experts."⁶ We feel that it is important to wait until Canada's own officials have evaluated the efficacy of the feed ban before resuming trade. There are documented feed ban violations by both manufacturers and producers. In 2003, the CFIA depopulated cows on three farms because it is possible that they consumed contaminated poultry feed.⁷ Additionally, it is not required that Canadian feed mills be dedicated to produce feed not containing ruminants. Therefore, mills that manufacture feed containing rendered ruminants also manufacture feed that is not supposed to contain them. This creates significant risk for contamination.

USDA/APHIS has created its own standards for "minimal risk regions" rather than adhere to the OIE's minimal risk standards. Under OIE guidelines, a country that is known to have had cases of BSE should have a ruminant-to-ruminant feed ban effectively enforced for 8 years before being classified as minimal risk.⁸ The CFIA's chief veterinarian, Brian Evans, acknowledges

⁵ Ibid

⁶ Canadian Food Inspection Agency website:
www.inspection.gc.ca/english/anima/heasan/disemala/bseeb/situationne.shtml

⁷ Ibid

⁸ International Animal Health Code-2004, Article 2.3.13.5.

that feed ban violations have likely occurred since the 1997 ban.⁹ Between January and March of 2004, 66 of 110 samples of feed labeled free of animal matter tested positive for animal matter, and some of those were suspected to be of ruminant origin.¹⁰ According to OIE, Canada is classified as a "moderate risk region". This means that SRMs should be removed from all animals over 6 months of age.¹¹ It is imperative that this be done not only to animals slaughtered in Canada, but also to Canadian cattle slaughtered in the US.

Canada has proposed additional regulations regarding the feed ban and SRM removal. These regulations have only been proposed, not implemented. It would seem prudent to wait until these regulations are in place and being enforced prior to resuming trade.

It is imperative, that the decision to open the border is based on scientific information and not economic factors. In the past, USDA/APHIS has made regulatory animal health decisions using an abundance of caution. It is sincerely hoped, for the sake of the United States cattle herd, and, therefore, food safety, that regulatory actions will continue to reflect that level of concern.

Chairman Nicholas and committee members, I urge a do pass on HCR 3009. I would be happy to answer any questions you may have.

⁹ "Tainted Feed Possibly Sold After Ban"

www.thegloveandmail.com/servlet/story/RTGAM.20050125.wxfeed25/BNStory/National/

¹⁰ "Canada Press: Tests Show Some Cattle Feed Ban Breaks" www.cattlenetwork.com/content.asp?contentid=3661

¹¹ International Animal Health Code-2004, Article 2.3.13.15.

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**Testimony of Roger Johnson
Agriculture Commissioner
House Concurrent Resolution 3009
Agriculture Committee
Peace Garden Room
January 27, 2005**

Chairman Nicholas and members of the House Agriculture Committee, I am Agriculture Commissioner Roger Johnson. I am here today in support of House Concurrent Resolution 3009, which urges the United States Department of Agriculture (USDA) to maintain trade restrictions on all Canadian cattle and on all edible bovine meat products derived from cattle of Canadian origin until various health, safety, and economic concerns can be satisfactorily addressed.

I believe that it is imperative that we appeal to federal authorities to keep the U.S. border closed to Canadian beef imports in light of the announcement made by the Canadian Food Inspection Agency earlier this month, that a cow, born in March 1998 in Alberta, tested positive for Bovine Spongiform Encephalopathy (BSE). The Canadians said the animal may have contracted the disease by consuming contaminated feed that had been produced before the 1997 ban on feed containing ruminant tissue. BSE is thought to be spread principally through cattle feed containing protein from infected cattle.

This, coupled with reports on Canadian television of frequent violations of the feed ban in Canada, should have led USDA to withdraw or at least suspend its rule that will allow a resumption of Canadian beef imports into this country. USDA continues to insist that it will reopen the border to Canadian imports.

The basis for USDA opening the border to Canadian imports is the current rule that has been published and will go into effect on March 7, 2005. There are a number of issues that must be addressed before trade is resumed. I do not believe the current rule addresses those issues.

This rule is very vague and inconsistent with respect to the feed ban requirements. The Final Rule states that meat and edible products from bovines can be imported into the United States only if they are "derived from bovines that have been subject to a ruminant feed ban equivalent to" the U.S. Food and Drug Administration feed ban that is enforced in the United States. Recent reports of Canadian feed ban violations and the most recent discovery of BSE indicates that this may not be strictly observed in Canada.

In light of the two recent cases in Canada and Canadian television reports of violations of the feed ban, it is imperative that USDA take the following steps before the border is reopened for all trade from Canada:

- All feed cohorts of the confirmed BSE cases should be traced back, slaughtered and tested.
- The US should ban the import of any beef from Canada older than 30 months of age.
- The US should require an audit of the Canadian feed industry to ensure compliance with the feed ban.
- The US should insist that Canada's testing requirements for BSE in high risk cattle be held to higher standards than those in the US because countries with known positives should meet higher standards.
- The US should first be assured that we will be able to re-establish trade with our major trading partners if trade with Canada resumes.

Common sense dictates that the border should remain closed until we first know when the Canadian feed ban truly became effective and second, what's really going on in Canada relative to their beef herd. Reopening the border now will make it much more difficult for the US to regain the beef exports markets that we lost last year when a single Canadian-born cow, infected with BSE, was found in Washington State. We cannot expect our trading partners to start buying our beef again if we allow importation of live cattle and beef from cattle of any age from a country with a proven history of BSE.

I think it is imperative that we send the message in this concurrent resolution to USDA and Congress.

Chairman Nicholas and committee members, I urge a "do pass" on HCR 3009. I would be happy to answer any questions you may have.

North Dakota Farmers Union

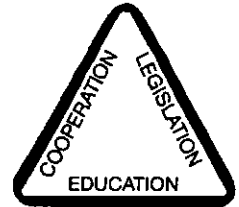
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HCR 3009

House Ag

Chairman Nicholas and Members of the House Agriculture committee,

My name is Woody Barth; I am here representing over 35,000 members of North Dakota Farmers Union. I am here to testify in support of HCR 3009.

North Dakota Farmers Union believes that our state needs to send a message urging the USDA to rescind the ruling that will open the U.S. border to imports of live Canadian cattle in March. We believe that the current decision is "totally irresponsible" in light of another BSE-infected cow discovered in that country.

The ruling to reopen the border sends a negative message to family farmers and ranchers that the Administration cares more about mega feedlots and meat processors than the well being of producers. It also leaves consumers doubting the safety and wholesomeness of their meat products and the security of our food.

Canada's feed ban that went into effect in August of 1997 has not prevented disease outbreaks in the Canadian herd. Last summer, U.S. authorities turned back seven separate shipments of feed because they were contaminated with unknown animal parts. This is a clear indicator that the 1997 feed ban law is not being enforced. How could this happen in a 'minimal-risk' region?"

It is irresponsible to allow Canadian beef imports to resume when we have not firmly re-established our beef export markets to countries that have banned our products. U.S. beef exports have declined by over \$2 billion since the 2003 discovery of a BSE-infected cow in the U.S. that was of Canadian origin. Most international customers still impose and maintain a ban on U.S. beef as a result.

The Administration seems to be basing its decision regarding Canadian cattle imports on politics rather than sound science and consumer food safety. Now, more than ever, consumers deserve country-of origin labeling information on meat products.

We strongly urge a do pass on the HCR 3009.

Thank you Chairman Nicholas and members of the committee. I will answer any questions at this time.