



Dec. 4, 2009

John Clifford, DVM
Docket No. APHIS-2009-0073
Regulatory Analysis and Development
PPD, APHIS, Station 3A 03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

RE: USDA Concept Paper "A New Approach for Managing Bovine Tuberculosis: Veterinary Services' Proposed Action Plan," Docket No. APHIS-2009-0073

Dear Dr. Clifford:

Thank you for allowing the North Dakota Stockmen's Association (NDSA) to comment on the U.S. Department of Agriculture's Animal and Plant Health Inspection Service's (APHIS) concept paper entitled "A New Approach for Managing Bovine Tuberculosis: Veterinary Services' Proposed Action Plan."

Established in 1929, the NDSA represents more than 2,800 beef producers in North Dakota. Members met recently at the organization's annual convention and adopted two policies – Disease Eradication and Disease Surveillance – that are applicable to this discussion. The text of each of those follows:

DISEASE ERADICATION - 9

WHEREAS, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA APHIS) has implied there is a lack of federal funding to continue the national tuberculosis (TB) and brucellosis eradication program that have been successful for several decades; and

WHEREAS, the continued prevalence of TB in the United States in both domestic livestock and wildlife poses a significant public health and animal health risk.

THEREFORE BE IT RESOLVED, the NDSA requests that USDA APHIS continue to fund an eradication and indemnification program for TB and brucellosis.

BE IT FURTHER RESOLVED, that industry and state animal health officials fully participate in the structure of any new program or changes to the current program and that any program changes allow states to retain the authority to implement testing requirements to protect their livestock and wildlife populations.

DISEASE SURVEILLANCE – 9

WHEREAS, an awareness, surveillance and responsive communication program is essential as a first-line of defense for all foreign animal diseases and brucellosis and tuberculosis.

THEREFORE BE IT RESOLVED, the NDSA strongly urges that animal disease surveillance and responsiveness should receive the highest priority by both federal and state animal health agencies and personnel. Emergency procedures for assuring maximum cooperation between federal and state agencies should be clearly and expeditiously established.

The executive summary of the proposed action plan indicates that, while significant progress has been made since the program's inception, with disease prevalence rates in cattle herds dropping from 5 percent to less than 0.0001 percent, "eradication remains elusive." Still, our members contend that eradication, not just risk mitigation, must continue to be the goal, and all strategies adopted should be selected because of their role in supporting that goal.

The action plan indicated that federal funding for tuberculosis programs "reached its plateau at approximately \$15 million since 2003," and that APHIS expects that "federally appropriated funds to remain constant or decrease and do not anticipate having emergency funds available." It is unclear why and frustrating that funds for such an important federally administered program, particularly at a time when the U.S. and global food security concerns are growing and federal spending is the greatest in recent times, are not available. Adequate funding for tuberculosis-related eradication and indemnification should be a high priority for decision-makers, and we'd suggest that addressing the chronic federal underfunding of this program be at the heart of APHIS's new approach to this disease.

The action plan outlined the limitations of existing tests – ranging from the need for multiple veterinary visits to sometimes unreliable results. We concur and believe this is another argument for increased, not decreased, funding for TB-related research and development of improved diagnostic tools to expand our ability to detect and address any TB problems. The action plan alluded to finding some alternative partners to support its TB efforts. Cooperation with entities such as the Agriculture Research Service and the National Institute of Food and

Agriculture, as well as other federal and international research entities and opportunities, may help in this regard.

We disagree with the approach APHIS is considering regarding indemnity payments. Under the current Animal Health Protection Act, APHIS may pay "fair market value" to a producer when the agency "takes" an animal, and there is a modest maximum indemnity amount per animal. However, there has long been problems with the cap on indemnity in not providing true value for many breeding animals, not to mention the determination of what "fair market value" really is. The proposal to reduce the maximum amount of federal indemnity would amplify these problems and unduly hurt the majority of producers who are doing everything possible to prevent TB in their herds.

We are also concerned about the statements included on page 6: "The public perceives whole-herd depopulation as a less acceptable approach for disease control. Changing social values concerning the care and well-being of livestock, the recognition of the environmental consequences of animal disposal and the value of proteins derived from livestock also drive the need to develop new approaches to disease control." We assert that decisions regarding disease control and eradication must be made based on science, not on emotion or what some describe as "changing social values." Certainly, livestock producers and animal health professionals do not make the decision to depopulate a herd on a whim and choose this extreme and unfortunate option only when absolutely necessary to control disease and protect other animals. Suggesting that public sentiment should drive these program decisions is inappropriate.

We understand the reasons offered for the establishment of a zone system over a state-status system, but have concerns about possible implications and questions about logistics. For instance, what would the criteria be to define a zone? What would the benchmarks be for expanding, contracting or even dissolving a zone? What would the producers within the zone be required to do, and how would those requirements affect their ability to manage their operations? How would the zones work across state lines, particularly in terms of enforcement and monitoring? And how would producers be informed of the changing boundaries and requirements? Is there evidence to show that the challenges indicated with the state-status system would be improved or eliminated under the new structure? If not, we believe a thorough pro-vs.-con analysis should be conducted before any change is initiated.

We appreciated the reference to multi-agency coordination and collaboration to combat this disease and others. The lack of coordination among federal agencies, federal and state agencies, and animal health, wildlife and human health agencies has been a frustration in many U.S. cattle and wildlife health issues over the years. We contend that the United States will never be completely free of bovine TB or brucellosis until associated agencies dramatically improve their

coordination and work to eliminate reservoirs of the disease.

Mexico was identified as a significant source of TB in the action plan, which stated that a majority of TB-infected cattle detected at slaughter in the United States originated in Mexico. Our own members identified Mexican-origin event cattle as a concern in a policy resolution in 2008. Therefore, we support efforts to reduce that risk, including entry requirements and the preservation of the "M" brand and Mexican eartag requirements, so imported animals are permanently identified. Because today's cattle industry involves animals that move long distances and across many borders, it would behoove our nation to share its resources and collaborate with its trading neighbors so the TB problem can be attacked continent wide, not just within U.S. borders.

Thanks again for the opportunity to comment on this important issue. TB, as you well know, is an economically significant disease, at one time causing more livestock losses than all other disease combined. Our state and nation have worked long and hard to eliminate it since 1917, and we have made major progress. We look forward to actively working with federal and state officials, livestock producers and other stakeholders to, once and for all, eliminate it from the U.S. cattle herd.

Sincerely,

Julie Ellingson
Executive Vice President
North Dakota Stockmen's Association