



May 16, 2016

Docket No. APHIS-2011-0044
Regulatory Analysis & Development
PPD, APHIS, Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

Reference: Docket No. APHIS-2011-0044 – Proposed Rule on Brucellosis and Bovine Tuberculosis: Update of General Provisions and Brucellosis and Bovine Tuberculosis Program Standards

To Whom It May Concern,

The United States Cattlemen's Association (USCA), a national association of cow-calf producers, backgrounders and feedlot operators, submits the following comments on the *Proposed Rule on Brucellosis & Bovine Tuberculosis: Update of General Provisions* and the *Brucellosis and Bovine Tuberculosis Program Standards*.

USCA appreciates the USDA Animal and Plant Health Inspection Services (APHIS) efforts to develop a rule satisfying stakeholder concerns while recognizing that this is a challenging process. However, given the distinct differences between Brucellosis and Bovine Tuberculosis, and the need to address each specifically within each sector, USCA does not support the rule as currently written. The dairy, beef and cervidae industries have their own unique set of challenges related to the control and eradication of Brucellosis and Bovine Tuberculosis, and must be separated into separate rules to adequately address the intricacies within each. USCA supports the full suspension and revision of the current rule to address each sector on an individual basis.

USCA encourages USDA APHIS to continue to work in cooperation with state and regional animal health officials to allow for decisions concerning these two diseases to be made at the local level. Based on public commentary submitted on this rule already from state animal health agencies, epidemiologists and industry associations, stakeholders still have many questions on this new program. A common concern referenced multiple times in the submitted comments is that under this new rule, USDA APHIS may be able to determine what areas or countries are considered 'safe' to import from – leaving this decision to a matter of subjective discretion and vulnerable to political pressures, instead of based solely on adequate surveillance, testing, prevalence and risks.

One of the main concerns for monitoring prevalence of Brucellosis and Bovine Tuberculosis is overlooked in the proposed rule and is instead replaced with official status categories: Consistent, Inconsistent and Provisionally Consistent. Prevalence of both Brucellosis and Bovine Tuberculosis must be monitored in each state and remain a priority of the program.

USCA is concerned with the potential cost of available resources. Due to an ongoing decline in Federal state funds appropriated for Brucellosis and Bovine Tuberculosis programs, some states and tribal regions lack an adequate infrastructure required by the new program. USDA APHIS must maintain, at a minimum, the current standards within any new or proposed programs.

In addition, it is necessary that any foreign country importing cattle to the U.S. with an intent to move interstate, be required to meet the same compliance standards as our domestic herd. USCA concurs with state animal health agencies on the current testing time requirement of 60 days before an animal can be allowed to move interstate.

USCA has additional concerns regarding the commingling of cattle with infected wildlife and the issue of indemnity. USDA APHIS must continue to work with wildlife agencies on research and the development of applicable vaccines. Additionally, USDA APHIS must address the indemnity needs of all involved and affected industries. The rule requires restricted movements of animals, or requires that infected animals be destroyed, both cases in which producers must be offered assurance of an established, and appropriately funded, indemnity program.

USCA would like to bring special attention to Sect. 93.439 *Importation of ruminants from certain regions of the world: tuberculosis*. Under this specific section, bovines being imported from Level III regions (which can have a herd prevalence between .01 percent, but less than .1 percent) and which originate from Accredited herds, can be imported into the United States without further testing. By comparison, the proposed rules do not allow cattle originating from U.S. origin, TB Accredited herds in “Inconsistent States”, to move interstate without further herd and individual animal testing. The rule is inconsistent in its treatment of domestic cattle versus imported cattle as it does not adequately recognize differences in “time of participation” in an organized, eradication program between “Inconsistent” U.S. states and international regions with a Level III classification. The test requirements for domestic cattle are potentially being held to a higher and tougher standard than what is proposed for the importation of livestock from other countries. USCA suggests that the proposed language under 93.439, (e) require that bovines coming from an Accredited herd in a Level III Region be required to have a negative TB test 60 days prior to being imported into the United States. Furthermore, if animals less than 6 months of age are allowed to be imported, they must be subject to a TB test upon reaching 6 months of age.

USCA also suggests that minimum targets for states be determined. States must adhere to a rigid framework in order to continue a successful surveillance program, thus maintaining the health and safety of the domestic herd. Special attention needs to be given to rodeo, exhibition and event animals as the additional travel requirements necessitates adequate surveillance.

Producers, states and tribes have invested considerable time and effort to actively manage Brucellosis and Bovine Tuberculosis in cattle. It is imperative that USDA-APHIS take action to mitigate risks associated with international imports. The proposed rule and corresponding program is not a step forward in successfully controlling or eradicating Brucellosis or Tuberculosis. USCA asks APHIS-USDA to suspend this rule and readdress the multiple components in a separate rulemaking process.

USCA welcomes your feedback and comments to the concerns listed above. Please contact the USCA Washington, D.C. office at [202-546-4064](tel:202-546-4064) for further information or clarification regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Danni Beer". The ink is dark and the handwriting is fluid and legible.

Danni Beer
President
U.S. Cattlemen's Association