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**Economic Development,  
Agriculture & Trade Committee**

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**ESSJM 8010**

**Brief Description:** Petitioning the United States Department of Agriculture to delay plans to reopen the border to Canadian cattle and beef products.

**Sponsors:** Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Schoesler, Sheldon, Franklin, Roach, Spanel, Deccio, McAuliffe, Shin, Haugen, Prentice, Fairley, Rockefeller, Mulliken and Morton).

**Brief Summary of Engrossed Substitute Bill**

- Petitions the United States Department of Agriculture to delay reopening the border to Canadian cattle and beef products until foreign governments demonstrate their acceptance of United States science by reopening their markets to United States beef.

**Hearing Date:** 3/25/05

**Staff:** Meg Van Schoorl (786-7105).

**Background:**

Bovine Spongiform Encephalopathy (BSE) in Canada and Washington State

BSE is one variety of "Transmissible Spongiform Encephalopathies" (TSEs), a group of progressive, fatal neurological diseases that affect both humans and animals. BSE occurs in cattle and was first diagnosed in 1986 in the United Kingdom. The first North American diagnosis was of a single dairy cow native to Canada in May 2003, followed seven months later by detection in a single dairy cow of Canadian origin located in Washington. The United States border was closed to Canadian cattle and beef products after the May 2003 diagnosis, and many countries have banned United States beef imports following the BSE detection in the Washington-based cow.

Proposed Canadian Border Re-opening

On January 4, 2005, the United States Department of Agriculture (USDA) published a final rule that would have allowed for importation of certain ruminants, ruminant products and byproducts from regions that pose a minimal risk of introducing BSE to the United States. Canada would have been the first country recognized as a minimal-risk region, and would have been able to export live cattle, certain other animals and by-products from animals less than 30 months of age effective March 7, 2005. However, also in early January, two cows in Canada tested positive for BSE, including one that had been born after the country implemented its 1997 ruminant-to-ruminant feed ban.

As a result, the USDA Animal Plant Health Inspection Service (APHIS) sent a technical team to Canada to investigate the circumstances of the latest infections and to assess Canada's enforcement of the feed ban. On February 25, 2005, the USDA reported that, "This assessment affirms our science-based decision to begin lifting the ban on live ruminants and ruminant products from Canada that have virtually no risk to human or animal health."

On March 2, 2005, the United States District Court for Montana granted a preliminary injunction to prevent implementation of the minimal risk rule until a lawsuit filed by the Ranchers-Cattlemen Action Legal Fund (R-CALF) was heard by the court. The United States Senate subsequently passed a joint resolution under the Congressional Review Act disapproving the implementation of the minimal risk rule. To be effective, the resolution must also pass the House and be signed by the President. On March 17, 2005, the United States Department of Justice, on behalf of the USDA, filed a request with the U.S. Ninth Circuit Court of Appeals asking that the court overturn the preliminary injunction.

**Summary of Bill:**

The Memorial recounts a number of interrelated events including: the 2003 diagnosis of BSE in a Canadian-origin cow in Washington; the severe and ongoing closure of international markets to United States beef exports and loss of trust among United States trading partners; the proposed USDA rule to reopen the border to Canadian cattle/beef products and the subsequent BSE diagnosis in a Canadian cow; the APHIS technical team findings that supported the Canadian border reopening; the temporary U.S. District Court injunction blocking the reopening; and the United States Senate Joint Resolution disapproving the final rule.

The Memorial petitions the USDA to delay the border reopening to Canadian cattle and beef products until broad international acceptance of the science used by the USDA is demonstrated by the simultaneous reopening of their markets to United States beef.

**Appropriation:** None.

**Fiscal Note:** Not requested.