

# HOUSE BILL REPORT

## ESSJM 8010

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### As Passed House - Amended:

April 11, 2005

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

**Sponsors:** By 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 History:

#### Committee Activity:

Economic Development, Agriculture & Trade: 3/25/05, 4/1/05 [DPA].

#### Floor Activity:

Passed House - Amended: 4/11/05, 94-2.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Petitions the United States Department of Agriculture to reaffirm to Congress and the courts that there is a sound scientific basis for lifting the limited ban on Canadian beef and to redouble efforts to reestablish export markets for United States beef based on sound science.

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## HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE

**Majority Report:** Do pass as amended. Signed by 19 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Kristiansen, Ranking Minority Member; Buri, Chase, Clibborn, Dunn, Grant, Haler, Holmquist, Kenney, Kilmer, Kretz, McCoy, Morrell, Newhouse, Quall, Strow and Wallace.

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

### Background:

#### Bovine Spongiform Encephalopathy (BSE) in Canada and Washington State

Bovine Spongiform Encephalopathy is one variety of "Transmissible Spongiform Encephalopathies" (TSEs), a group of progressive, fatal neurological diseases that affect both humans and animals. Bovine Spongiform Encephalopathy 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.

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#### **Summary of Amended 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 reaffirm to Congress and the courts that there is a sound scientific basis for lifting the limited ban on Canadian beef and to redouble efforts to reestablish export markets for United States beef based on sound science.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Testimony For:** (In support) We helped the United States Senate pass a resolution to delay the border reopening. This Memorial is critical related to reopening export markets that have been closed to United States beef. We have additional concerns including: the quantity, age, verification and traceability of Canadian live cattle entering the United States; cattle health issues such as bluetongue, anaplasmosis, tuberculosis, and brucellosis; Canada's compliance with the 1997 feed ban; and the status of feeder heifers. This is political - we need to protect the industry in Washington. The USDA's decision may not be sound science - we need to protect the health of our citizens. We have concerns about Canadian cattle health and the feed ban. We need to protect our borders, and regain the confidence of our trading partners and our consumers by elevating our health and safety standards. Canada does not meet OIE standards and has not had an effective feed ban in place for 8 years. Everyone is trying to use "science" on a disease that is not fully understood and on which new research is being done.

(With concerns) We urge caution. The original bill asked for a delay in the border reopening until the USDA could affirm that Canada meets the OIE standards. This has been done by the USDA Animal Plant Health Inspection Service staff, who are very competent scientists. They have the ability to assess the safety of the beef. We cannot tie a trade decision with one country to a decision with another. The Memorial is no longer necessary, and is a political document. The language in it could have implications beyond one country or one commodity. United States producers are best served when trade issues are decided based on sound science. Protectionist barriers make sense if pests and diseases are a legitimate threat to a country's agricultural industry, but protectionist barriers have increasingly become political tools. Japan has 15 cases of confirmed BSE. We have just one which we got from Canada. There was no reason for Japan to shut down its border. We are already importing Canadian beef in record amounts; we do not have a closed border but we don't have the jobs and the tax revenues from processing and feeding operations in our state. The most important focus should be on reopening the export markets.

**Testimony Against:** None.

**Persons Testifying:** (In support) Senator Rasmussen, prime sponsor; Jack Field, Washington Cattlemen's Association; and Chad Henneman, Lee Engelhardt, Tim Kunka and Luke McCrae, Cattle Producers of Washington.

(With concerns) Dan Wood, Washington State Farm Bureau; Jim Jesernig, El Oro Cattle and Washington Beef; and Heather Hansen, Washington Cattle Feeders Association.

**Persons Signed In To Testify But Not Testifying:** None.