

Congress of the United States
Washington, DC 20515

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Secretary Vilsack:

You recently received a letter signed from several House Members concerning a rule under consideration by the Animal and Plant Health Inspection Service (APHIS) that would allow the importation of chilled or frozen beef from regions within Brazil into the United States. A separate rule involving similar issues was recently proposed concerning Argentina.

As stated previously, we remain staunch advocates for open markets and free trade with the understanding that opening our markets to agricultural products must be done within the context of a thorough, science-based and transparent assessment and rigorous and enforceable management of risk.

While we appreciate that APHIS is committed to its duty to ensure the appropriate regulation of all agricultural products coming into the United States, there has been a great deal of concern from the livestock industry regarding the risk to the health of U.S. livestock associated with importation of meat products from Brazil and Argentina. The concern stems from the lack of transparency of the risk assessment conducted by APHIS and the reasonable perspective on the part of industry that, in the absence of clear and concise understanding of the data and methodology used by the agency to reach its decision, that decision is inherently unconvincing.

It is our understanding that livestock groups have made repeated requests for the data used by the agency to complete the Brazil assessment only to be told it either didn't exist, or what was available could not be translated to English. An independent peer-review of APHIS' risk assessment undertaken by the industry concluded that the agency's decision could not be supported due to a lack of both available verified data and a transparent site review process to collect the necessary animal health data, which would form the basis for the conclusions in the risk assessment.

USDA is currently considering further requests from the industry for access to the data used by the agency in the Brazil rule and a reasonable extension of the Argentina rule, both of which we support.

In our oversight role, we expect that no further action will be taken on either rule until satisfactory answers are provided on the following questions, and that a thorough and independent peer-review will be commissioned by APHIS of its risk assessment and that any deficiencies will be adequately addressed.

Please provide to each of our Committee's answers and supporting documents to the following within 90 days:

1. Additional scientific documentation for the exposure assessment in the risk analysis for Brazil to address supporting data and relevant scientific references concerning the effect of pH on the Foot-and-Mouth Disease (FMD) virus survival in fresh (chilled or frozen) meat.
2. The supporting data on inactivation of the FMD virus after maturation of beef and the effects of pH survival on the virus is lacking or limited other than the citation of the World Organization for American Health (OIE) standard.
3. While a pathway for FMD risk exposure via the feeding of FMD-contaminated beef to susceptible livestock species (swine) seems to be plausible, the APHIS risk assessment for Brazil does not contain argumentation on why other possible exposure pathways were not selected. We request a complete analysis of all plausible pathways for FMD risk exposure.
4. Reference to the updated federal regulation in 2009 "Swine Health Protection: Feeding of processed Product to Swine" relates to the banned use of unprocessed table waste for swine feed and provides no supportive scientific data. We request the scientific data on the combination of temperature-time for the processing of table waste and its effect on FMD virus survival.
5. Additionally, we ask that the 1995 referenced document on swill feeding operations in the risk analysis for Brazil be updated to include current U.S. regulations, procedures and information for swill feeding.
6. Quantitative risk assessments provide a more objective viewpoint of the evaluation of risk than do qualitative risk assessments. Why did APHIS perform a quantitative risk assessment for the risk of FMD from the importation of fresh beef (chilled or frozen) from Uruguay and qualitative risk assessments for the same risk of FMD virus for the importation of fresh beef (chilled or frozen) from Brazil and northern Argentina?
7. Does APHIS have documentation suggesting that the three countries do not share the same OIE status of FMD free countries where FMD vaccination is practice? If so, please submit that documentation.
8. We understand that under these proposed rules for the importation of fresh beef from regions in Brazil and northern Argentina, APHIS would utilize the same eleven FMD risk mitigation measures for fresh beef that are currently being performed in Uruguay. We request all information regarding the procedures in place to verify compliance with each of these risk mitigation measures and the process for removal of any product that does not meet the standards for risk mitigation for FMD.

Thank you in advance for your cooperation.

Sincerely,



Frank D. Lucas
Chairman
House Committee on Agriculture



Lamar Smith
Chairman
House Committee on Science, Space, and Technology