



**NATIONAL CATTLEMEN'S BEEF ASSOCIATION**

1301 Pennsylvania Ave., NW, Suite #300 • Washington, DC 20004 • 202-347-0228 • Fax 202-638-0607

December 4, 2009

John Clifford, DVM  
Docket No. APHIS-2009-0006  
Regulatory Analysis and Development  
PPD, APHIS, Station 3A-03.8  
4700 River Road Unit 118,  
Riverdale, MD 20737-1238

**RE: Comments on the USDA concept paper *A New Direction for the Bovine Brucellosis Program: Animal and Plant Health Inspection Service Veterinary Services* (Docket No. APHIS-2009-0006)**

Dear Dr. Clifford,

The National Cattlemen's Beef Association (NCBA) welcomes this opportunity to comment on the United States Department of Agriculture Animal and Plant Health Inspection Service's (USDA APHIS) concept paper "*A New Direction for the Bovine Brucellosis Program: Animal and Plant Health Inspection Service Veterinary Services* (Docket No. APHIS-2009-0006). We greatly appreciate APHIS taking steps to make the program more efficient and adapt to the current status of the disease in the U.S. Additionally NCBA thanks APHIS for the approach taken in soliciting input from stakeholders prior to initiating rulemaking associated with the new direction. Undertaking a much needed new approach to a longstanding regulatory program and a complicated politically charged, and heretofore seemingly unsolvable situation is challenging. NCBA is hopeful that this is an opportunity for all federal and state agencies with jurisdictions within the Greater Yellowstone Area (GYA) to better work together with each other as well as with producers. We also hope this is an opportunity for the respective agencies to collectively and concurrently fulfill their responsibilities for protecting livestock and wildlife health in the United States (U.S.). This will be beneficial for all parties as we move towards the future of reaching a common goal of eliminating this disease from the U. S.

Producer-directed and consumer-focused, NCBA is the nation's oldest and largest national trade association for cattlemen and represents over 230,000 cattle producers through direct membership and our state and breed affiliates. NCBA's top priority is to produce the safest, highest quality, affordable beef in the world. This has been consistent throughout our industry's history and in our long-term efforts to continually improve our knowledge and ability to raise healthy cattle. The national USDA effort to control and then to eradicate brucellosis from livestock in the United States was initiated in 1934. The success of this effort is the result of years of dedication, hard work and cooperation from all involved. While this program has been successful in eliminating brucellosis from the majority of the U.S., there remains a dangerous reservoir of disease in the wildlife populations (specifically bison and elk) in the GYA. The management of brucellosis in wildlife and therefore prevention of recursions into the cattle population is an action of great importance to the U.S. cattle industry. The disease remains a major concern to producers across the U.S. and continually threatens the very livelihood of producers in the GYA.

It is unacceptable for this situation to continue. Cattle producers in the GYA have been unduly harmed for too long. As have cattle producers in other parts of the three states that are part of the GYA. The continued threat to all of U.S. cattle producers of a recursion or spread of brucellosis because the GYA endemic wildlife reservoir has not been appropriately eliminated poses a continual, unnecessary and unacceptable cattle health, market, trade, economic and livelihood risk. As evidenced by the success to date since APHIS began the bovine brucellosis program in 1934, APHIS Veterinary Services (VS), the agency in collaboration with producers and state animal health officials has worked diligently to fulfill its mission "to prevent, control and eliminate animal diseases and to monitor and promote animal health and productivity" – for cattle. NCBA's producers understand we have an important role in this successful partnership and look forward to continuing our century old relationship in working proactively with APHIS. The simple fact is that the final and underlying roadblock for complete success and protection of U.S. animal health is the disease in bison and elk in the GYA. Until this problem is appropriately and adequately addressed by the federal and state agencies of jurisdiction, working in concert with and collaboratively with APHIS and industry stakeholders, neither animal health nor wildlife health will be sufficiently protected.

While this has been an extremely frustrating and a long-term complex issue for all involved regarding this disease in the GYA, the situation is not unique or new to other cattle animal health issues (or for other livestock species). Tuberculosis, brucellosis, and cattle fever ticks are just three examples for cattle. Chronic Wasting Disease is a good example of the dysfunctional working relationship structure of our federal government agencies and of federal/state agencies with abutting or overlapping jurisdictions when domestic and farmed wildlife are involved.

The chronic lack of optimal coordination among federal agencies, federal and state agencies, and among animal health, wildlife and human health agencies is becoming increasingly apparent for many U.S. cattle health issues as well as wildlife health. For bovine TB and brucellosis it is safe to say the U.S. will never be completely free of these diseases or risk of recurrence until we have more investment in knowledge and tools for wildlife and the agencies with abutting authorities across state and federal jurisdictions drastically improve their coordination to work in concert to eliminate the reservoirs in wildlife. The U.S. is currently facing a very real emerging issue of the re-introduction of cattle fever ticks into their historic range of fourteen southern states with the inability to adequately control the wildlife component which is of significance. The ticks were eliminated from their historic range in a program that was initiated by Congress in 1906; with successful elimination from their historic range by 1943. U.S. cattle producers and the rural economies they support cannot afford to have wildlife issues re-introduce vectors or diseases nor prevent the successful final elimination of brucellosis in the U.S. These are only a few examples to illustrate a disturbing trend in order for solutions to be found.

A chronic lack of agency cooperation is not even unique to the U.S. Canada has had issues regarding the wildlife/cattle interface and agencies with overlapping jurisdictions working in concert. Where the issues have been resolved, both the wildlife and cattle health problems have been resolved. NCBA producers are goal-oriented and proactive science-based problem solvers. We believe that the very complex and often controversial jurisdictional and political issues surrounding the bison and elk and the wildlife/cattle interface in the GYA can be resolved to mutually benefit cattle and wildlife. This is imperative not only for brucellosis and the GYA but for other less controversial but equally challenging cattle/wildlife issues in other parts of the country. NCBA policy is supportive of APHIS as the lead agency in eradicating brucellosis from bison and elk in the GYA.

Further, completion of current national livestock disease eradication programs are jeopardized by the presence of disease in wild and free ranging species not covered by the national programs. Therefore NCBA urges that APHIS VS have disease control and eradication authority to address disease causing agents regardless of the species in which the agent or organism is found.

We appreciate APHIS indicating in the concept paper that they intend to partner with State and Federal wildlife agencies. NCBA agrees with the statement “we need continued collaborations to develop effective strategies to determine the location and range of brucellosis-affected wildlife, reduce the prevalence of disease in wildlife, and mitigate the risks of disease transmission.” History has shown that while APHIS has a long track record of working collaboratively with other agencies, for cattle/wildlife interface issues, the collaboration from other agencies needs to be improved. This will require more firm commitments and a consistent measureable to evaluate follow-through on all sides. NCBA requests that while APHIS is assessing the brucellosis program and updating it to more appropriately reflect the current status to include an outline or more details of how APHIS will more actively work with the other agencies of jurisdiction. We recognize the many hurdles and complexities but the collaboration is essential. For example, analysis is needed of what worked well and what did not work with the no longer active Greater Yellowstone Interagency Brucellosis Committee and why the Interagency Bison Management Plan developed in 2000 continues to have implementation hindrances. This interagency plan was reviewed in 2008 by the U.S. Government Accountability Office (GAO) and found “the agencies...(1) have not established critical linkages among clearly defined objectives (which are absent from the plan), information about the impacts of their management actions obtained through systematic monitoring, and decisions regarding adjustments they make to the plan and their management actions; (2) have continued to act more as individual entities, rather than as a cohesive interagency group; and (3) have not adequately communicated with or involved key stakeholders, such as conservation groups, livestock industry groups, and private landowners. Consequently, their decision making more often resembles trial and error than adaptive management and also lack accountability and transparency.”

It would be very beneficial for USDA APHIS and the Department of Interior to coordinate a public forum to discuss the individual and collective hurdles preventing true coordination in eliminating these diseases in wildlife. Solutions will not be found in a one-time effort but APHIS could use this opportunity as a collaborative starting point and provide leadership to a renewed, concerted, targeted and mutually beneficial improved working relationship.

If one were to take a step back to review the current U.S. cattle health status for all major disease risks where we continually have a cattle area with incidences of recursion of diseases, that have been cleaned up, the most common limiting factor and cause of the issue is the disease or vector in wildlife. This wildlife/cattle interface is an increasing problem for U.S. cattle health. The chronic deficiencies in multiple agency collaborations are a primary reason but not the only one. Another major chronic contributing factor is a long-term lack of adequate federal research of brucellosis in wildlife and the cattle/wildlife interface. This is not unique to brucellosis or even to animal health issues. Federal funding for agriculture research across the board has steadily decreased for many years. For most of the cattle diseases remaining to be eradicated in the U.S., one of the most significant hurdles is a lack of research to provide final answers and tools. This is especially true in diseases that share a wildlife component.

NCBA suggests that as APHIS looks to update the brucellosis program, a priority should be made on these areas. The sooner we are able to overcome the outstanding hurdles regarding brucellosis eradication in the GYA, the less economic harm to producers (and allied industries and rural communities), as well as a cost savings for the federal government and the American taxpayer. Unless the disease in bison and elk is eliminated concurrently the APHIS brucellosis concept for eradication will never be completely successful and will potentially cause unnecessary burdens on cattle producers in the GYA

While APHIS does not have direct jurisdiction over research, they can certainly increase their activity and collaboration with other federal government agencies and international entities that do conduct research or have authority/programs for research. Can APHIS as part of their budgetary process for animal health programs and specifically the brucellosis program explore adding this component to their annual budget request? If not, why? Related to that can APHIS increase their annual budget requests for the brucellosis program? If not, why? As was stated in the concept paper, "Flat or

decreasing Federal budgets are forecast to continue at least through fiscal year 2015.” And “VS assumes the Federal annual appropriation for brucellosis eradication will remain at approximately \$9 million to \$10 million and may decrease.” It remains unclear why the long-term decreasing and/or flat-lining of all of agriculture’s, and especially livestock’s, federally administered programs continue the significant downward trend, especially given that food security concerns for the U.S. and the world are increasing and the current spending level of the Federal Government is the greatest in recent memory. Agriculture has experienced this for far too long and the lack of investment into agriculture and food and fiber production in the U.S. by the federal government is now catching up and overcoming all of the tremendous strides afforded by the advancements previous generations made because of federal investments. There is certainly justification for increased federal investments/budget improvements as well as historic evidence of how adequate and sustained federal investment into research as well as animal health programs pays off exponentially and for everyone. Therefore NCBA recommends that as part of APHIS’s new approach to the brucellosis program USDA should adequately address the chronic federal underfunding of the APHIS brucellosis program as well as the chronic inadequate Federal research funding through the Agriculture Research Service (ARS) and the National Institute of Food and Agriculture (NIFA) /formerly Cooperative State Research Education and Extension Service (CSREES) as well as explore other Federal and international research opportunities.

Another area of concern is the potential VS strategy of “developing on-farm mitigations to control disease-transmission risks between wildlife and livestock and to evaluate their effectiveness.” NCBA is concerned that if nothing is concurrently done to decrease the prevalence of and eradicate the disease in bison and elk then producers will unnecessarily incur additional economic harm. No new on-farm mitigations will be truly successful if the disease pressure from the wildlife reservoir is not addressed and eliminated.

NCBA also has significant concerns regarding the approach stated “Developing industry- and producer-driven components of the brucellosis program and generating the funds necessary to support these activities.” This is especially confusing given the fact that this disease is currently caused by bison and elk in GYA who have not been adequately managed by another federal agency. Cattle producers in the GYA have been proactive in their risk management, biosecurity efforts in order to protect their cattle and their livelihoods. The local political problems and lawsuits have been significant

and have often resulted in demonstrable threats to cattle health in the area. Producers on their own initiative developed a biosecurity educational program to do all they could within the constraints caused by federal and state agencies not fulfilling their responsibilities regarding wildlife and the additional challenges caused by political and activists' agendas. Much more detail prior to initiating rulemaking is needed to adequately understand what APHIS is considering here and why APHIS thinks it is appropriate for cattle producers to pay for failures of government agencies and consequences due to political and legal efforts outside their control. The federal government has obligations under its responsibilities for mandatory animal health programs and historically, funding for the mandatory brucellosis program has been APHIS' responsibility and considered such because of the benefit to the public good. That does not mean that over the last 75 years producers have not contributed nor been affected economically as the brucellosis program has been implemented. Transferring this governmental responsibility to producers for them to pay for mandates the government dictates through regulation is unacceptable.

NCBA is fully supportive of appropriate producer responsibilities in regards to herd management, disease prevention and control, and risk mitigation.

Performance standards that are outcome based is an interesting idea. But based on current information (see previous discussion) it may be premature for performance standards given all of the unknowns about, and limitations regarding, the disease. NCBA believes more discussion of this concept would certainly be beneficial for all stakeholders. More details regarding performance standards and the outcomes intended would also be helpful.

NCBA is supportive of discussions regarding moving to a more risk-based approach for animal health programs. NCBA supports open access to marketing and movement options while maintaining appropriate disease risk. Precise protocols outlined prior to rulemaking would be helpful and should be in place to determine quarantines, regionalization, or other movement restrictions in a herd or area. Greater elaboration of details is respectfully requested regarding APHIS' thoughts on this new concept.

NCBA also supports research to develop protocols and determine the economic impact of a domestic regionalization approach of states or an area.

NCBA is supportive of APHIS updating animal health programs and of the concepts outlined related to providing more flexibility and improving the regulatory framework. The ability to streamline and address changing disease situations based on risk, allowing more flexibility to industry and animal health officials as more knowledge becomes available, as industry changes over time or new challenges are identified is important. NCBA is supportive of science-based decisions and cost/benefit analysis of regulatory programs. Costs cannot outweigh the benefits to the regulated industry if a program is to be successful. Likewise successful animal health programs must be science-based.

We sincerely appreciate all of the hard work and efforts APHIS has previously done regarding this disease. Thank you for the opportunity to provide input prior to rulemaking and listening to our concerns and suggestions. We look forward to actively working with USDA and other federal agencies to obtain the ultimate goal of expedient eradication of this disease from the endemic wildlife foci in the GYA in order to protect the U.S. cattle herd and ensure no future recursions in our herds.

If you have any questions or concerns, please contact Dr. Elizabeth Parker, NCBA's Chief Veterinarian at (202) 347-0228 or at [eparker@beef.org](mailto:eparker@beef.org)

Sincerely,



Gary Voogt  
President  
National Cattlemen's Beef Association