

Bush/USDA Mad Cow Malfeasance Exposed; Food Cartels Threaten Public Health

by Marcia Merry Baker

Even before Congress reconvened this month, several Senators and Rep. Henry Waxman (D-Calif.) challenged the new U.S. Department of Agriculture (USDA) rule announced Dec. 29, which would lift the U.S. ban on Canadian live cattle imports as of March 7, a ban imposed 19 months ago when a Canadian BSE case was found in May 2003. Congress has the right to modify or cancel such an administrative rule, and such actions are being pursued. Republican Sen. Conrad Burns (Montana) has called for the USDA to delay opening the U.S. border to Canadian cattle.

On Jan. 4, Sen. Kent Conrad (D-N.D.) and Waxman demanded a review by the USDA, questioning its grounds for making its new rule; Waxman and Conrad contest the USDA assertion that Canada is containing BSE risk by controlling its cattle feed. On Dec. 30, Sen. Byron Dorgan (D-N.D.) called for decisions based on “science, not on politics.” On Dec. 22, Sen. Frank Lautenberg (D-N.J.) scored the USDA for its lax inspections of U.S. beef facilities. On Jan. 11, Sen. Tim Johnson (D-S.D.) demanded a hearing on the new USDA rule.

Their point is underscored by two new cases of BSE just confirmed this month in Alberta, Canada. One case was announced Jan. 2, and the other Jan. 10; they are in different locations in Alberta, and unrelated, except that the common denominator is considered to be contaminated cattle feed, going back seven or eight years ago. The one BSE case found in the U.S. in December 2003, was likewise from an animal originating in Alberta, and attributed to tainted cattle feed in Canada. Meantime, cattle feed routinely comes into the United States from Canada.

A look at the epidemiological particulars involved in BSE in North America, and the pattern of public health inaction, and cover-up by the relevant agencies during the Bush Administration—in the USDA, the Food and Drug Administration, and related institutions—shows the same “Go Flu Yourself” attitude that led to the sudden lack of 50% of the expected influenza doses for the U.S. this flu season.

Secondly, the insistence on re-opening the U.S. border to Canadian cattle, comes from the wing of the international synarchist financial and commodities cartels, which have positioned their operations (beef slaughtering, food processing, cattle feed, and so on) worldwide on extensive *cross-border* networks of facilities. The prominent names include Cargill,

Archer Daniels Midland (ADM), Louis Dreyfus, Tysons, and others.

Even before the second Bush Administration was sworn in, this cartel demanded that the USDA get the Canadian border open again. The first week in January, Tysons, one of the largest meat processors in the U.S., made a big public relations announcement that they were being forced to close their West Point, Nebraska, beef plant, and furlough workers at some others, for lack of sufficient cattle—translated: because of the Canadian imports ban, 1 to 2 million cattle a year are not allowed into the U.S.

Cargill, the privately held mega-multinational, based in Minnesota, has slaughtering facilities in Alberta, which prior to May 2003, were exporting 60 percent of their beef—to the U.S., Japan, South Korea, and elsewhere, all of which stopped after May, 2003, when “Canadian” product—read “Cargill” product—was banned. Also, Cargill is the world’s largest cattle feed processor, producing in Canada under labels including Cargill, Agribands, and Purina.

Cattle Feed Crucial

The cattle feed issue is pivotal, both politically, and also as far as what is known about BSE epidemiologically. On Jan. 4, the USDA released its 500-page “Minimal-Risk Nations” rule, and presented several rationalizations for why Canada showed minimal risk of BSE, and why the bans against imports into the U.S. should be lifted. The weakest “reasoning” is the statistical argument that not many BSE cows are being found, relative to the 5.5 million cows in Canada.

However, the foremost reason given by the USDA for re-opening the border is that Canada is exerting “effective” controls over what goes into its cattle feed.

In fact, this lie is double-headed. There has been inadequate enforcement of regulation of cattle feed not only in Canada, but also in the United States. Over the past 19 months, occasional samples of cattle feed entering the U.S. from Canada have been found to contain animal protein matter, barred under both Canadian and U.S. BSE health precautions. FDA “import alerts”—just slaps on the wrist—have been imposed on the processors, which have included some of the world’s largest, such as ADM and Louis Dreyfus.

But first, consider the science issue involved, then the record.

Though much is not understood about the BSE category of diseases, called transmissible spongiform encephalopathies (TSEs), it has been advocated since the 1970s that ruminant waste parts not be recycled back into the livestock feed chain, as a precaution of baseline sanitation in the case of TSEs. There was special concern in Britain in the 1970s, because of an extensive outbreak of sheep scrapie (the name for TSE in sheep), and the fear that the infective agent—not well understood—might somehow make a species jump.

In 1979, it was the imperial refusal of British Prime Minister Margaret Thatcher to heed British veterinary and public health scientists on this—Thatcher decreed that the British feed industry will “self-regulate”—that allowed a vast flow of waste parts from infected sheep, and other animals, to be recycled back into the cattle feed chain. By the mid-1980s, the BSE outbreak occurred, eventuating in 180,000 U.K. cow cases, with 3.5 million animals culled. Under Lady Mad Cow Thatcher, the infection spread worldwide, through exports of live animals and feed.

Therefore, depending on a nation’s trade relations for cattle and beef with Britain directly, or indirect connections, during the 1980s and subsequently, a nation may have a greater or lesser presence of the BSE problem. Significant numbers of cases showed up in Europe, a number in Japan, and elsewhere. The United States, with next to no imports of British cattle and beef, has not confirmed a native case of Mad Cow. Canada, with closer ties to Britain, found its first case of a BSE cow in 1993, but the animal had been imported from the U.K. in 1987. Then since May 2003, four animals born in Canada have been confirmed with BSE. The disease has a years-long gestation period before it becomes manifest.

France, Japan, Ireland, and other nations have imposed very stringent rules to attempt to reduce the disease, involving surveillance of healthy animals, individual identification for cows, and so on. Equally, there are strict measures to keep BSE out of the food chain. The jump of the bovine form of TSE to humans is called variant Creutzfeldt Jacob Disease, or vCJD, and has been documented in Britain.

In Japan, every cow going to slaughter is tested. In France, every second cow is tested at the slaughter house. Last year, 54 cases of BSE were found in France. This follows a consistent decline since the compulsory screening at the slaughter houses, and national surveillance and testing were implemented. France had in 2001, 274 BSE cases; in 2002, 239 cases; in 2003, 137 cases; in 2004, 54 cases. The intention is to contain and fight the disease to its elimination.

In contrast, the regulatory record in North America has been slack and devious, from practices at slaughterhouses, to cattle feed, surveillance, and testing. On Dec. 22, 2004, Sen. Frank Lautenberg demanded an investigation by the USDA into the allegations by the National Joint Council of Food Inspection union, that “materials, including spinal cords which carry Mad Cow disease, are indeed making it into the

human food supply.”

On cattle feed, action has been slow to come, and not strongly enforced. In 1997, the U.S. and Canada passed laws to ban certain cow parts from being recycled back into feed. But no serious follow-up was implemented. Then, after the May, 2003, BSE cow in Canada, more stringent bans on risky parts from cattle carcasses were announced in Canada on July 18, 2003.

In the United States, following the BSE case in Washington state (which originated in Canada), the FDA announced on Jan. 26, 2004, a ban on the use of cattle blood as a protein supplement for calves, and also proscribed the use of chicken litter as cattle feed (because cow parts could still be added to chicken feed, and thus end up being cycled back into cattle feed).

However, none of these partial and late-in-the-game proscriptions have been effectively enforced.

Documentation

Conrad/Waxman Letter To Gov. Michael Johanns

On Jan. 5, 2005, a letter was sent from Sen. Kent Conrad (D-N.D.), and Rep. Henry Waxman (D-Calif.), to Gov. Michael Johanns, the incoming Secretary of Agriculture, calling for his review of the newly announced U.S. Department of Agriculture decision to lift the ban on live cattle imports from Canada as of March 7. The letter states:

A principal rationale for USDA’s decision is that Canada has a “rigorous” and “effective” feed ban in place, which prevents the spread of “mad cow disease” by preventing protein derived from cattle from being fed to cattle.

It appears, however, that USDA has failed to review significant evidence that calls into question the effectiveness of the Canadian feed ban. . . .

*The letter summarizes four findings in this regard, and then includes six more pages to elaborate on the key points. Here is the conclusion, and excerpts from the attachments.**

* Extensive footnotes have been omitted. The full letter and appendices are available on the website of the House Of Representatives Government Reform Committee, Minority Office, at www.democrats.reform.house.gov/ Among the detailed references provided are: articles from the *Vancouver Sun*, Dec. 16-17, 2004, and two critical footnotes. One is a reference to the “USDA Rule”: U.S. Department of Agriculture, *Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities*, 70 Federal Register 459-553 (Jan. 4, 2005). The other is: Canadian Food Inspection

Canadian Feed Companies Subject to FDA 'Import Alerts'

October 2003 to the Present

Company	Date	Products Cited	Reason for Import Alert
Archer Daniels Midland	Oct. 2, 2003	Medicated and non-medicated animal feed	muscle tissue
Louis Dreyfus Canada, Ltd.*	Dec. 20, 2003	Medicated and non-medicated animal feed	muscle tissue
Cascadia Terminal [owned 50/50 by Cargill & Agricare]	Oct. 28, 2003	Medicated and non-medicated animal feed	suspect muscle tissue; unidentified animal hairs
Agricare United*	May 10, 2004	Medicated and non-medicated animal feed	muscle tissue, blood material
Masterfeeds (AGP)*	Oct. 3, 2003	Medicated and non-medicated animal feed	blood material
Landmark Feeds*	Dec. 30, 2003	Macintosh Beef Calf Grower with corn	contains suspect muscle and blood tissue
Saskatchewan Wheat Pool	Jan. 2, 2004	Medicated and non-medicated animal feed	muscle tissue, feather barbule

* Import Alert Active, as of January 2005

Source: FDA Import Alert #71-02 (Nov. 3, 2003; Feb. 5, 2004; and Aug. 24, 2004).

This is a selection from the 19 companies listed in the Conrad-Waxman letter.

Conclusion

USDA's decision to allow imports of cattle from Canada rests in significant part on its determination that the enforcement of the Canadian feed ban has been "rigorous" and "effective." There is significant evidence that calls these findings into question. This evidence includes a series of import alerts from FDA, as well as internal Canadian documents. It does not appear that this new evidence has been reviewed by USDA.

The New Evidence

To evaluate the Canadian feed ban, USDA appears to have relied principally on two documents. The first is Canada's BSE risk assessment, which was published in December 2002. USDA characterizes this document as showing "high levels of compliance with the feed ban by routine inspections of both renderers and feed mills."

In fact, Canada's risk assessment showed that in 1999, of 65 feed mills inspected, 20 (31%) were not in compliance, including four that did not have written procedures to prevent contamination of feed. In 2000, 108 feed mills were inspected, of which 38 (35%) were not in compliance, including 14 that did not have written procedures to prevent contamination.

USDA also cited a July 30, 2004, memo from Canada's chief veterinarian to Dr. John Griffen, deputy administrator of USDA's Animal and Plant Health Inspection Service. USDA described the memo as indicating that:

[W]ith respect to the Canadian commercial feed industry, non-compliance of "immediate concern" has been

identified in fewer than two percent of feed mills inspected during the period April 1, 2003, to March 31, 2004. Those instances of noncompliance of "immediate concern" are dealt with when identified.

USDA explained that "noncompliance of 'immediate concern' " includes cases where prohibited materials contaminate feed. The Department did not disclose the amount of feed involved nor how problems have been "dealt with." The Department also has neither released the June 30, 2004, memo to the public nor provided complete information about compliance with the feed ban from 2001 to 2004.

Recently, evidence has emerged to suggest that USDA's assessment of the Canadian feed ban may be mistaken. Three developments in particular raise serious questions about the effectiveness of the ban.

Import Alerts. On several occasions since October 2003, and most recently on August 24, 2004, FDA has issued formal "import alerts" that permit the detention of animal feed that could cause the spread of BSE in the United States. These alerts, which are based upon "random sampling and analysis . . . for the presence of animal tissues," have repeatedly cited feed made by Canadian companies.

FDA has found muscle tissue in 15 Canadian products, animal hair in five (including bovine hair in two cases), blood in eight, and bone in two. Over the last 15 months, FDA has cited products from 17 Canadian companies, including some of the largest feed producers in the country. A summary of these import alerts is included as Attachment 2. [See table].

To be removed from FDA's "import alert" list, companies must show corrective actions, including, at a minimum, "a description of the current processes being used to prevent contamination" and "verification that the processes are adequate." But not all Canadian companies have apparently been able to meet this standard. Nine "import alerts" on animal

Agency, *Risk Assessment on Bovine Spongiform Encephalopathy in Cattle in Canada* (December 2002) (online at <http://www.inspection.gc.ca/english/sci/ahra/bseris/bseise.shtml>). This report concluded that the chance of a single case of BSE originating in Canada was 7 in 1000. Subsequently, three cases have been identified). [This has now increased to four—ed.].

feed because of BSE risk are still active today—eight are against feed companies based in Canada.

Contaminated “vegetarian” feed. On December 16, 2004, the *Vancouver Sun* reported that “secret tests” by Canadian regulators of 20 of 28 samples of vegetarian animal feed manufactured in Canada contained “undeclared animal materials.” The tests found that more than half of all samples of feed used in Canada were contaminated. In an internal memo, a senior government regulator called the test results “worrisome.”

In response to this disclosure, Canadian officials stated that the tests did not prove the presence of dangerous animal proteins (such as those derived from cattle). However, according to the *Vancouver Sun*, Canada decided against conducting additional testing that may have determined whether the contamination was from cattle protein.

Additional problems with enforcement of the feed ban have also recently come to light. According to the *Vancouver Sun*, another memo written by a senior Canadian regulator stated that more than one in five Canadian feed mills continue to be out of compliance with the feed ban requirements. The *Vancouver Sun* also reported that in 2003, seven facilities were found to have “major noncompliance,” including three that were “failing to prevent the contamination” of cattle feed. In one of these cases, the contaminated feed was actually consumed by cattle.

Canada’s own assessment. On December 10, 2004, the Canadian Food Inspection Agency—Canada’s food safety agency—proposed changes to its feed ban. In explaining the need for these changes, the agency described gaps in its current approach.

In a section of the proposal called “vulnerabilities of current feed ban regulatory framework,” the agency stated that “the current framework provides opportunities for prohibited proteins to be accidentally included in or cross-contaminate feeds for ruminants.” The agency explained that assessing compliance with the current feed ban “remains difficult” because of the absence of “definitive testing methods.” The agency also found that “opportunities for misuse of feed on farms with multiple species represent an area of vulnerability.” The agency concluded that “[t]he present feed ban might have been acceptable without the incidence of BSE in this country; but with it, there is a need to strengthen the key points crucial to preventing the spread of the disease.”

Based on this analysis, the Canadian government has proposed prohibiting specified risk materials, such as brains and spinal cords, from animal feed and prohibiting the use of dead stock or condemned carcasses for animal feed. Canada has also proposed extending these prohibitions to pet food, segregating specified risk materials during the slaughter process, and using new procedures to identify specified risk materials and dead stock.

A 75-day comment period for the proposal, which has yet to take effect, ends February 24, 2005.