

Summary of Public Comments on Bovine Tuberculosis

Report from New Mexico

Albuquerque, New Mexico

December 11, 2008

The national bovine tuberculosis (TB) program was discussed at a December 11, 2008 meeting held in conjunction with the Joint Stockmen's Convention. In attendance were various State agriculture and wildlife officials, industry representatives, producers, public health officials, and members of the general public. This document summarizes comments and suggestions from attendees, public comments at the meeting, and written comments to USDA officials.

Representation at Meeting

Approximately 120 participants. Breakdown of stakeholder groups is unavailable.

Public Comments

Myles Culbertson, Executive Director, New Mexico Livestock Board (NMLB)
Phil Bidegain, Attendee at the New Mexico Cattle Growers Association Meeting
Blair Clavel, Attendee at the New Mexico Cattle Growers Association Meeting
John Winsel, Attendee at the New Mexico Cattle Growers Association Meeting
Jay Platt, Attendee at the New Mexico Cattle Growers Association Meeting
Dr. Al Squire, Dairy Producers of New Mexico
Wesley Grau, Attendee at the New Mexico Cattle Growers Association Meeting
Al Freeb, Vision Director New Mexico Department of Agricultural Dairy Division
Joe Gonzalez, Dairy Producer and Feedlot Owner, Texas
Charlie Rogers, Attendee at the New Mexico Cattle Growers Association Meeting
Jim Thorp, Ranch owner, New Mexico
Walter Bradley, Dairy Farmers of America
John King, Rancher, New Mexico
Jess Peterson, Attendee at the New Mexico Cattle Growers Association Meeting
Alisa Ogden, Attendee at the New Mexico Cattle Growers Association Meeting
John Keck, Producer
Roy Farr, Attendee at the New Mexico Cattle Growers Association Meeting
Greg Grits, NMLB

Written Comments

Written comments from Myles Culbertson, Executive Director, NMLB
Letter from Al Squire, President of the Dairy Producers of New Mexico
Transcript of the December 11, 2008 Cattle Growers Association Public Meeting

Biosecurity

APHIS Summary/Interpretation of Comments and Suggestions:

Biosecurity practices need to be improved. This includes practices of the 1) Livestock Board inspectors (sanitation and disease prevention strategies) and dairymen (handling new cattle, returning fair or show animals, culls and products), and 2) at fairs and exhibitions (separate feed, water and corral areas for rodeo animals).

Comments:

- All livestock handling personnel from the Livestock Board should be educated in the epidemiology of TB. This includes proper sanitation, disinfection and disease prevention strategies. None of us wants to imagine the predicament if an inspector becomes a vector.

Suggestions:

- It is an excellent idea to enforce all rules and regulations to keep any untested cattle from commingling with dairy cattle at the county, regional and State fairs. We believe all fair and exhibition facilities should be upgraded to provide totally separate feed, water and corral areas for rodeo animals.
- Dairymen could take additional steps. For their own protection, we recommend dairymen consider TB testing all incoming cattle from sale barns or private sales before the cattle are allowed to enter the new herd. Any new or returning fair or show animal should have been tested prior to the event. All new or returning cattle should be kept isolated from the rest of the herd for four weeks. Isolation pens should include separate feed and water sources and no fence-line contact with other animals. Dairymen should designate and ship culls, including any freemartins, directly to beef to avoid “recycling process and the risks posed to all of us by circulating of culls among traders and dealers. For obvious reasons, dairymen should never allow colostrum, raw milk or waste milk to be taken off premises. All calves, heifers and breeding bulls if age appropriate should be tested before leaving the dairy to prevent any liability issues.

Education and Outreach

APHIS Summary/Interpretation of Comments and Suggestions:

The New Mexico Livestock Board could provide an informational program or brochure for all exhibitors and rodeo participants on how to prevent exposure. The Livestock Board could provide guidelines for truckers regarding recommended disinfecting and washing procedures.

Comments:

- The New Mexico Livestock Board could provide an informational program or brochure for all exhibitors and rodeo participants on how to prevent exposure of their animals to disease and updates on health papers and testing requirements could be clarified. The public would be informed instead of scared.
- The Livestock Board could provide guidelines for truckers regarding recommended disinfecting and washing procedures for trucks and trailers before each new load of cattle is hauled.

Indemnity/Depopulation

APHIS Summary/Interpretation of Comments and Suggestions:

Depopulation is a costly exercise, destroys valuable genetics, and should be discontinued except in extreme or exceptional cases.

Comments:

- Depopulation is a costly exercise that destroys valuable genetics and should be discontinued except in extreme or exceptional cases. Isolation and continued testing are less expensive than depopulation. Given the limitations of the caudal fold test (CFT), the money spent on depopulation and the National Animal Identification (NAIS) premises registration would be far better spent on developing a more reliable chute-side test. According to statements by agency personnel at the Albuquerque listening session, USDA's annual TB budget will be something on the order of \$15 million a year, a paltry sum vis-à-vis depopulation and premises registration expenditures.

Regulations

APHIS Summary/Interpretation of Comments and Suggestions:

Regulations are currently costly and there is an ever widening gap between good science and poorly applied regulation. The TB rule imposed by the USDA in 2000, despite testimony and evidence that the rule would lead not to the eradication of bovine TB in the United States but to severe economic hardship, has resulted in everything New Mexicans told the Federal government it would. A new TB program must be simple - simply understood and simply deployed. In addition, there needs to be coordination with the different States so that we don't have this patchwork of regulations.

Comments:

- Coordinate with the different States so that we don't have this patchwork of regulations.
- Certain States have their own rules which affect interstate commerce.
- Subjecting the whole ranching industry in New Mexico to exorbitant costs to comply with these regulations cost me over \$10,000 for every truckload of cattle I shipped. With all the additional costs I incurred, the price went to about \$25- to \$30 thousand for each load.
- The TB rule imposed by the USDA in 2000, despite testimony and evidence that the rule would not lead to the eradication of bovine tuberculosis in the United States and would lead to severe economic hardship, has resulted in everything New Mexicans told the Federal government it would.
- We are seeing, because of evolution in the structure of the beef and dairy industries since 1917, an ever-widening gap between good science and poorly applied regulation.

Suggestions:

- Risk factors that may propagate the disease include, but are not limited to:
 - Regular movement of dairy and beef cattle;
 - The prevalence of TB in Mexico's cattle herd;
 - Practices that bring susceptible breeding animals into contact with higher-risk cattle;
 - Potential transmission from infected humans to cattle with human/bovine interaction;
 - Cost of the program versus the benefits that are received;
 - Less reliance upon geopolitical boundaries rather than risk of transmission.
- In order not to design failure into the process from the start, the process must begin by making sure the right stakeholders are involved, including the private sector. It is vital to understand that governments and their agencies can do a lot of things. They can pass laws, institute complex rules, quarantine, seize, arrest, inspect, investigate, prosecute, etc. The thing they cannot do is protect the product or its supply chain. Only the owners of that supply chain have that

ability. The private sector must be a key component of the plan for an effective TB program.

- A new TB program must be simple - simply understood and simply deployed. Complexity is not a necessary component of an effective program, but rather a potential threat to the plan's viability.

Research

APHIS Summary/Interpretation of Comments and Suggestions:

Research would be a better expenditure of Federal dollars than massive indemnification. More research on *Mycobacterium bovis* (*M. bovis*) and the risk to humans is needed.

Comments:

- We need more research on *M. bovis* and what the human risk could be.

Suggestions:

- Aggressive research and development of accurate detection and effective prevention is essential, and would be a much more productive way to expend Federal dollars than financing massive indemnification. A number of promising research projects are already in progress dealing with detection of the human form of tuberculosis and it is possible that *M. bovis* might be addressed by similar technology and science.

State Status

APHIS Summary/Interpretation of Comments and Suggestions:

The current State Status approach defies logic. Designation of a "status" for an entire State is punitive, wasteful, costly to the industry, costly to the taxpayers, and diverts limited resources away from the problem. Meanwhile, little if any reduction in prevalence of the disease is accomplished. Fear of a statewide downgrade becomes central to the decision process, actually hindering practical efforts to eradicate the disease. Two years before the State can reapply for status is excessive.

The concept of "risk" must be properly and commonly understood by both government and industry, and should be properly applied. For example, the current program penalizes good, low-risk operators and does not identify high-risk herds. Dairy and feedlot animals should be accorded different treatment than range cattle because of the difference in risk. Use individual herd quarantines instead. Do away with State lines as the quarantine. Also, let the State handle individual herd quarantine and not punish everyone else. To the extent that TB is an industry economic issue, industry must be allowed to take significant ownership of the problem. Customers can help set the parameters for the program. Good management practices ensure good business, and should not be discouraged by government

Comments:

- It does not make sense to draw the line at State lines when we are talking about cattle that are very much removed from where the incident occurred that is requiring that pasture cattle raised in big pastures—young beef heifers—have to be TB tested to move interstate.
- Economic hardship has been placed on producers due to the antiquated system of drawing lines at State lines. I believe that this needs to be addressed quickly because it is a financial hardship for producers to be conducting TB tests that are so much removed from where the incident occurred. Maybe we need to look at that and be more focused on a control program until testing and technology with testing has come up to the place where eradication is possible.
- I am over 200 linear miles away from the affected herds in Clovis. I run a closed herd. I have never had any contact with Mexican cattle. I run about one cow to 100 acres, yet the guy at Mule Shoe, Texas, with a dairy 15 miles across the border, does not test. That defies logic to me.
- Arbitrary State lines mean nothing and they shouldn't mean anything in your future programs. They haven't found any real TB here in the last few years. It's found in Texas but it gets relegated back to New Mexico.
- Two years before the State can reapply for status—that's excessive
- New Mexico is one State that proved it can localize the situation.

- We are holding to the March 1 date to establish an approved modified accredited (MA) zone in two counties on the east side of the State. We need to take a risk approach towards how we manage that zone.
- Fear of a statewide downgrade becomes central to the decision process, actually hindering practical efforts to eradicate the disease.
- The present system is punitive and inflexible. At the listening session in Albuquerque, I was struck by USDA's position that there is a rule and it will be followed regardless of whether there is any rational basis for the rule. The effect is to penalize good, low-risk operators and not identify high risk herds. TB can neither be controlled nor eradicated with such an approach. This underscores the need for more State/local control over TB efforts and less Federal involvement.
- New Mexico should never have had a statewide downgrade; instead, zones should have been developed based on risk, and the State should now be immediately granted a split-State status. Continued testing requirements on a statewide basis, without regard to risk assessment, carries an inherent assumption that there is a latent statewide infection of TB. There is no evidence that such is the case.
- Dairy and feedlot animals should be accorded different treatment than range cattle. As TB is primarily spread by "the respiration of TB bacteria aerosols," it makes no sense to lump range cattle in with dairy and feedlot cattle. This is especially true in those areas of the country where range stocking rates are very low, such as 1 cow per 100 acres, which is common over much of New Mexico and Arizona. Range cattle operations are simply lower risk cattle than dairy and feedlot cattle and so should be accorded distinct treatment.
- Risk assessment, risk development guidelines, and TB control efforts should be developed and accomplished at a State rather than Federal level. Local brand inspectors, veterinarians, and State veterinarians who are in contact with local operators, are familiar with their practices and are accessible to livestock operators should provide input into risk assessment and, following the development of risk guidelines, assist with the identification of high risk operators. Such operators should then be the primary targets of testing. In short, State personnel are familiar with such problems; Federal personnel are not.
- Page 22 of the OIG report set forth the conclusion that "APHIS was under utilizing... high risk herds" as a tool to "target testing to questionable areas."

Suggestions:

- Use individual herd quarantines instead. Do away with State lines
- The State and the New Mexico Livestock Board knows where the beef cattle are, where the dairy cattle are, and how to draw the lines around them to seal them off (how to quarantine). I think the partnership really breaks down whenever USDA/Federal government doesn't believe what the States can do. Let the State handle it with individual herd quarantine and not punish everyone else.

- Handle it with an individual herd quarantine and concentrate efforts on that and it will probably help budget concerns also.
- For the sake of price, we should depopulate the diseased animal, not the whole herd.
- Separate confined cows from the pasture cattle and take into consideration how far they are from a diseased herd.
- Risk-based accomplishment of TB eradication includes but is not limited to:
 - Separately consider confined and pasture cattle;
 - Consider proximity of livestock to diseased animals when reducing status; and,
 - Depopulate diseased animals, not entire herds.
- The supply chain: Control and subsequent eradication of the disease must take place from the standpoint of the stream of commerce, not political subdivisions. Designation of a "status" on an entire State is punitive, wasteful, costly to the industry, costly to the taxpayers, and diverts limited resources away from the problem; meanwhile, little if any reduction on prevalence of the disease is accomplished. The supply chain, not political boundaries, must be made the target for mitigation. The supply chain is where the points of vulnerability exist and where the corrective measures must be applied. To the extent that political boundaries must be recognized, agreements between and among States can often be more effective than Federal requirements.
- Risk as a tool: The concept of "risk" must be properly and commonly understood by both government and industry. The reality of limited resources will always demand targeted application toward increased risk, and away from low or no risk. An often-ignored maxim states that it is as important to know where the risk doesn't exist, as to know where it does. To maximize the safety of the product and of the supply chain, a well designed risk-based approach is a powerful tool for the regulator as well as the regulated.
- Market-driven solutions: To the extent that TB is an industry economic issue, industry must be allowed to take significant ownership of the problem. From a regulatory standpoint, businesses should be subject to the competitive economic advantages of good management practice and the disadvantages of marginal practice. Regulation must support and encourage this. TB needs to be recognized for what it is: an economic threat that can be avoided by market driven strategies against risks of infection and transmission.
- By placing their own stringent requirements on producers, downstream users and processors, can have more effect than the government. If they demand good business practices from their suppliers, they will get them. If government simple-headedly demands those things, the trade will simply figure out the loopholes. The downstream value-added users of beef and milk cannot afford the perception of an unsafe product in the mix. Remember the Hallmark meat processing example. It was not an animal cruelty issue that caused the closure of that plant. It was fear of an unsafe product. It is a matter of economic advantage. Good management practice is good business, and should not be discouraged by government.

Testing

APHIS Summary/Interpretation of Comments and Suggestions:

The whole State should not be penalized based on current testing procedures. We need a chute-side test that can be completed in minutes, not days. We need procedures that are based on risk, not current regulations.

Comments:

- USDA should not continue to penalize the whole State for something they are unsure about.
- With imperfect testing, why should we penalize everyone when there are minimal possibilities of having problems?
- The taxpayers have been abused, the livestock industry is under unreasonable regulatory burden, and no national progress in the elimination of the disease can be claimed as a result. How many ways could 20-plus million dollars have been better used? Maybe it could have underwritten development of a reliable test or an effective prevention, or maybe it could have not been spent at all, or it could have been held in reserve against the possibility of a serious agricultural crisis.

Suggestions:

- A chute-side testing procedure is needed that can be completed in minutes, not days.
- An accurate chute-side test would completely change the game in the battle against bovine tuberculosis.
- Risk assessments should be developed and higher risk herds targeted for testing. There is no scientific reason why our cattle, which are brought back to Arizona from New Mexico should be tested while dairy cattle, a mere 15 miles from Curry County, New Mexico, are not tested. Indeed, why are our cattle subject to a test and yet not a single dairy or feedlot between Curry County, New Mexico, and Oklahoma City, Oklahoma is subject to testing? Under any reasonable risk assessment, dairy and feedlot cattle are at higher risk than our cattle, yet USDA's "rule" and downgrade based on State political subdivision lines exempts higher risk cattle from testing while at the same time imposing test requirements on lower risk cattle. Some examples of riskier operations would be those that recondition dairy cattle in feedlots; beef cattle operations that send replacement heifers to feedyards for development; and any operations that have Mexican cattle or have come in contact with Mexican cattle.

Traceability

APHIS Summary/Interpretation of Comments and Suggestions:

Tracing is important but TB control efforts should not be used as the excuse to force premises registration and NAIS. USDA has spent \$150 - \$200 million on "voluntary" NAIS. After several years and the expenditure of such sums, less than one-third of this nation's producers have registered—this is a clear indication that livestock producers reject NAIS as a disease control device.

Comments:

- We are having National Animal ID crammed down our throats. But the place to use it is in incoming cattle, and trace them to their premises where they are supposed to stay, rather than worrying about all of the rest of the producers.
- TB control efforts should not be used as the excuse to force premises registration and NAIS. USDA has spent somewhere between \$150 and \$200 million to promote premises registration while assuring producers that NAIS was "voluntary." After several years and the expenditure of such sums, less than one-third of this nation's producers have registered—this is a clear indication that livestock producers reject NAIS as a disease control device.

Imports and Mexican Cattle

APHIS Summary/Interpretation of Comments and Suggestions:

USDA is ignoring the Mexican factor. Your own information says that 75 percent of the cases are traceable to Mexico. Either deal with the situation in Mexico (not a single State in Mexico is free of TB) or make it difficult for them to send cattle up here. The money needs to be spent at the border. All of these cattle must be TB tested to legally enter from Mexico, then follow up with a test 6-12 months later. This would undoubtedly detect a large percentage of the initially undetected TB cases. Also, no breeding stock should ever be allowed to commingle with rodeo or feeder cattle of Mexican origin even if they have been retested annually. Consider stopping the importation of cattle from Mexico – it would be impossible for the testing procedures on Mexican cattle to be adequate to protect our industry.

Comments:

- If feeder cattle from Mexico are a risk, we need to look at that, and at our imports and how we are doing the import situation and not testing feeder cattle coming in, especially from Northern Sonora which is equivalent to (modified accredited advanced MAA status. Chihuahua is one step down (MA status) but since primarily feeder steers and heifers are being imported, we are not testing a lot of those cattle.
- USDA is ignoring the Mexican factor. 75 percent of the cases are traceable to Mexico. Yet your focus has been on premises identification traceback and your slide shows that slightly less than 10 percent of the cases cannot be traced back. You have spent about \$15 million annually on TB (since 2006), yet close to \$200 million on premises ID registration as part of the National Animal Identification System (NAIS). Now that is absurd. I resent it and I think unless and until the Mexico situation is addressed we are kidding ourselves.
- Either deal with the situation (not a single State in Mexico is free of TB) or make it as difficult for them to send cattle up here as it is for me to go from New Mexico to Arizona. Or you institute a verifiable animal identification system so that, once those cattle come into the country, they can never be commingled, with U.S.-origin cattle—period.
- One participant stated that 100 percent of the infected herds in the Southwest in the last 8 to 10 years have been DNA typed to match Mexican-origin cattle rather than Michigan or Minnesota cattle. Further, this participant indicated that even if it were only one percent, the U.S. is still bringing in animals that create a problem for us.
- The money needs to be spent at the border. If we can control the movement then it will go a long way towards stopping some of this spread that we have been seeing.
- Why can't you shut down the border from Mexico? They shut us down for Bovine Spongiform Encephalopathy (BSE) six years ago and haven't opened it yet.

- Imported cattle, especially the rodeo cattle, from Mexico are a particular problem.
- Lots of cheating and corruption in the way TB tests are certified in Mexico.
- NAFTA and Mexico have got to go. In 1970, I was living in Mexico and we took nine cows through slaughter and every one of them had TB. NAFTA has screwed us around and we really should do something about it.
- All of these cattle must be TB tested to legally enter from Mexico. TB test is not perfect and cannot detect a very recently exposed or newly infected animal. Following up on TB testing 6-12 months later would undoubtedly detect a large percentage of the initially undetected TB cases.
- Feeder cattle not in a terminal feedlot and rodeo cattle certainly pose the greatest risk of transmitting TB to breeding stock if they are not retested annually.
- Although the majority of TB-infected cattle found by slaughter surveillance in the United States are from Mexico, APHIS has not developed controls to restrict the movement of cattle, or require additional testing to compensate for the disease's incubation period. Until additional controls are added, APHIS cannot reasonably expect to achieve its goal and eradicate TB when it is being imported into the United States each year.
- Page 19 of the Office of the Inspector General (OIG) Midwest Region Audit Report "Animal and Plant Health Inspection Service's Control of the Bovine Tuberculosis Eradication Program" further noted that Mexico annually "exports 1 million cattle to the United States"; that Mexico has "a higher prevalence of the disease" such that Mexican cattle "are more likely to be infected with TB"; that Mexico has "no accredited-free states" and in 2004 "reported over 2,000 TB-infected herds, compared to just 10 positive herds reported by the United States"; and that "99 percent of the cattle imported from Mexico spend time on U.S. premises prior to slaughter" with such time generally ranging from "5 to 14 months."
- Page 20 of the Office of the Inspector General (OIG) Midwest Region Audit Report, "Animal and Plant Health Inspection Service's Control of the Bovine Tuberculosis Eradication Program" states that "despite the higher prevalence of TB-infected cattle in Mexico, APHIS has not established additional import controls or requirements to test or restrict the movement of Mexican cattle after importation to the United States" and that the cattle so imported "simply become part of the U.S. herds." The lack of controls over Mexican cattle "has resulted in infected cattle being detected in 12 states over the last 5 years." A chart on page 20 of the report shows the states and numbers of TB cases traced to Mexico for fiscal years 2001-2005. That chart shows two in New Mexico and five in Arizona.

Suggestions:

- Mexican cattle imports and wildlife must be addressed. Mexican imports should cease and wildlife need testing and depopulation where incidence rates are significant.

- Every imported animal not in a feedlot situation and not destined for imminent slaughter should be TB tested before entry and annually thereafter. All movements should be tracked via proper permits. Perhaps radio frequency identification device (RFID) tags could be utilized to facilitate these efforts.
- No breeding stock should ever be allowed to commingle with rodeo or feeder cattle of Mexican origin even if they have been retested annually.
- Consider stopping the importation of cattle from Mexico; it would be impossible for the testing procedures on Mexican cattle to be adequate to protect our industry.

Control vs. Eradication

APHIS Summary/Interpretation of Comments and Suggestions:

Getting to a true zero level may not be possible.

Comments:

- TB used to be 5% and now is .0006%. Don't think you can get to a true zero level.
- Getting to 000 is impossible.
- Eradication, control, or both? "Control" and "eradication" are distinct from each other but nevertheless complementary; one contributing to the other and one following the other. In order to avoid misappropriation of resources and futility, rules and methods must be developed under the guidance of this understanding.

Wildlife

APHIS Summary/Interpretation of Comments and Suggestions:

Wildlife must be addressed: Wildlife needs testing and depopulation.

Suggestions

- Imports of Mexican cattle and wildlife must be addressed: Mexican imports should cease, and wildlife need testing and depopulation where incidence rates are significant.

Miscellaneous

- My question is: How far up the ladder and how far down the ladder from you does everybody in the USDA agree with these things (Response to presentation by Dr. Mark Davidson, Assistant Director, Western Region of USDA/APHIS/VS).
- How do you call a single animal a herd?
- This is crazy: Do a test that is unreliable on some cows and identify a few and then eradicate the whole herd. Yet we know that the largest producer of TB is coming from another country but we don't want to do anything about that.
- Lots of jobs are dependent on TB programs staying like they are. We taxpayers are the ones paying the salaries of those who want to keep their jobs.
- When will change occur?
- Few, whether in or out of government, would maintain that the 91-year-old bovine tuberculosis program is succeeding, or is particularly relevant, in today's livestock environment. The New Mexico experience bears the fact out. The Federal indemnity in New Mexico exceeded \$20,000,000 in 2007 and destroyed over 10,000 head of cattle to remove 52 infected animals from the supply chain.
- One participant indicated that, "In 2008, a lone infected 'mystery' cow caused the programmatic downgrade of the entire State."
- The essential question is: Has USDA made a finding that an "extraordinary emergency" exists within the State of New Mexico with regard to TB? USDA has failed to make proper publication of any such finding in the *Federal Register* and to otherwise comply with the statutory requirements. Instead, USDA has used cooperative agreements and States together with their accredited veterinarians to register premises, even over the objections of the producers whose premises are being registered. Such practices engender distrust, suspicion, and resentment on the part of producers at a time when producer cooperation is essential to TB efforts.

Suggestions:

- Timing of the loss of New Mexico status was bad timing. In the future, unless there's an emergency situation—very high risk—that perhaps the timing of the invocation of this loss of status should be somehow respectful of the marketing cycle so we don't suffer unnecessarily.
- Time is indeed of the essence in order to properly employ the available science in mitigating the disease, as well as to minimize the adverse economic impacts on the industry and the taxpayers.

These summaries and points reflect the observations, opinions, and knowledge of listening session participants and other commenters. They are not fact-checked, nor do not they reflect the views of USDA.