

Questions and Answers: BSE Comprehensive Rule

Q. What is the bovine spongiform encephalopathy (BSE) comprehensive rule?

A. On November 1, 2013, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) announced a final rule that will complete efforts to modernize the Agency's import regulations for bovine spongiform encephalopathy (BSE). This action demonstrates to the international community that the United States is committed to basing its BSE regulations on internationally-accepted scientific literature and standards set by the World Organization for Animal Health (OIE). The final regulation will allow for the safe trade of cattle and cattle products, while still protecting the United States from the introduction of BSE.

Q. What will the BSE comprehensive rule do?

A. This final rule will bring USDA's BSE import regulations in line with international standards, which call for countries to base their trade policies on the actual risk of cattle and cattle products harboring the disease.

As a result, commodities that are now restricted but pose negligible risk for BSE could be imported. Commodities that present a risk of BSE would continue to be restricted. Though the rule would apply to both live cattle and cattle products, it will primarily affect cattle products. These commodities could be traded while still safeguarding human and animal health from BSE.

For example, the current regulations prohibit the importation of live ruminants and most ruminant products from regions that have BSE or that present an undue risk for BSE. The regulations are less restrictive for ruminants and ruminant products from BSE minimal-risk regions. The comprehensive rule would change all of these and incorporate a risk-based approach consistent with international animal health guidelines and scientific understanding. As one example, boneless beef is currently prohibited from most countries that have had a case of BSE.

Scientific knowledge and international guidelines show that boneless beef presents a negligible risk of BSE transmission. Therefore, under the final rule, boneless beef would not be restricted due to BSE regardless of a country's risk categorization.

These actions will further demonstrate to our trading partners our commitment to international standards and sound science, and we are hopeful it will help open new markets and remove remaining restrictions on U.S. cattle and cattle products.

Q. Why is it important to base the import regulations on OIE standards?

A. The existing U.S. regulations with regard to the importation of live bovines and bovine products were not consistent with the OIE guidelines. By finalizing this rule, we are demonstrating to the international community that the United States is committed to basing its BSE regulations on internationally accepted scientific literature and guidelines. We anticipate that these changes could convince other countries to remove any remaining restrictions on U.S. cattle and cattle products.

With this rule, APHIS will adopt the OIE's categories and criteria used to determine the BSE risk of other countries that want to export cattle and cattle products to the United States. The rule incorporates the OIE's other risk classifications and risk management practices into the regulations. USDA will use the OIE's categories and criteria used to determine the BSE risk of other countries that want to export cattle and cattle products to the United States. We will have the option to accept the country risk determination made by the OIE or to conduct our own assessment if we deem it appropriate. The risk classification of the country would determine the necessary mitigations that need to be applied to safely import cattle and cattle products into the United States.

Q. Will countries immediately be able to start exporting beef and other bovine products to the United States upon publication of this rule?

A. This rule becomes effective 90 days after it is published in the Federal Register, and countries can export to the United States under these regulations after that time. During the 90 day period, APHIS will work with trading partners to explain and establish the appropriate certification processes to meet the requirements. For edible beef and beef products,

countries will also need to work with our sister agency, the Food Safety Inspection Service, to ensure that the equivalency determinations of their meat inspection processes are updated and completed.

Q. Will this rule increase the risk of BSE entering the U.S.?

A. No. USDA is implementing this final rule after conducting a thorough review of relevant scientific literature, a comprehensive evaluation of the issues, and providing an opportunity for public comment. We have concluded that these changes to the regulations would continue to guard against the introduction of BSE into the United States, while incorporating a risk-based approach in our BSE import requirements.

Q. What has USDA done to keep BSE from entering the United States?

A. In 1989, APHIS began to restrict imports of ruminants and certain ruminant products that could present a BSE risk. APHIS' primary means of protecting the U.S. cattle herd from BSE was to keep out imports of ruminant and ruminant products from countries reporting cases of the disease. As more countries identified the disease and there was increasing concern about the lack of knowledge on certain aspects of the disease, APHIS significantly increased its import requirements.

Control of imports is only one of several interlocking safeguards against BSE. For animal health, these measures include the U.S. Food and Drug Administration's ruminant-to-ruminant feed ban. A robust BSE surveillance program monitors the health of the U.S. cattle herd. Human health is protected by USDA Food Safety and Inspection Service measures that ensure the safety of U.S. beef, the most important of which is the ban on animal materials that have been shown to carry the BSE agent (known as specified risk materials) from the food supply. In recognition of the strength of these measures in the United States, the OIE upgraded the U.S. risk classification for BSE to negligible risk in May 2013.

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