

Questions and Answers: BSE Comprehensive Rule

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

A. On March 9, 2012, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) announced a proposed rule to amend Federal import regulations for live bovines and bovine products with regard to bovine spongiform encephalopathy (BSE). The proposed rule would bring our BSE import regulations in line with international animal health standards that call for countries to base their trade policies on the actual risk of animals or products harboring the disease. It is based on internationally accepted scientific literature that is consistent with World Organization for Animal health (OIE) guidelines.

Q. What will the BSE comprehensive rule do?

A. If the proposed rule is finalized, APHIS import regulations for BSE would be more science based. As a result, commodities that are now restricted but pose no 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 animals and animal products, it will primarily affect animal products. These commodities could be traded while still safeguarding human and animal health from BSE.

Q. Why is a BSE comprehensive rule necessary?

A. The comprehensive rule seeks to complete APHIS' update of the BSE import regulations. The Agency proposes a risk-based system of managing trade in bovines and bovine products, relying on the exporting country's risk status and mitigations appropriate for that risk level. Under the proposal, APHIS will have the option of accepting the country risk determination made by the OIE or conducting our own assessment if we deem it appropriate. The comprehensive rule will do what the United States has been asking all of its trading partners to do for many years: base trade decisions on the actual risk of BSE.

Q. How does this change the current BSE regulations?

A. 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 (currently only Canada). Additionally, the regulations allow the importation of boneless beef from Japan even though Japan is listed as a region that has BSE. 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 does not present a risk of BSE transmission. Therefore, in the proposed rule, boneless beef would not be restricted due to BSE.

Q. How do current U.S. regulations regarding BSE compare to OIE guidelines?

A. The current U.S. regulations with regard to the importation of live bovines and bovine products are not consistent with the OIE guidelines. This rule would demonstrate to the international community the commitment of the United States to base its BSE regulations on internationally accepted scientific literature.

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

A. APHIS is proposing to make these amendments after conducting a thorough review of relevant scientific literature and a comprehensive evaluation of the issues. We've concluded that the proposed 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 protect 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 animals and animal 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 increased its import requirements significantly.

Q. What changes have been made to the BSE regulations since more scientific knowledge has been collected on the disease?

A. As research on the disease made significant progress and led to improved understanding of the risks of transmission, APHIS revised its regulations and moved away from the approach that prevented most trade with BSE-affected countries. Instead, APHIS developed a system of categorizing regions as “minimal risk” and establishing appropriate import prohibitions and restrictions with regard to BSE.

The changes made in APHIS’ two minimal risk regions rules largely parallel the OIE guidelines regarding controlled-risk regions. These were first steps in APHIS’ efforts to update the BSE regulations and bring them in line with OIE standards.

Q. What steps has APHIS taken since publishing the minimal risk regions rules?

A. APHIS then began work on this proposed comprehensive rule for BSE. The proposal incorporates the OIE’s other risk classifications, and risk management practices, into the regulations. APHIS seeks to adopt the OIE’s categories and criteria used to determine the BSE risk of other countries that want to export bovines and bovine products to the United States. The risk level of the country would determine the mitigations needed.

Q. What does this rule hope to accomplish when final?

A. The comprehensive rule seeks to complete APHIS’ update of the BSE import regulations. The Agency proposes a risk-based system of managing trade in bovines and bovine products relying on both a determination of the country risk status and product mitigations appropriate to that risk level. Under the proposal, APHIS will have the option of accepting the country risk determination made by the OIE or conducting our own assessment if the Agency deems it appropriate. The comprehensive rule will do what the United States has been asking all of its trading partners to do for many years: base trade decisions on the actual risk of BSE.

Q: Does this proposed comprehensive rule also revisit APHIS’ prior BSE rulemaking?

A: Yes. To meet a U.S. District Court decision in a challenge to APHIS’ second minimal risk regions rule, this proposed rule affirms the previous regulatory action APHIS took to allow imports of meat and meat products from Canadian cattle over 30 months of age.

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