



03-080-1
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March 22, 2004

Regulatory Analysis and Development, PPD, APHIS
Station 3C71, 4700 River Road Unit 118
Riverdale, MD 20737-1238

RE: Comments on Bovine Spongiform Encephalopathy; Minimal Risk Regions
And Importation of Commodities, Docket No. 03-080-1

To Whom It May Concern,

I appreciate the opportunity to comment on the proposed rule [Docket No. 03-080-1] amending 9 CFR 93, 94 and 95 to recognize a new category of regions presenting minimal risk of introducing Bovine Spongiform Encephalopathy (BSE) into the U.S. via live ruminants and ruminant products, add Canada to this category, and allowing the importation of live ruminants and ruminant products and byproducts from such regions under certain conditions, as published in the *Federal Register* on November 4, 2003. I am a self-employed cattleman; with beef cattle operations in both California and Oregon.

While I agree that it is unlikely that BSE would be introduced from Canada under the conditions of the new rule, I feel that it is imperative that USDA consider the potential impacts on U.S. beef exports and that decisions regarding the importation of live cattle from Canada be made in the context of negotiating renewed export access for U.S. beef. It is also imperative that prior to publication of a final rule regarding the renewal of Canadian trade, USDA-APHIS work with our other primary trading partners to ensure that regaining trading opportunities for the U.S. beef cattle industry are not in any way jeopardized by renewed importation of live ruminants, ruminant products and byproducts from Canada. As the rule-making process continues, it creates a great opportunity for the U.S. to eliminate the existing double standard, which has been the norm for decades and achieve trade parity as we resume trade with Canada.

The Office of Management and Budget (OMB), in its economic analysis of the proposed action, recognizes that the increased supply of beef commodities within the U. S. that will occur would reduce incomes of U. S. beef cattle producers and reduce the cost of beef to consumers. Most of the beef producers in the U.S. are currently economically challenged and any drop in cattle prices can mean the difference between making it for another year or not.

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Most of the feeder cattle on the west coast are marketed during the months of May, June and July. If trade with Canada resumes all at once during this period it will devastate our feeder market, causing tremendous losses to any industry which is just beginning to recover from the finding of BSE in a single dairy cow of Canadian origin in December 2003.

It is of great importance that USDA ensures that potential exporters are in full compliance with U.S. regulations seeking to prevent the introduction and spread of BSE.

USDA must use every possible means to prevent potential diversion of imported feeder cattle into U.S. breeding herds.

USDA must have a contingency plan and response if Canada's BSE status was to change or our trading partners question the movement and identification controls on imported feeder cattle.

Thank You for the opportunity to comment on this rule that will significantly impact U.S. beef cattle producers. I appreciate the efforts of USDA-APHIS in protecting the safety of our beef cattle herds and the nation's food supply.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane Martin", with a long horizontal line extending to the right.

Duane Martin

cc: The Honorable Dianne Feinstein
The Honorable Joe Baca
The Honorable Dennis Cardoza
The Honorable Cal Dooley
The Honorable Devin Nunes
The Honorable Doug Ose
The Honorable Richard Pombo
The Honorable Gordon Smith
The Honorable Mike Thompson
The Honorable Greg Walden

A.G. Kawamura, Secretary, California Dept. of Food and Agriculture
Chandler Keys, National Cattlemen's Beef Association