



03-080-1  
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United States  
Department of  
Agriculture

December 30, 2003

Marketing and  
Regulatory  
Programs

To: Regulatory Analysis and Development Staff  
Unit 118, Riverdale, MD

Animal and  
Plant Health  
Inspection  
Service

Subject: Docket No. 03-080-1; Comments on proposal.

Investigative and  
Enforcement Services

P.O. Box 306,  
Lynden, WA 98264

My name is Diane Ward, mailing address P.O. Box 306, Lynden, WA 98264. I am employed as an Investigator with USDA, APHIS, IES.

360/318-9182

In the last 2 years I have been involved in documenting alleged violations of cattle moving from Canada into the United States going to slaughter. In the last couple years there have been several incidents of the seals missing from the trucks, seals being removed at the slaughter plants by unauthorized individuals, head counts not matching, possible diverted cattle, and FSIS not returning the slaughter confirmation to the Port Veterinarian.

I am making comments on the new proposed rule to allow cattle to be imported from Canada from an enforcement point of view.

1.) I would first like to comment on what is written on the proposal on page 62393, in the first paragraph- it states "Because of the requirement for direct movement to slaughter in a sealed conveyance, there is little danger the bovines will be diverted on their way to the slaughtering establishment. Those requirements would remain unchanged by this proposed rule, although animals for immediate slaughter would have to be accompanied with the certification with regard to BSE specified in this proposal". This statement is in error- the current 9 CFR does not require cattle to be moved from the Port of entry to the slaughter plant in sealed trucks! The current use of seals on trucks transporting cattle to slaughter from Canada is by policy only. I point this out because you can not make a statement, or an assumption, that the current system works to ensure that cattle are not diverted. APHIS currently can not successfully document and prosecute violations of trucks arriving at slaughter plants unsealed, since there is no current law requiring the seals.

To make the statement "there is little danger the bovines will be diverted on their way to the slaughtering establishment"- I think becomes a dangerous statement. Clearly if all cattle dealers, truck drivers, and slaughter plant operators were law biding citizens- then there would be no need to even have such regulations or a need to seal trucks. The need for such regulations comes into effect when not everyone in the industry wants to follow the rules- and then you need regulations that are enforceable and prosecutable. The current lack of,

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enforcable laws on sealed trucks has proven that there is a danger of cattle being diverted on their way to slaughtering establishments. IES has worked numerous violations of trucks arriving at the slaughter plants without seals or missing cattle- but the cases can not successfully be pursued. Beside the fact that the 9CFR currently does not require seals on trucks (which would be corrected under these new proposed regulations) - there are other issues that have to be considered to make the enforcement of the use of seals be successful. The VS Memorandum #591.15 needs to be updated, if broken seals or missing cattle are discovered at the slaughter plant then what procedures should be followed (hold the cattle, ship them back to Canada?), what procedures should be followed if a truck can not be adequately sealed at the port, the current practice of allowing slaughter plant employees to break seals just does not work (as such the VS Form 17-36 needs to be changed), and FSIS policies need to be established to ensure that their Inspector will return the VS Form 17-33 to the Port Veterinarian in a timely manner.

2.) Consideration needs to be given to the fact that port Veterinarians are not getting an accurate count on the number of cattle in a truck. They have to use the number reported by the truck driver as being accurate. Again- in a perfect law biding world this should be acceptable. But reality is that if a shipper wanted to include a few extra animals on the load, they most likely would enter the United States undetected. The Ports of Entry do not have the facilities, or man power, to unload cattle trucks and inspect the animals. The "miss-count" of animals in trucks has been a problem- in part because trucks are often loaded by weight and not by number of head. There is a problem in enforcing regulations when the port personnel can not truly verify the number of head they entered on the paperwork (in reality what they are doing is verifying the number of head on the accompanying paperwork, not what is really in the trucks). This issue brings me to the new proposed use of the VS Form 1-27 at the ports- without unloading the cattle for inspection how are these VS Form 1-27's going to be issued properly?

3.) Reference to page 62402: regulation 93.436 (a)(3), and regulation 93.436(b)(4) - the certificate should include the exact number of head being shipped and the individual identification of the animals. If extra cattle are on the truck, or missing cattle, how can we trace them without this information? Why would identification requirements on cattle from Canada be less restrictive than identification requirements for interstate movement within the United States?

A similar identification requirement of other animals in this proposal needs to be looked at.

4.) Until the 4 following documents can be updated and revised, the proposed changes to the 9CFR should not be implemented-

I have attached copies of these documents, with my comments written on each.

- a.) Veterinary Services Memorandum #591.15, Importation of Restricted Animals From Canada and Mexico for Immediate Slaughter.
- b.) VS Form 17-36, Inspection Report of Establishment For Immediate Slaughter Import Animals.
- c.) VS Form 1-27, Permit For Movement of Animals.
- d.) VS Form 17-33, Animals Imported For Immediate Slaughter.

A handwritten signature in cursive script that reads "Diane Ward". The signature is written in black ink and is positioned above the printed name.

Diane Ward

cc: Michael Ray, IES, CO

March 9, 1994

VETERINARY SERVICES MEMORANDUM NO. 591.15

Subject: Importation of Restricted Animals From  
Canada and Mexico for Immediate Slaughter

To: Directors, VS Regions

Area Veterinarians in Charge, VS

Port Veterinarians, VS

*This entire document needs updating!*

I. PURPOSE

The purpose of the Memorandum is to outline provisions for an agreement between plant management and Veterinary Services (VS) for the approval of slaughtering establishments to handle untested Canadian and Mexican animals (hereafter referred to as restricted animals) for immediate slaughter as provided in Part 92, Title 9, Code of Federal Regulations (9 CFR). The list of approved slaughter establishments is available through the Import-Export Animals Staff (IEAS), Hyattsville, Maryland.

*old information*

II. CANCELLATION

VS Memorandum No. 591.15, dated October 30, 1986, is hereby canceled.

III. GENERAL

The proper handling of restricted animals is necessary to prevent their disseminating livestock diseases, to ensure their slaughter within 2 weeks from the date they entered this country, and to provide for a system of reporting lesions of tuberculosis found on postmortem. The provisions of this Memorandum apply only to the importation of untested animals imported from Canada or Mexico for immediate slaughter.

IV. INSTRUCTIONS TO THE AREA VETERINARIAN IN CHARGE (AVIC)

A. An establishment desiring to receive restricted animals for slaughter may be approved by the AVIC, VS, of the State where the plant is located following submission of a request for such approval and completion of an inspection to determine that the establishment meets the requirements of the Memorandum.

A user fee shall be assessed for the initial inspection and for annual renewals in accordance with 9 CFR 130.8 and the VS User Fee Operating Procedures Manual.

B. VS Form 17-36, Inspection Report of Establishment for Immediate Slaughter of Import Animals, shall be completed and signed by the Federal inspector conducting the inspection of the facilities at the establishment. The original of the inspection report shall be kept in the AVIC's station files. A copy of the report and this Memorandum will be given to the designated responsible establishment official and to the meat inspection office providing service to the approved plant.

A copy of the inspection report also will be sent through the Director, VS Region, to IEAS, Hyattsville,

*old info.*

Maryland. This form shall be sent by the 10th of the month following the inspection.

C. Establishments eligible for approval shall have scheduled fulltime Federal or State veterinary inspection.

D. For approval to ship by rail, interstate shipments must be able to reach the destination from the port of entry within the provision of the 28-hour law without unloading en route.

E. Approval may be granted by the AVIC after an inspection report is received, indicating the establishment meets each of the requirements of the Memorandum, and that the VS Form 17-36 is signed by a representative of the plant management authorized to certify that all conditions for approval are met.

F. Semiannual visits to approved establishments are to be made to check for compliance with the requirements outlined in this memorandum. Changes in the name of the establishment, its management, or operating procedures affecting the agreement should be noted and handled in accordance with paragraph III B. of the agreement. (Note: The WBBS work reporting unit for this activity is 442-06, Approved Slaughtering Establishments Inspected.)

G. Failure of an approved establishment to comply with the requirements outlined in this Memorandum will be cause to suspend the approval of the establishment to receive further shipments of restricted animals for slaughter.

H. Approved removal shall be by letter from the AVIC to the slaughtering establishment, indicating the reasons for removal. A copy of the letter shall be immediately forwarded through the appropriate Director, VS Region, to the IEAS so that the designated slaughtering establishment can be deleted from the listing.

I. Upon granting or suspending approval of an establishment, the AVIC must immediately notify the ports of entry designated on VS Form 17-36 of the approval or suspension of approval of the establishment.

#### V. INSTRUCTIONS TO THE PORT VETERINARIAN

A. The VS port veterinarian shall make certain that all trucks or trailers used in transporting these animals to the slaughtering establishment are sealed prior to departure from the U.S. port of entry. The driver or conductor shall be advised that these seals may only be broken at destination and only by VS personnel or plant personnel authorized by VS. *F should not be a plant employee!*

B. Only trucks or trailers capable of being sealed shall be used to transport these shipments.

C. When restricted animals must be unloaded or the USDA seals broken because of unforeseen emergencies such as defective equipment, accidents, or adverse weather conditions, the carrier shall immediately notify the port veterinarian, giving sufficient information to identify the shipment and establish its location in order that VS may take appropriate action to prevent contact or exposure of domestic livestock.

D. Animals imported for immediate slaughter from Mexico shall meet the requirements of 9 CFR, Part 92. *F ?* Only approved brands of coumaphos (Co-Ral) may be used for the precautionary dipping of horses. On VS Form 17-30, under the remarks section, it should state: No withholding period is required for cattle or horses. (Note: For horses, Delnav requires a withholding period of 21 days; thus, animals dipped in this tickicide could not be slaughtered within the specific 2-week period as required in Section

VI. Paragraph E. below.)

VI. ELIGIBILITY REQUIREMENTS FOR SLAUGHTERING ESTABLISHMENTS

Slaughtering establishments eligible for receipt of restricted animals must meet the following requirements:

A. USDA seals applied to the truck or trailer used in transporting the animals at the port of entry must be broken either at the approved receiving establishment only by the designated plant employee or a Federal meat inspector during his scheduled working hours or at a nonfederally inspected slaughtering establishment by a State inspector during hours that have been previously agreed upon.

not by plant employee

B. An establishment may designate plant employees to break USDA seals outside the regular working hours of assigned USDA inspectors under the following conditions:

This is bad regulatory action.

1. The receiving establishments shall name one representative and one alternate who shall be responsible for breaking the seals and for the proper handling of restricted animals during unloading and the declared destination. The establishment representative shall cooperate with the assigned State or Federal veterinary meat inspector in maintaining records of the sealed shipments received.

2. Designated employees shall be approved by the Federal or State meat inspector assigned to the plant.

C. The restricted animals shall be hauled directly to and unloaded into the establishment's holding pens specifically designated and marked for such animals. No animals shall be removed from these pens unless authorized by a State or Federal veterinary inspector.

D. Restricted animals shall be handled by the approved slaughtering establishment in single-load units and placed only in the designated pens. Each load of animals from a specific railroad car, truck, or trailer shall be maintained intact until final disposition in order to facilitate identification and slaughtering of the animals, as well as the preparation of the reports.

Is this in the PCR?

E. All restricted animals shall be slaughtered or rendered within 2 weeks from the date of entry into the United States. No live, restricted animals shall be permitted to leave the premises of the approved receiving establishments.

F. All U.S. livestock entering the premises while live, restricted animals are present shall either be slaughtered or rendered, or the establishment will need to obtain permission from the AVIC for each specific movement from the premises.

/s/

Donald W. Luchsinger

Acting Deputy Administrator

Veterinary Services

APHIS:VS:JBowling:bs:2/24/94(591.15)

Case of the fox guarding the hen house!

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
VETERINARY SERVICES

INSPECTION REPORT OF ESTABLISHMENT  
FOR IMMEDIATE SLAUGHTER IMPORT ANIMALS

1. DATE OF INSPECTION

2. FULL NAME AND MAILING ADDRESS OF ESTABLISHMENT  
(Include Zip Code)

3. FEDERAL ESTABLISHMENT NO.

4. STATE ESTABLISHMENT NO.

5. INSPECTION REPORT

Initial

Reinspection

6. TYPE OF CARRIER TO BE USED

Rail

Truck

BY:

Plant

Other (Identify in item 25)

7. DOES CHUTE EXIST TO UNLOAD DIRECTLY INTO DESIGNATED PENS AT ESTABLISHMENT?

Yes

No (If "No" explain in item 25)

8. COUNTRY OF ORIGIN

9. NUMBER AND MARKINGS OF DESIGNATED PENS

10. SPECIE OF ANIMAL TO BE IMPORTED

Cattle

Sheep

Swine

Horses

11. NAME OF EMPLOYEE DESIGNATED TO BREAK SEALS

12. POSITION

13. SIGNATURE OF (State or Federal) MEAT INSPECTOR

not USDA employees - need to change

FOR MEXICO ONLY

14. DO FACILITIES EXIST AT ESTABLISHMENT FOR CLEANING AND DISINFECTION OF CARRIER AFTER UNLOADING?  
 Yes  No (If "No", give location of C & D equipment in item 25)

SEMIANNUAL REINSPECTION REPORT

15. DATE OF LAST INSPECTION

16. ARE RESTRICTED ANIMALS HANDLED IN DESIGNATED PENS AS REQUIRED?  
 Yes  No (If "No" explain in item 25)

17. ARE PROVISIONS FOR BREAKING SEALS BEING FOLLOWED?  
 Yes  No (If "No" explain in item 25)

18. ARE RECORD AND REPORT REQUIREMENTS FOLLOWED?  
 Yes  No (If "No" explain in item 25)

The management has been advised of the responsibilities to provide for breaking seals, and agrees to the proper unloading and handling of import animals until inspected and released by the assigned Government inspector. The management also agrees to slaughter or render all imported livestock within 14 days of entry and to slaughter or render all other livestock entering the premises or will obtain permission from the State or Federal Animal Health Officials before releasing any livestock other than imported livestock from the premises for any purpose.

19. SIGNATURE OF RESPONSIBLE ESTABLISHMENT OFFICIAL

20. TITLE

21. DATE SIGNED

22. RECOMMEND PLANT BE APPROVED

Yes  No (If "No" explain in item 25)

23. SIGNATURE OF VS INSPECTOR COMPLETING THIS REPORT

24. DATE SIGNED

25. EXPLANATION OF "NO" ITEMS 7, 14, 16, 18, AND 22 (Indicate item no. to which statements apply.) USE REVERSE IF NECESSARY

CERTIFICATION

(Signature of State Veterinarian not needed for Federal Establishment)

This is to certify that the establishment has full time veterinary supervision and should otherwise be approved to receive restricted import animals for immediate slaughter.

26. STATE VETERINARIAN (Signature)

27. DATE

28. FEDERAL VETERINARIAN (Signature)

29. DATE

#b

UNITED STATES DEPARTMENT OF AGRICULTURE  
 ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
 ANIMALS IMPORTED FOR IMMEDIATE SLAUGHTER

Document No:

1. PORT OF ENTRY

2. Entry Date

Port Veterinarian - Complete items 1 through 12. Distribute copies as indicated below. Veterinarian at Destination - Return Part 3 to Port Veterinarian after completion of items 18 through 22.

The animals identified below were imported in accordance with Department regulation for shipment to an establishment under your supervision. These animals must be slaughtered as soon as possible after arrival at destination but not later than two weeks from the Entry Date shown below. Slaughter of these animals must be reported by forwarding a copy of this completed form to the port veterinarian shown in item 12 below.

← within 14 days of entry date

3. TO: (Veterinarian at Destination, include Zip Code)  
 INSPECTING VETERINARIAN

<-- Mail original to  
 (Use window envelope)

4. Number	5. Species of Animals	6. Truck(trailer) license number
7. Railroad Car Number	8. Seal Numbers	
9. Name and Address of Consignor	10. Name and Address of Consignee	
11. Signature of Port Veterinarian		
12. Address of Port Veterinarian (Include Zip Code)		

<-- Return one completed copy to  
 (Use window envelope)

REPORT OF SLAUGHTER

This is to certify that, except as noted below, all animals identified above were received and held in pens until slaughter was completed, so as to prevent contact with animals not scheduled for immediate slaughter.

3. Date Slaughtered	14. Remarks
5. Name and Address of Establishment	
6. Signature of Establishment Official	17. Title

ENDORSEMENT AND POST MORTEM REPORT

7. Tag Number	19. Description of Animal	20. Tuberculosis Lesions
8. Signature of Veterinarian at Destination 22. Date Signed		

This area may be better served by having VS or FSIS record the # of animals AND the seal numbers removed from the truck.

ORIGINAL: VETERINARIAN AT DESTINATION COPIES: RETURNED TO PORT VETERINARIAN, TO ACCOMPANY ANIMALS, RETAINED BY PORT VETERINARIAN

Produced by ITC

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