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76
February 2, 2004

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Ann Veneman
Secretary
United States Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

03-025IF-76
03-025IF
Dennis McDonald
Brett DeBruycker

FSIS Docket Clerk
Docket #03-025IF, Room 102
Cotton Annex
300 12th and C. Street, SW.,
Washington, D.C. 20250-3700

Sent via e-mail and facsimile:

Re: "**Mouthing Rule**" Concerns and Alternatives

Dear President Bush and Secretary Veneman:

While R-CALF USA appreciates many of the safeguards the USDA has put in place, we believe the "Mouthing Rule" is inappropriate. In the unlikely event that a BSE infected animal is found native to the United States, then perhaps this rule would have more validity. Until then, R-CALF USA remains committed to protecting our greatest asset, the consumer, without harming the American producer.

While we appreciate the reasoning behind these added measures, we feel there are unintended consequences from the "Mouthing Rule" that need to be considered. The "Mouthing Rule" is neither the most effective or least costly method of preventing BSE contamination and carries serious producer ramifications.

In light of the United States only case of BSE being in an imported animal, R-CALF USA suggests that the USDA increase their identification of Canadian cattle residing in the United States dairy and beef cattle herds. We also suggest that the USDA increase its protection of United States consumers by testing these


imported animals for BSE while at the same time restricting the importation of live cattle and beef from countries with indigenous BSE cases. R-CALF USA agrees with the USDA that we must take every precaution regarding consumer safety.

R-CALF USA worries that the mousing rule is having large financial consequences upon the producer and feeder. The following losses are shown in harvest sheets and sale barn receipts all across the nation. Cattle Feeders are losing nearly \$200.00 per head for any animals found to have more than two permanent incisors. This is a per head loss of nearly 20%. Ranchers are seeing a decline in income on this type of animal of nearly \$360.00 per head. This results in almost 50% loss in value of these animals. Together, industry wide losses due to this rule will exceed \$1,035,936,000.00 in 2004 alone. This is a loss the American Feeder and Rancher cannot withstand.

R-CALF USA agrees that Food Safety is the single most important requirement of the USDA. We also realize that although food safety must be the best it can be, there are also ways of assisting it in being more effective and affordable for consumers and producers. R-CALF USA believes in the coming months of the BSE investigation it will be determined that age classification of cattle regarding BSE infectivity is not based on good science. We also feel that since the United States has never had a native case of BSE, this mousing rule is unnecessarily penalizing American producers and feeders. The rule should presently be aimed at imported cattle from countries that are not BSE free. The mousing rule also should be modified to a more science-based procedure for determining age. Good veterinary practice recognizes that cattle develop their first set of incisors at 18 to 24 months, their second set of incisors at 24 to 30 months and their third set of incisors at 30 to 42 months of age. This being the respected method of age determination in the academic community, it would be more accurate to consider the eruption of the 5th permanent incisor the indicator of 30 months of age, not the eruption of the 3rd permanent incisor, which is currently in use. By adjusting the FSIS VMO Responsibility for Age Determination to this method, the USDA would still be providing maximum consumer protection, but lessening the burden this rule places on the American producer.

The USDA is to be commended for their post BSE efforts and R-CALF USA seeks their assistance in directing the Administration and Congress towards a feeder/producer compensation program.

Sincerely,



Dennis McDonald
R-CALF USA Trade Committee Co-Chair



Brett DeBruycker
R-CALF USA Trade Committee Co-Chair