# HJR

# 35

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

# SENATE COMMITTEE REPORT

DATE: 3/31/04

FURTHER:

DATE TURNED IN TO OFFICE: 4-19-04

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C)

HJR 35 MAD COW DISEASE/COUNTRY OF ORIGIN LABELS

Relating to bovine spongiform encephalopathy, commonly known as mad cow disease, and country-of-origin labeling for meat products.

and recommends:

[ ] be **replaced** with _____ **CS** _____ (_____)

[ ] adopt **previous** _____ **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

**Senate Bill:**
[ ] Same Title
[ ] New Title

**House Bill:**
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

**NEW FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero | FN# |
|---|---|---|---|---|---|
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**PREVIOUS FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero | FN# |
|---|---|---|---|---|---|
| H L+C | 2/13/04 | | | ✓ | 1 |
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[ ] **APPROPRIATION - no fiscal note**

| SIGNATURES AND RECOMMENDATIONS: | DO PASS | DO NOT PASS | NO REC | AMEND |
|---|---|---|---|---|
| | — | | | |
| | ✓ | | | |
| | | | | ✓ |
| | — | | | |
| | — | | | |
| | ✓ | | | |
| CHAIR: | ✓ | | | |

# FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHJR 35(L&C)
(H) Publish Date: 2/18/2004

Revision Date/Time (Note if correction):
Dept. Affected:
Title: Mad Cow Disease/Country of Origin Lables
BRU
Component
Sponsor: Rep. Kerttula
Requester: House Labor & Commerce
Component No.

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|---|---|---|---|---|---|---|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL EXPENDITURES | | | | | | |
| CHANGE IN REVENUES ( ) | | | | | | |

**FUND SOURCE** (Thousands of Dollars)

| | | | | | | |
|---|---|---|---|---|---|---|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type–Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

**Estimate of any current year (FY2004) cost:** 0.0
**Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:**

**POSITIONS**

| | | | | | | |
|---|---|---|---|---|---|---|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

**ANALYSIS:** *(Attach a separate page if necessary)*

This bill has no fiscal impact.

Prepared by: Rep. Tom Anderson
Phone 465-4954
Division: House Labor & Commerce Committee
Date/Time 2/18/04 9:19 AM
Approved by: Rep. Tom Anderson
Date 2/18/2004
Agency: House Labor & Commerce Committee

(Revised 9/2003 OMB)

# CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE HOUSE LABOR AND COMMERCE COMMITTEE**

**Offered: 2/18/04**
**Referred: Resources**

**Sponsor(s): REPRESENTATIVES KERTTULA, McGuire, Morgan, Gara, Crawford, Cissna, Kapsner, Croft, Guttenberg, Wolf, Ogg, Berkowitz, Gruenberg, Meyer, Samuels, Lynn**

## A RESOLUTION

**Relating to bovine spongiform encephalopathy, commonly known as mad cow disease, and country-of-origin labeling for meat products.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**WHEREAS** the first cow in the United States infected with bovine spongiform encephalopathy, commonly known as mad cow disease, was identified in December, 2003; and

**WHEREAS** bovine spongiform encephalopathy is a neurological disease in cattle caused by an aberrant protein called a prion, most commonly found in specified risk materials such as the skull, brain, trigeminal ganglia, eyes, vertebral column, spinal cord, and dorsal root ganglia; and

**WHEREAS** humans can develop variant Creutzfeldt-Jakob disease from eating contaminated beef products; and

**WHEREAS** cattle most commonly contract bovine spongiform encephalopathy from feed contaminated by infectious prions; and

**WHEREAS**, in 1997, the United States Food and Drug Administration prohibited the use of most mammalian protein in the manufacture of animal feed intended for cattle; and

**WHEREAS** the United States Department of Agriculture has taken steps to control bovine spongiform encephalopathy; and

**WHEREAS,** among those steps, the United States Department of Agriculture has banned all nonambulatory disabled cattle from the food chain, prohibited the use of specified risk materials in human food consumption, and prohibited slaughter practices that may cause the dislocation of brain material and its inclusion with other tissue; and

**WHEREAS** the cow infected with bovine spongiform encephalopathy was imported from outside the United States; and

**WHEREAS** country-of-origin labeling for meat products has been postponed for two years by the United States Congress; and

**WHEREAS** Americans deserve to know what is in their food and where it comes from; and

**WHEREAS** Americans deserve to have a safe food supply;

**BE IT RESOLVED** that the Alaska State Legislature supports efforts by the United States Department of Agriculture to control and eradicate bovine spongiform encephalopathy in United States cattle; and be it

**FURTHER RESOLVED** that the Alaska State Legislature supports any efforts by the Alaska congressional delegation to implement country-of-origin labeling for meat products sooner than the current implementation date.

**COPIES** of this resolution shall be sent to the Honorable Ann Veneman, United States Secretary of Agriculture; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

# HOUSE JOINT RESOLUTION NO. 35

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES KERTTULA, McGuire, Morgan, Gara, Crawford, Cissna, Kapsner, Croft**

**Introduced: 2/5/04**
**Referred: Labor and Commerce, Resources**

## A RESOLUTION

**Relating to mad cow disease and country-of-origin labeling for meat products.**

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**WHEREAS** the first cow in the United States infected with bovine spongiform encephalopathy, commonly known as mad cow disease, was identified in December, 2003; and

**WHEREAS** bovine spongiform encephalopathy is a neurological disease in cattle caused by an aberrant protein called a prion, most commonly found in specified risk materials such as the skull, brain, trigeminal ganglia, eyes, vertebral column, spinal cord, and dorsal root ganglia; and

**WHEREAS** humans can develop variant Creutzfeldt-Jakob disease from eating contaminated beef products; and

**WHEREAS** cattle most commonly contract bovine spongiform encephalopathy from feed contaminated by infectious prions; and

**WHEREAS**, in 1997, the United States Food and Drug Administration prohibited the use of most mammalian protein in the manufacture of animal feed intended for cattle; and

**WHEREAS** the United States Department of Agriculture has taken steps to identify

and destroy cattle that are from the same herd as the infected cow and other animals that may have been exposed to that cow; and

**WHEREAS**, among those steps, the United States Department of Agriculture has banned all nonambulatory disabled cattle from the food chain, prohibited the use of specified risk materials in human food consumption, and prohibited slaughter practices that may cause the dislocation of brain material and its inclusion with other tissue; and

**WHEREAS** the cow infected with bovine spongiform encephalopathy was imported from outside the United States; and

**WHEREAS** country-of-origin labeling for meat products has been postponed for two years by the United States Congress; and

**WHEREAS** Americans deserve to know what is in their food and where it comes from; and

**WHEREAS** Americans deserve to have a safe food supply;

**BE IT RESOLVED** that the Alaska State Legislature supports efforts by the United States Department of Agriculture to control and eradicate bovine spongiform encephalopathy in United States cattle; and be it

**FURTHER RESOLVED** that the Alaska State Legislature supports any efforts by the Alaska congressional delegation to implement country-of-origin labeling for meat products sooner than the current implementation date.

**COPIES** of this resolution shall be sent to the Honorable Ann Veneman, United States Secretary of Agriculture; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

# Representative Beth Kerttula

Alaska State Legislature District 3


**House Joint Resolution 35**

**Sponsor Statement**

**"Relating to mad cow disease and country-of-origin labeling for meat products."**

National attention has recently been drawn to bovine spongiform encephalopathy, "mad cow disease," because the prions that cause the disease were found in a cow from a farm in Washington state. It was later discovered that cow had been brought to Washington from Canada and had probably contracted the disease from its feed. After the discovery, the U.S. Department of Agriculture took swift steps to contain and prevent the disease. House Joint Resolution 35 supports the USDA's efforts.

Country of origin labeling (COOL) of beef and beef products would help consumers to make intelligent decisions in purchasing meat. Currently, country of origin labeling for beef has been delayed until September 30, 2006 from its original implementation date of September 30, 2004. Because of the recent mad cow scare, COOL should be implemented sooner. House Joint Resolution 35 supports any efforts by the Alaska congressional delegation to ensure more timely country of origin labeling of beef.


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aphis.usda.gov

*January 21, 2004*

# Bovine Spongiform Encephalopathy (BSE) Q & A's

**Q: What is the current situation regarding the bovine spongiform encephalopathy (BSE) detection?**
**A:** On the morning of December 25, 2003, the BSE World Reference Laboratory in Weybridge, England, confirmed USDA's December 23 preliminary diagnosis of BSE in a single non-ambulatory dairy cow that had been slaughtered on December 9 at Vern's Moses Lake Meats in Washington State. USDA and Canada worked together to confirm the identification of this cow through DNA testing.

On December 30, 2003, Agriculture Secretary Ann Veneman announced additional safeguards to bolster the U.S. protection systems against BSE and further protect public health. The policies will further strengthen protections against BSE by removing certain animals and specified risk material and tissues from the human food chain; requiring additional process controls for establishments using advanced meat recovery (AMR); holding meat from cattle that have been targeted for BSE surveillance testing until the test has confirmed negative; and prohibiting the air injection stunning of cattle.

The Secretary also announced that USDA will begin immediate implementation of a verifiable system of national animal identification. The development of such a system has been underway for more than a year-and-a-half to achieve uniformity, consistency and efficiency across this national system.

**Q: What are the results of USDA's investigation so far?**
**A:** On January 6, 2003, USDA announced that DNA evidence verified, with a high degree of certainty, that the BSE positive cow found in the state of Washington did in fact originate from a dairy farm in Alberta, Canada.

The USDA's Animal and Plant Heath Inspection Service (APHIS) and Canadian officials have determined that the index animal was approximately 6-1/2 years old at the time of slaughter. The age of the animal is significant because she would have been born before feed bans were implemented in North America in August 1997. The feed bans prohibit the inclusion of mammalian protein in feed intended for other ruminants to eat. This practice has been identified time and time again as the primary means by which BSE is spread.

The index cow had three calves while in the United States. The first was stillborn. The second, a yearling heifer, is among 129 animals from the index farm being depopulated. The third, a bull calf, was among the group of calves depopulated January 6. The herd the affected animal came from is under a State quarantine in Washington State. Any cattle that die on the farm will be tested for BSE.

Through its traceback investigation, the USDA's Animal and Plant Health Inspection Service (APHIS) has determined the following additional information:

• The Canadian health certificate, dated August 28, 2001, lists 82 ear tag numbers from cattle that were part of herd dispersal in Alberta, Canada. USDA has confirmed that 81 of those 82 animals crossed into the United States in September, 2001. It is believed that one of the 82 remained in Canada. To learn the latest number and locations of animal traced, please check the daily BSE update at http://www.aphis.usda.gov/lpa/issues/bse/bse.html

• USDA depopulated the bull calf operation that included the calf born to the cow infected with BSE on January 6. The depopulated herd contained approximately 450 head of cattle. The depopulation effort took place at a slaughter facility that currently is not in use. Animal care veterinarians were on hand at both the farm where the calves were loaded and at the slaughter facility to ensure that the animals were treated in a humane manner. The animals were euthanized according to American Veterinary Medical Association animal euthanasia guidelines. No products from any of the slaughtered animals will enter the human food chain, nor will products be rendered.

**Bovine Spongiform Encephalopathy (BSE)**
**Q: What is BSE?**
**A:** BSE is a degenerative neurological disease caused by an aberrant protein called a prion. It is in the family of diseases—all caused by prions—referred to as transmissible spongiform encephalopathies, or TSEs. TSEs include

scrapie in sheep and goats, chronic wasting disease (CWD) in deer and elk, and Creutzfeldt-Jakob disease, or CJD, in humans. It's important to note that TSEs are not communicable diseases—they do not spread easily like viruses.

**Q: How is BSE spread in cattle?**
**A:** There is no scientific evidence that shows BSE can be spread by contact between unrelated adult cattle or from cattle to other species. There is some evidence suggesting maternal transmission may occur at extremely low levels. Cattle can become infected with BSE by eating feed contaminated with the infectious BSE agent. This is why in 1997 the U.S. Food and Drug Administration prohibited the use of most mammalian protein in the manufacture of animal feed intended for cows and other ruminants. For more information on the feed ban, please visit the U.S. Food and Drug Administration's website at www.fda.gov.

**Q: What steps is USDA taking in response to the detection?**
**A:** USDA's Food Safety Inspection Service (FSIS) has taken the following actions:

• USDA has banned all non-ambulatory disabied (downer) cattle from the human food chain effective immediately.

• FSIS inspectors will no longer mark cattle targeted for testing under the BSE surveillance program as "inspected and passed" until confirmation is received that the animals have, in fact, tested negative for BSE. This new policy is in the form of an interpretive rule that was published January 8, 2004 in the Federal Register. It is important to note that FSIS inspection program personnel have always — and will continue to — perform ante- and post-mortem inspection of cattle that are slaughtered in the United States. As part of the ante-mortem inspection, FSIS personnel look for signs of disease, including signs of central nervous system impairment. Animals showing signs of systemic disease, including those exhibiting signs of neurological impairment, are condemned and do not enter the food chain. Meat from all condemned animals has never been permitted for use as human food.

• Effective January 8, 2004, USDA enhanced its regulations by declaring as specified risk materials skull, brain, trigeminal ganglia, eyes, vertebral column, spinal cord and dorsal root ganglia of cattle over 30 months of age and the distal ilium of the small intestine of cattle of all ages, thus prohibiting their use in the human food supply. Tonsils from all cattle were already considered inedible and therefore do not enter the food supply. These enhancements are consistent with the actions taken by Canada after the discovery of BSE in May 2003.

• In March 2003, FSIS began a routine regulatory sampling program for beef produced from AMR systems to ensure that spinal cord tissue is not present in beef. In a new interim rule announced December 31, 2003, meat processing establishments have to ensue process control through verification testing to ensure that neither spinal cord nor dorsal root ganglia is present in the product. (For a more detailed description of AMR see below).

• In order to ensure that portions of the brain are not dislocated into tissues of the carcass as a consequence of humanely stunning cattle during the slaughter process, FSIS has issued a regulation to ban the practice of air-injection stunning.

• USDA will prohibit use of mechanically separated meat in human food. Consumers with other food safety questions can call the toll-free USDA Meat and Poultry Hotline at 1-888-MPHotline (674-6854). The hotline is available in English and Spanish and can be reached from 10 a.m. to 4 p.m. (Eastern Time), Monday through Friday. Recorded food safety messages are available 24 hours a day.

**Q: What is Advanced Meat Recovery?**
**A:** AMR is an industrial technology that removes muscle tissue from the bone of beef carcasses under high pressure without incorporating bone material when operated properly. AMR products can be labeled as "meat." FSIS has previously had regulations in place that prohibit spinal cord from being included in products labeled as "meat." An FSIS regulation published January 8, 2004, expands that prohibition to include dorsal root ganglia, and clusters of nerve cells connected to the spinal cord along the vertebrae column, in addition to spinal cord tissue. Like the spinal cord, the dorsal root ganglia may also contain BSE infectivity if the animal is infected. In addition, because the vertebral column and skull in cattle 30 months and older will be considered inedible, it cannot be used for AMR.

**Testing and Surveillance**

**Q: Given the Secretary's announcement to prohibit downer cattle from slaughter establishments, what does that mean in terms of USDA's BSE surveillance program?**
**A:** USDA has tested 20,000 animals annually for each of the last 2 years, and approximately 75 percent of these were downers at slaughter. USDA is working with industry to reposition its efforts to collect samples on-farm, at rendering facilities, and at facilities where meat products are harvested for non-edible purposes. USDA is committed—and the industry shares this commitment—to ensuring that a robust surveillance program for BSE

continues in this country. USDA will be working very closely with the rendering and animal disposal industry and other government agencies in the days and weeks to come to ensure that USDA continues to have access to the population of animals considered to be at highest risk for BSE.

**Q: Will USDA be issuing licenses for rapid diagnostic tests for BSE?**
**A:** USDA's Center for Veterinary Biologics, in Ames, Iowa will accept license and permit applications for rapid test kits. Accepting license and permit applications at this time will allow CVB to respond to submissions, test master seeds and serials and inspect facilities should a decision to license need to be made to further protect animal agriculture.

**BSE and its effect on U.S. trade**

**Q: What does the detection of BSE in the United States mean for the country's beef exports?**
**A:** In accordance with international trade agreements, USDA has notified the international animal health governing body, the Office of International Epizootic's (OIE), of the positive BSE detection.

USDA officials will be working to provide U.S. trading partners and international animal health officials with information regarding the steps being taken in response to the detection.

For a current list of countries that have place BSE restrictions on the United States visit the following website:
http://www.aphis.usda.gov/lpa/issues/bse/bse_trade_ban_status.html
**BSE and the U.S. Food Supply**

**Q: What are the risks to the U.S. food supply as a result of this detection?**
**A:** USDA remains confident in the safety of the U.S. food supply. The risk to human health from BSE is extremely low. As is standard practice for downer animals identified prior to slaughter, the animal's brain, spinal cord, and other related products were removed and sent to a rendering facility. These so-called "specified risk materials" present the greatest risk of carrying the BSE agent and have not entered U.S. food supply channels. The scientific community believes that there is no evidence to demonstrate that muscle cuts or whole muscle meats that come from animals infected with BSE are at risk of harboring the causative agent of the disease.

**Q: Is there a meat recall associated with the detection?**
**A:** Yes. On December 23, 2003, FSIS issued a Class II recall of approximately 10,410 pounds of raw beef that may have been exposed to tissues containing the infectious agent that causes BSE. FSIS' designation of the recall as Class II was due to the extremely low likelihood that the beef contained the infectious agent that causes BSE. According to scientific evidence, the tissues of highest infectivity are the brain, spinal cord, and distal ileum portion of the small intestine. All were removed from the rest of the carcass at slaughter. Therefore, the meat produced were cuts that would not be expected to be infected or have an adverse public health impact. The recall is being conducted out of an abundance of caution.

- FSIS has conducted an investigation and determined the points of distribution for the entire recalled product.

- All of the primary, secondary and tertiary establishments that may have received product subject to this recall have been contacted by FSIS compliance officers. All have acknowledged being contacted about the recall by their suppliers. All have confirmed securing whatever product they had upon notification of the recall and making their customers aware of the recall as well.

- FSIS will now focus its efforts toward verifying the return and destruction of the recalled products.

- Recall effectiveness checks have determined that product was sent to six states. Those states are Washington, Oregon, California, Nevada, Idaho and Montana. Alaska, Hawaii and Guam did not receive any of the products subject to recall.

**Q: What is the significance of a "Class II" designated recall?**
**A:** FSIS' designation of this recall as Class II is due to the extremely low likelihood that the beef being recalled contains the infectious agent that causes BSE.

According to scientific evidence, the tissues of highest infectivity are the brain, spinal cord, and distal ileum, which were removed from the rest of the animal's carcass at slaughter. Therefore, the meat produced would not be expected to be infected or have an adverse public health impact, but are being recalled out of an abundance of caution.

**Q: Will the recalled beef be tested to determine if it contains any central nervous system tissue and if it is positive, will it be tested for BSE?**
A: No. There is no BSE test for muscle tissue. Tests can only be conducted on brain tissue.

**Q: Is there a phone number consumers can call with questions about meat products?**
A: Consumers with other food safety questions can phone the toll-free USDA Meat and Poultry Hotline at 1-888-MPHotline. The hotline is available in English and Spanish and can be reached from 10 a.m. to 4 p.m. (Eastern Standard Time), Monday through Friday. Recorded food safety messages are available 24 hours a day.

# Representative Beth Kerttula

Alaska State Legislature District 3

Date: March 31, 2004

To: Senator Scott Ogan
Senate Resources Committee

From: Representative Beth Kerttula Beth

Re: House Joint Resolution 35, Mad Cow Disease

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I respectfully request that House Joint Resolution 35 be scheduled for a hearing in the Senate Resources Committee.

Attached you will find:

- Bill
- Fiscal Note
- Sponsor statement
- USDA Q&A

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