

U.S. Won't Let Company Test All Its Cattle for Mad Cow

NY Times, April 10, 2004

By DONALD G. McNEIL Jr.

The Department of Agriculture refused yesterday to allow a Kansas beef producer to test all of its cattle for mad cow disease, saying such sweeping tests were not scientifically warranted.

The producer, Creekstone Farms Premium Beef, wanted to use recently approved rapid tests so it could resume selling its fat-marbled black Angus beef to Japan, which banned American beef after a cow slaughtered in Washington State last December tested positive for mad cow. The company has complained that the ban is costing it \$40,000 a day and forced it to lay off 50 employees.

The department's under secretary for marketing and regulation, Bill Hawks, said in a statement yesterday that the rapid tests, which are used in Japan and Europe, were licensed for surveillance of animal health, while Creekstone's use would have "implied a consumer safety aspect that is not scientifically warranted."

Lobbying groups for cattle ranchers and slaughterhouses applauded the decision, but consumer advocates denounced it, saying the department was preventing Creekstone from taking extra steps to prove its product was safe.

Under the Virus Serum Toxin Act of 1913, the department decides where cattle can be tested and for what.

Consumer groups accused the department of bending to the will of the beef lobby, saying producers do not want the expense of proving that all cattle are safe or the damage to meat sales that would result if more cases of mad cow are found.

Creekstone said it was extremely disappointed and frustrated that the department had taken six weeks to decide and added that it might go to court to fight the decision.

Since December, Japan has demanded that producers who want to export there test each animal, as Japanese ranchers do. The American beef industry and the Bush administration have resisted, and negotiations have become increasingly tense.

Consumer groups were critical of the department's decision.

"It is ironic in the extreme that an administration that's so interested in letting industry come up with its own solutions would come down with a heavy government hand on a company that's being creative," said Dr. Peter Lurie,

deputy director of the health research group at Public Citizen, a frequent food industry critic.

Dr. Lurie said, however, the Japanese demand for 100 percent testing was irrational because it included animals younger than 20 months. "But there is no shortage of irrational consumer demands - like cosmetic surgery or S.U.V's - that industry is only too happy to cater to," he said. "That's what capitalism does."

Andrew Kimbrell, director of the Center for Food Safety, another group often critical of the industry, said: "We're the ones who've been irrational on mad cow because of the foot-dragging and refusals to test, our head-in-the-sand attitude. And now that it's brought us to a crisis, American farmers have no way of protecting their market."

A spokesman for the Agriculture Department, Ed Lloyd, defended yesterday's decision, saying, "We're working very diligently to re-establish our markets."

The department recently changed its testing regimen to make a one-time effort, beginning in June, to test 201,000 cows with symptoms of nervous disease or that are too sick or injured to walk, and 20,000 healthy older ones. The regimen assumes that cattle born before 1997, when a ban was imposed on feeding bovine tissue to cattle, are most at risk.

The president of the American Meat Institute, which represents slaughterhouses, and the director of regulatory affairs at the National Cattlemen's Beef Association, which represents ranchers, praised the decision.

Gary Weber of the cattlemen's association called 100 percent testing misleading to consumers because it would create a false impression that untested beef was not safe. He compared it to demanding that all cars be crash tested to prove they are safe.

Asked if American beef producers were content to give up the \$1.5 billion Japanese market, Mr. Weber said: "We're not going to give in to their demands. If that means in the short-to-medium term that we don't have that market, that's the price we'll pay. But in the long run, it means there's testing that's science based and that creates a level playing field."

Asked if beef producers did not want to be pressured to imitate Creekstone and pay for more tests, Mr. Weber said it was "absolutely not about the money."

<http://www.nytimes.com/2004/04/10/national/nationalspecial2/10COW.html?ex=1082620077&ei=1&en=3438aledbe508482>