

# Proposed Rules

Federal Register

Vol. 68, No. 106

Tuesday, June 3, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 93

[Docket No. 00–112–1]

#### Cattle From Mexico

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the animal importation regulations to prohibit the importation of Holstein cross steers and Holstein cross spayed heifers from Mexico. The regulations currently prohibit the importation of Holstein steers and Holstein spayed heifers from Mexico due to the high incidence of tuberculosis in that breed, but do not place any special restrictions on the importation of Holstein cross steers and Holstein cross spayed heifers from Mexico. Given that the incidence of tuberculosis in Holstein cross steers and Holstein cross spayed heifers from Mexico is comparable to the incidence of tuberculosis in Holstein steers and Holstein spayed heifers, this action is necessary to protect the health of domestic livestock in the United States.

**DATES:** We will consider all comments that we receive on or before August 4, 2003.

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 00–112–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–112–1. If you use e-mail, address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and

address in your message and “Docket No. 00–112–1” on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Roger Perkins, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–8419.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 93 prohibit or restrict the importation of certain animals, birds, and poultry into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart D of part 93 (§§ 93.400 through 93.435, referred to below as the regulations) governs the importation of ruminants. Section 93.427 of the regulations contains restrictions on the importation of ruminants from Mexico.

Bovine tuberculosis is an infectious disease caused by the bacterium *Mycobacterium bovis*. Although commonly defined as a chronic debilitating disease, bovine tuberculosis can occasionally assume an acute, rapidly progressive course. Any body tissue can be affected, but lesions are most frequently observed in the lymph nodes, lungs, intestines, liver, spleen, pleura, and peritoneum. Although cattle are considered to be the true hosts of *M. bovis*, the disease has been reported in several other species of both domestic and nondomestic animals.

Since May 1994, the regulations in § 93.427 have prohibited the importation of Holstein steers and Holstein spayed heifers from Mexico. Holstein steers and spayed heifers are

much more likely to be infected with tuberculosis than other breeds of cattle, due to the fact that they almost always originate from or are raised on dairy farms, where animals are kept in close proximity, typically for several years. Because dairy cattle<sup>1</sup> are kept in such close proximity for extended periods of time, the potential for cattle infected with tuberculosis to transmit the disease to other cattle is considerably higher than for non-dairy cattle.

Holstein cross steers and Holstein cross spayed heifers are typically raised under the same type of conditions in Mexico as purebred Holstein steers and Holstein spayed heifers. For that reason, Holstein cross steers and Holstein cross spayed heifers from Mexico present essentially the same tuberculosis risk as purebred Holstein steers and Holstein spayed heifers from Mexico. We are, therefore, proposing to prohibit the importation of Holstein cross steers and Holstein cross spayed heifers from Mexico.

In our May 1994 final rule prohibiting the importation of Holstein steers and spayed heifers from Mexico, we did not prohibit the importation of Holstein cross steers and spayed heifers due to the fact that few Holstein cross steers and spayed heifers were being imported at the time. However, the volume of imported Mexican Holstein cross-bred cattle has increased significantly since 1997. Data on number of imports of cattle are available, but do not accurately distinguish between breeds, especially cross-breeds, or between sexually intact cattle and spayed or neutered cattle. However, the available import data, coupled with observations by APHIS personnel at ports of entry, suggest that imports of Holstein cross steers and spayed heifers have doubled or tripled since 1997.

Currently, all areas of the United States are considered to be free of tuberculosis except for Texas, Michigan, and California. Given the increased volumes of Holstein cross cattle that are being imported from Mexico and the tuberculosis risk presented by those animals, we are proposing to prohibit the importation of Holstein cross steers and spayed heifers from Mexico in order to eliminate a pathway for the

<sup>1</sup> The regulations specifically address Holstein dairy cattle because few other breeds of dairy cattle are imported into the United States from Mexico.