

intend to undertake regarding the importation of cattle into the United States. Currently, we consider the conditions in § 93.418 under which cattle may be imported from Canada into the United States to be adequate.

Reliable Testing

One commenter expressed concern about the reliability of the tuberculosis testing within Mexico and urged that such testing be reviewed by the U.S./Mexico Bi-National Tuberculosis Committee.

From our long history of cooperation with Mexico, we are confident that the tuberculosis testing protocols used in Mexican States for the export of cattle to the United States are reliable. Those testing protocols are reviewed by the U.S./Mexico Bi-National Tuberculosis Committee, which was created in 1994 to assist Mexico with its tuberculosis eradication efforts. Furthermore, in an effort to implement its tuberculosis eradication program, Mexico's Secretariat of Agriculture, Livestock, Rural Development, Fisheries, and Food (SAGARPA) conducts an annual review of testing procedures in Mexico. The eradication program has been successful to the point where there has been a reduction in the prevalence of tuberculosis in cattle in certain regions of Mexico.

Permit Requirement

One commenter stated that the Animal and Plant Health Inspection Service (APHIS) should hold SAGARPA accountable for the accuracy of certificates of origin issued in Mexico for cattle intended for export, and that APHIS should work with SAGARPA to ensure that certificates of origin are not endorsed by SAGARPA for cattle that originate from Mexican States that do not meet minimum standards equivalent to those for the "accreditation preparatory" classification in the United States. The commenter expressed concern that the process for disease risk classification of cattle in Mexico may be unreliable.

Mexican authorities have demonstrated that certificates of origin are issued in many Mexican States according to an assurance program equivalent to that applied in the United States. Under this program, all certificates of origin must be signed by an accredited veterinarian and endorsed by SAGARPA. APHIS and SAGARPA have been working together in an effort to identify and control the movement of cattle from Mexican States and regions that are at high risk of containing tuberculosis-infected animals to reduce the likelihood that these animals will be

moved into the United States or into States in Mexico at lower risk of containing tuberculosis infected animals.

However, not all Mexican States have adopted and are implementing an eradication program. Therefore, APHIS is in the process of developing rulemaking that would create tuberculosis risk classifications for foreign regions that are equivalent to the domestic risk classifications that have been established in the United States. The requirements for importing cattle from a particular foreign region would be based on the level of tuberculosis risk in that region, as indicated by its risk classification.

In the meantime, we are removing § 93.424(a)(3), which waives the requirement of an import permit for cattle imported from Mexico. Importers of cattle from Mexico will be subject to the regulations in § 93.404, which require importers of cattle to first apply for and obtain from APHIS an import permit. On the application, the importer must include information regarding the type, number, and identification of the animals to be imported, and information on the origin, intended date and location of arrival, routes of travel, and destination of the animals.

As provided for in § 93.404(a)(3), an application for permit to import cattle may be denied because of:

- Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported;
 - Deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the region of origin or in a region where the cattle have been or will be held or through which the cattle have been or will be transported;
 - The importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the ruminants;
 - The lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or
 - Any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.
- We are including Mexico among the countries for which a permit is needed to import cattle into the United States because we agree with the commenter

that enough variation exists in the risk of importation of different types of cattle from different areas of Mexico to warrant an examination by APHIS of each individual request for importation.

Certification Requirements and Definitions of Whole Herd Test and Herd of Origin

Two commenters expressed concern that the interim rule did not include provisions that would enable APHIS to learn the full tuberculosis history of cattle to be imported and the herds they came from. One commenter recommended that, to be considered part of a herd, cattle should be required to be on common ground for at least 12 months, rather than 4 months as provided for in the interim rule. The commenter suggested that the 4-month provision might enable the assembly of a herd from multiple sources whose tuberculosis status is likely to be unknown, and allow the export of the animals before enough time passes to ensure the cattle are not infected. Another commenter suggested that *whole herd test*, as used in the regulations, be defined to include the testing of breeding cattle, to preclude such a test being administered to a group of feeder cattle but not their dams.

We agree with the commenters that it is important to know the tuberculosis history of the herds from which a group of cattle is assembled, and to be able to trace back the tuberculosis history of any animal intended for export to the United States far enough to ensure that the animal is not infected with the disease. To help ensure that this information accompanies cattle that are imported into the United States, we are making several changes in this interim rule as discussed below.

Under § 93.406(a)(2)(i) of the April 2001 interim rule, we required, among other things, that steers and spayed heifers intended for importation originate from a herd that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of their exportation to the United States. In § 93.406(a)(2)(iii) of that interim rule, we required, among other things, that sexually intact cattle not from an accredited herd also originate from a herd that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of exportation to the United States.

In § 93.400 of the April 2001 interim rule, we defined *whole herd test* as an official tuberculin test of all cattle in a herd that are 6 months of age or older, and of all cattle in the herd that are less than 6 months of age and were not born