

risk” are listed in § 94.18(a)(2) of the regulations.

The prohibitions on the importation of animals, meat, and other animal products into the United States from regions listed in § 94.18(a)(1) or (a)(2) are set forth in 9 CFR parts 93, 94, 95, and 96. Section 93.401 prohibits the importation of any ruminant that has been in these regions. Except for certain controlled transit movements, paragraph (b) of § 94.18 prohibits the importation of fresh (chilled or frozen) meat, meat products, and most other edible products of ruminants that have been in any of the regions. Paragraph (c) of § 94.18 restricts the importation of gelatin derived from ruminants that have been in any of the regions. Section 95.4 prohibits or restricts the importation of certain byproducts from ruminants that have been in any of the regions, and § 96.2 prohibits the importation of casings, except stomach casings, from ruminants that have been in any of the regions.

Essentially then, under the current regulations, there are three categories of regions with regard to BSE. Currently, a region is considered either: (1) A region free of BSE; (2) a region in which BSE is known to exist; or (3) a region that presents an undue risk of BSE. Imports from free regions are generally not subject to restrictions because of BSE. Imports from BSE-affected regions and those that present an undue risk are governed by the same set of restrictions.

We believe it is appropriate to recognize an additional category of regions with regard to BSE—the BSE minimal-risk region. This category would include (1) those regions in which a BSE-infected animal has been diagnosed, but in which measures have been taken that make it unlikely that BSE would be introduced from the region into the United States, and (2) those regions that cannot be considered BSE free even though BSE has not been detected, but that have taken sufficient measures to be considered minimal risk. For instance, a region listed in § 94.18(a)(2) as an “undue risk” region might have increased its levels of surveillance or import restrictions to the point that the risk of BSE introduction from that region becomes unlikely, but not yet have had mitigation measures in place long enough to be considered BSE-free.

In § 94.0, we would define *bovine spongiform encephalopathy (BSE) minimal-risk region* by listing the factors we would consider in determining the region’s risk status. In a new § 94.18(a)(3), we would list the regions that the Administrator has approved for this designation. At this time, we are

proposing to designate one country, Canada, as a BSE minimal-risk region according to the newly proposed factors. (These factors, and the reasons why we believe Canada meets them, are discussed in detail below.) In § 94.18(a)(4), we would explain that a region may request to be designated a BSE minimal-risk region by following the procedures set forth in our regulations in 9 CFR part 92, “Importation of Animals and Animal Products: Procedures for Requesting Recognition of Regions.”

Canada as a BSE Minimal-Risk Region

On May 20, 2003, the Canadian Food Inspection Agency reported a case of BSE in a beef cow in northern Alberta. Therefore, in order to prevent the introduction of BSE into the United States, we published an interim rule on May 29, 2003 (68 FR 31939–31940, Docket No. 03–058–1), effective retroactively to May 20, 2003, to add Canada to the list of regions where BSE exists. As a result of that action, the importation of ruminants that have been in Canada and the importation of meat, meat products, and certain other products and byproducts of ruminants that have been in Canada are prohibited or restricted.

Following the detection of the BSE-infected cow, Canada conducted an epidemiological investigation of the BSE occurrence, and took action to guard against any spread of the disease, including the quarantining and depopulation of herds and animals determined to possibly be at risk for BSE. Subsequently, Canada asked APHIS to consider reestablishing the importation of ruminants and ruminant products into the United States from that country, based on information made available to APHIS regarding Canada’s veterinary infrastructure, disease history, practices for preventing widespread introduction, exposure, and/or establishment of BSE, and measures taken following detection of the disease.

In this document, we are proposing to list Canada as a BSE minimal-risk region based on an analysis we conducted of the conditions considered for such a designation and the information available to us regarding how Canada meets those conditions. The risk document, “Risk Analysis: BSE Risk from Importation of Designated Ruminants and Ruminant Products from Canada into the United States,” also identifies the measures we believe are necessary to mitigate any BSE risk that specific commodities imported from Canada might present to the United States (discussed in this proposed rule,

below, under the heading “Importation of Ruminant Commodities from a BSE Minimal-Risk Region”).

You may view the analysis in our reading room (information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this proposed rule). You may also request a copy by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the analysis when requesting copies. You may also view the analysis on the Internet by accessing the APHIS Web site at <http://www.aphis.usda.gov>. At the APHIS Web site, click on the “Hot Issues” button. On the next screen, click on the listing for “Bovine Spongiform Encephalopathy (BSE).” On the next screen, click on the listing for “Risk Analysis: BSE Risk from Importation of Designated Ruminants and Ruminant Products from Canada into the United States.”

In this proposed rule, we first discuss the factors we would consider in classifying a region as a BSE minimal-risk region. We would consider these factors in considering requests from any region to be classified as a BSE minimal-risk region. We then discuss why we believe Canada qualifies as a BSE minimal-risk region. Following that, we discuss mitigations that we would apply to specific commodities from Canada.

Proposed Factors for BSE Minimal-Risk Regions

APHIS has developed a list of factors we would use to evaluate the BSE risk from a region and classify a region as a BSE minimal-risk region. We would use these factors as a combined and integrated evaluation tool. We are proposing to base the classification on an evaluation of the sum total of these factors, focusing on overall effectiveness of control mechanisms in place (*e.g.*, surveillance, import controls, and a ban on the feeding of ruminant protein to ruminants). For regions in which BSE has been diagnosed, we would base our evaluation on the overall effectiveness of such control mechanisms in place at the time BSE was diagnosed in the region, and on actions taken after the diagnosis (*e.g.*, an epidemiological investigation of the occurrence). For regions in which BSE has not been diagnosed, we would base our evaluation on the adequacy of surveillance mechanisms to detect disease, efficacy of a feed ban, and effectiveness of programs in place to prohibit entry into and establishment of disease in the region. This approach differs from some of the numerical criteria specified by the Office