

## COMMENTS ON THE FEDERAL BOVINE TUBERCULOSIS PROGRAM

Myles Culbertson, Executive Director, NM Livestock Board

December 11, 2008

Few, whether in or out of government, would maintain that that the 91-year-old Bovine Tuberculosis Program is succeeding, or is particularly relevant, in today's livestock environment. The New Mexico experience bears the fact out. The federal indemnity in New Mexico exceeded \$20,000,000 in 2007 and destroyed over 10,000 head of cattle to remove 52 infected animals from the supply chain. In 2008 a lone infected "mystery" cow caused the programmatic downgrade of the entire state. The taxpayers have been abused, the livestock industry is under unreasonable regulatory burden, and no national progress in the elimination of the disease can be claimed as a result. How many ways could twenty-plus million dollars have been better used? Maybe it could have underwritten development of a reliable test or an effective prevention; or not spent at all, held in reserve against the possibility of a serious agricultural crisis.

That said, the historical effectiveness of the federal TB program should not be understated. Prevalence of Bovine Tuberculosis in 1917 exceeded 6%, and today is something less than .02%; nevertheless, final eradication or positive control of the disease must now be addressed under a different approach. With all respect to the tireless work of dedicated USDA and state animal health professionals over almost a century, we are seeing, because of evolution in the structure of the beef and dairy industries since 1917, an ever widening gap between good science and poorly applied regulation.

Bovine Tuberculosis has, over the federal program's long tenure, become institutionalized. We are shackled to process, rather than engaged in aggressive pursuit of the solution. Fear of a statewide downgrade becomes central to the decision process, actually hindering practical efforts to eradicate the disease. Additionally, we have, as regulators, pushed the producers and marketers of cattle aside, giving little respect to their essential role as protector of the health of the cattle herd in the United States.

Fortunately, the USDA has begun to acknowledge the TB program shortfalls and is discussing change. Although USDA's recognition of the need for a fundamental overhaul is encouraging, meaningful redirection will not be achieved unless valid principles are at its foundation, including but not limited to the following:

**Eradication, control, or both?** "Control" and "eradication" are distinct from each other but nevertheless complementary; one contributing to the other and one following the other. In order to avoid misappropriation of resources and futility of outcome, rules and methods must be developed under the guidance of this understanding.

**The supply chain:** Control and subsequent eradication of the disease must take place from the standpoint of the stream of commerce, not political subdivisions. Designation of a “status” on an entire state is punitive, wasteful, costly to the industry, costly to the taxpayers, and diverts limited resources away from the problem; meanwhile, little if any reduction on prevalence of the disease is accomplished. The supply chain, not political boundaries, must be made the target for mitigation. The supply chain is where the points of vulnerability exist and where the corrective measures must be applied. To the extent that political boundaries must be recognized, agreements between and among states can often be more effective than federal requirements.

**Risk as a tool:** The concept of “Risk” must be properly and commonly understood by both government and industry. The reality of limited resources will always demand targeted application toward increased risk, and away from low or no risk. An often-ignored maxim states that it is as important to know where the risk doesn’t exist, as to know where it does. A well designed risk-based approach is a powerful tool for the regulator, as well as the regulated, to maximize the safety of the product and of the supply chain.

**Market driven solutions:** To the extent that TB is an industry economic issue, industry must be allowed to take significant ownership of the problem. From a regulatory standpoint, businesses should be subject to the competitive economic advantages of good management practice and the disadvantages of marginal practice. Regulation must support and encourage this. TB needs to be recognized for what it is: an economic threat that can be avoided by market driven strategies against risks of infection and transmission.

Downstream users and processors, by placing their own stringent requirements on producers, can have more effect than can the government. If they demand good business practices from their suppliers, they will get them. If government simple-headedly demands those things, the trade will simply figure out the loopholes. The downstream value-added users of beef and milk cannot afford the perception of an unsafe product in the mix. Remember the Hallmark meat processing example. It was not an animal cruelty issue that caused the closure of that plant. It was fear of an unsafe product.

It is a matter of economic advantage. Good management practice is good business, and should not be discouraged by government. Industry can take initiatives to protect the supply chain; accordingly, USDA can establish sensible, understandable rules that acknowledge and support market-based opportunities for control and eradication.

So, how does the government apply these principles in the development of a new TB regulatory paradigm?

Much work will obviously need to go into the details of an improved regulatory structure. In order not to design failure into the process from the start, it must

begin by making sure the right stakeholders are involved, including the private sector. It is vital to understand that governments and their agencies can do a lot of things: They can pass laws, institute complex rules, quarantine, seize, arrest, inspect, investigate, prosecute, etc, etc, etc. The thing they cannot do is protect the product or its supply chain. Only the owners of that supply chain have that ability. The private sector must be a key component of the plan for an effective TB program.

A new TB program must be simple – simply understood and simply deployed. Complexity is not a necessary component of an effective program, but rather a potential threat to the plan's viability.

Complete eradication of TB through reliance on the caudal fold test is a statistical impossibility. Aggressive research and development of accurate detection and effective prevention is essential, and would be a much more productive way to expend federal dollars than financing massive indemnification. A number of promising research projects are already in progress, dealing with detection of the human form of tuberculosis, and it is possible that M Bovis might be addressed by similar technology and science. An accurate chute-side test would completely change the game in the battle against bovine tuberculosis.

Neither the livestock industry nor the taxpayers can afford to wait on a long process of change. Redirection of the TB program must be accomplished quickly, but with a clear understanding of risk, involvement of the trade, and proper consideration of the supply chain. Time is indeed of the essence in order to properly employ the available science in mitigating the disease, as well as to minimize the adverse economic impacts on the industry and the taxpayers.

\*\*\*