Ethics Robert Buckenmeyer

Well, here is Behling's description of selling "downed" cattle for rendering: "Foolishness caused by maybe a certain amount of greed" as well as denial, as to even the accuracy about what is an American or Canadian beef cow or heifer. God, that is the greatest understatement since the description of the Patriot Act "…would not limit civil liberties…" or blur the meaning of the first ten amendments to the Constitution by Ashcroft!!!!!!!

The fact of the matter is that such a practice is raw greed and denial of responsibility and is the top and bottom line statement in American Big Business – which is why even a Democrat in the Texas congressional delegation just became a Republican, namely, because of the money.

New York Times

Mad Cow Forces Beef Industry to Change Course
By MICHAEL MOSS, RICHARD A. OPPEL Jr. and SIMON ROMERO

Published: January 5, 2004

Jeffrey Behling, a dairy farmer in Washington State, used to burn the carcasses of his hobbled "downer" cattle until he found there was a market for their meat. Even so, selling damaged cows for human consumption never sat well with Mr. Behling, who in 2001 briefly had in his feedlot the Holstein cow identified last month as the downer with mad cow disease.

"It's an absurd practice," Mr. Behling, 44, said in an interview. "Foolishness caused by maybe a certain amount of greed."

The financial motive that drove the industry to defend practices like selling downers has been turned on its head by the discovery of mad cow disease. Now, in an attempt to rescue the market for American beef, the industry is being forced to accept regulation it has long fought.

But some large American companies that process and sell beef had already abandoned those more controversial practices, which had been a rallying point for food safety advocates since mad cow disease appeared overseas nearly two decades ago. While a schism developed in the industry, the current crisis reveals how government regulators sided with companies that adhered to those methods of operation.

When an animal rights group, Farm Sanctuary, and an individual, Michael Baur, sued the government to force a ban on using downer animals for food, government lawyers persuaded a federal judge to dismiss the case on the ground that mad cow disease, or bovine spongiform encephalopathy, had not appeared in the United States.

"The threat of B.S.E. from downed livestock is not `real and immediate,' " the lawyers argued. "B.S.E. has never been found in the country's livestock, and there is no reasoned basis to expect that it ever will be considering the measures being taken against it." An appeals court reinstated the case on Dec. 16, 2003 — one week before the announcement that the disease had been discovered.

For years, the industry had a simple strategy: Fight proposals that would crimp its ability to squeeze as much revenue as possible from each cow. The finances were compelling.

At least 150,000 downer cattle — those who because of injury or illness cannot walk — were sold annually for human consumption for as much as a few hundred dollars apiece, extra money for cattlemen struggling with low prices. Food safety advocates warned that these cattle could carry disease, but the political power of the industry was evident in 2002 when its lobbyists helped defeat legislation banning the commercial slaughter of downer cattle even after it had been approved by the House and the Senate.

In the 1990's, meatpackers bought machines that were able to strip a few extra pounds off carcasses while saving millions in labor costs. Critics tried to limit the use of the so-called advanced meat recovery systems, citing studies showing that the extra meat was sometimes laced with nerve tissues, where mad cow disease can incubate. But by one consultant's account several years ago, getting rid of the machines would mean a loss to the industry of more than $130 million a year.

Now the money saved by fighting those changes is dwarfed by the billions the industry stands to lose unless it can convince consumers, especially overseas, that its beef is safe.

"They played a high-risk, high-stakes game, and they lost their bet," said Representative Gary L. Ackerman, a New York Democrat who pushed for a ban on the commercial slaughter of downer cows. "Now the perception among millions of people is that this product isn't safe, and they can't put Humpty Dumpty back together again."

It Was the Best of Times

As part of the campaign to restore consumer confidence, Agriculture Secretary Ann M. Veneman last week banned the use of downer cattle for meat and imposed further regulation on advanced recovery systems. Still, after the disease was detected last month, cattle prices plunged about 20 percent, while the $3.6 billion export market for beef, veal and variety meats largely evaporated, according to Cattle-Fax, an industry research firm. This came after United States beef prices had reached record highs, partly because of the restriction of imports from Canada after the mad cow outbreak there and the rising popularity of beef-friendly eating trends like the Atkins diet.

"The last year had been heaven on earth for beef producers," said Don Stull, a co-author of "Slaughterhouse Blues," a study of the meat industry.
But even in the best of times, meatpacking remains a cutthroat business. Steve Kay, the publisher of Cattle Buyers Weekly, estimates that profit margins rarely climb above 2 percent as companies deal with fluctuating cattle prices and relatively higher labor costs.

Those financial constraints, which led meatpackers to harvest every last pound of meat, also caused consolidation in the industry.

Five meatpackers now slaughter more than 80 percent of the nation's steers and heifers: Tyson, Excel, Swift, National Beef Packing and Smithfield. Bigger slaughterhouses have cut processing costs by as much as 40 percent, according to Agriculture Department data. Wholesale beef prices have declined almost every year since the early 1980's.

"We have the cheapest food supply in the world in terms of what we spend on food as part of our incomes," said Dean Cliver, a professor of population health at the University of California at Davis.

Affordable beef has helped make for easy relations between the industry and federal regulators. According to the Center for Science in the Public Interest, a consumer group, a dozen top officials of the Department of Agriculture have worked or lobbied for the industry or for industry trade groups. They include Jim Moseley, the deputy agriculture secretary, who was managing director of Infinity Pork LLC, a hog farm; Dr. Chuck Lambert, the deputy under secretary for marketing and regulatory programs, who was chief economist of the National Cattlemen's Beef Association; and Mary Waters, the assistant secretary for Congressional relations, who was senior director and legislative counsel for ConAgra Foods. "It's not surprising the industry has so much influence given the number of U.S.D.A. officials who have been hired directly out of the meat industry," said Caroline Smith DeWaal, the center's food safety director.

Alisa Harrison, the department's press secretary, said Secretary Veneman set policy by consulting a wide range of advisers and interest groups. "To make a sweeping charge that her decisions are influenced just because she has people from industry on her staff is very disingenuous," she said. She also noted that the department's top food safety official, Dr. Elsa A. Murano, had been director of the Center for Food Safety at Texas A&M University.

Ms. Harrison also said the department had been attentive to the dangers of mad cow well before last month. "We were able to make the quick announcement that we did last week because a lot of the groundwork had been going on" since the discovery in May of a cow in Canada with the disease, she said. "These are things we have been looking at."

But the debate over the advanced recovery system shows how the industry and regulators have resisted pressure from safety advocates since the disease appeared in Britain in 1986 and then spread to 18 other European countries.

New Process, New Concerns

The technology, developed a decade ago, uses hydraulic pressure to force extra pounds off cow carcasses, producing filler for processed foods like hamburger, hot dogs and pizza toppings. Consumer groups initially complained that bone was getting into the advanced meat recovery product and argued that the product should not be labeled as beef. Then, in 1997, federal agriculture officials announced that they had found spinal cord tissue in some of the meat.

Concerned that the nerve tissue could increase the public's risk of contracting mad cow disease, consumer groups asked the government to ban the technology, said Linda Golodner, president of the National Consumers League.

But both the industry and government regulators resisted, arguing that the absence of the disease in the United States showed that there was no problem. "For us, so far, it's a non-public-health issue because we have no B.S.E.," Kaye Wachsmuth, who was then deputy administrator for public health science at the Agriculture Department, said in 1998.

There were other arguments against the ban. The machinery replaced workers who could suffer crippling injury from trimming the carcasses by hand; one consultant study estimated that 394 workers would be injured if slaughterhouses returned to hand-trimming. Companies that sell the machines say such beef poses no threat. "The accepted science essentially states that there is not any relationship between B.S.E. and A.M.R.," said Harold T. Hodges, vice president of government relations and product quality for the BFD Corporation, one of the distributors of the machines. "We've never had an issue."

Proponents of the technology argued that proper enforcement of the technology, rather than a ban, could prevent contamination.

"It's always been a legitimate enforcement compliance issue to ensure that what you call beef is beef," said Robert Hibbert, a lawyer who represented meat processors that used the technology. "There is no justification for banning something on the basis that it has been removed by a machine rather than by hand with a knife."

But some industry officials worried that not every processor used the machinery properly. At an American Meat Institute conference in Chicago in 1997, an executive of a major beef producer warned that applying too much pressure would force bone material into the beefy mush. In addition, the spinal cord has to be carefully removed before the cow carcass is fed to the machine.

Second Thoughts

As federal officials continued to find traces of nervous-system tissue in recovered beef, some companies determined that the potential cost of these practices outweighed the gains.

With consumer groups pressing for a boycott of meat produced using advanced recovery technology, a host of restaurants and producers announced they were advanced meat recovery free, including General Mills and McDonald's, which swore off downer-cow meat as well.

In a fact sheet, McDonald's says, "These policies meet or exceed all government requirements, and have been reviewed by our international scientific council on B.S.E., made up of renowned experts in this field."

Meanwhile, some slaughterhouses had other reasons to stop using the machines. In late 2002, Shapiro Packing, a processor in Augusta, Ga., produced tainted beef using the machinery system. The contaminated material was destroyed, but the company had to spend a lot of money to shore up its operation, said Dane Bernard, vice president for food safety at Keystone Foods, which manages Shapiro Packing.

Additional workers were placed on the line to ensure that the carcasses were properly stripped of their spinal cords, and the company's inspections became nearly continuous, Mr. Bernard said. The new measures increased expenses while big beef buyers were boasting that their food was not processed using advanced meat-recovery systems. So last summer, Shapiro mothballed its machinery and returned to manual trimming.

"I can't say we had a crystal ball," Mr. Bernard said. "Sometimes it's better to be lucky than good."

The discovery of mad cow disease is likely to increase the debate over the technology. Dr. Wachsmuth, the agriculture official who defended the technology in 1998, said in an interview on Saturday that the absence of the disease had been an important factor in that defense. "The mere threat of it wasn't enough," said Dr. Wachsmuth, who is now retired. "Now that we do have B.S.E., maybe it should be revisited."

Dan Murphy, a spokesman for the American Meat Institute, the meatpackers' trade group, said the number of processors using the technology had recently fallen to fewer than 30 from 35. He said that the machines once produced several hundred million pounds of meat a year, but that a survey in late 2002 found the number had dropped to 45 million.

Even so, he said, "We're confident that this is a safe, wholesome product that doesn't trigger any concern or carry any danger in its use." But he acknowledged that some members of the association were less supportive: "There are companies that would just as soon we said nothing."

In her announcement last week, Secretary Veneman imposed regulations intended to further keep unwanted tissue from the food supply, but she stopped short of a ban on the technology.

Mr. Murphy, the industry spokesman, acknowledged that a further review of the technology was possible, especially if there is pressure from overseas trading partners. "Nobody is going to give up $1.2 billion in beef trade for a handful of A.M.R.," he said.

In Washington State, Mr. Behling, the onetime holder of the diseased cow, said that in the days since the discovery of mad cow, the industry has learned that lesson in global economics. Mr. Behling, who has a few thousand cows in his operation, said that when the occasional downer cow appeared, a slaughterer would drive out to his farm with a hoist and give him $100 for the hobbled animal.

But in the wake of the mad cow crisis, he said, "My feeling is that any money that dairy farmers might have made from downer cows, they gave it all back this week."

6 January 2004

What's a Canadian Cow? Trade Blurred Distinctions
By SARAH KERSHAW and BERNARD SIMON

Published: January 6, 2004

SEATTLE, Jan. 5 — From the moment the news filtered out that the Holstein with the first case of mad cow disease in the United States was believed to have been born in Canada, the nation's cattle industry, from Washington, D.C., to the far reaches of the Northwest, was abuzz with relief.

The National Cattlemen's Beef Association issued a news release urging trading partners to "reopen their borders to U.S. beef exports" in light of information linking the diseased cow to Alberta, Canada. On the West Coast, where imports of live Canadian cattle were heaviest until last May, when trading was halted after Canada reported its first case of mad cow disease, farmers and industry officials held teleconferences and meetings, hopeful that the Canada link meant the United States could maintain its mad-cow-free status.

The United States' ability to maintain that status remains to be seen. But the industry's effort to distinguish American cattle from Canadian cattle has drawn criticism from Canadian ranchers and cattle industry officials, who say the United States has suddenly portrayed mad cow disease as a Canadian problem. Heavy trading of dairy, beef and breeding cattle and feed between the two countries until eight months ago, they say, created a deeply integrated cattle market.

"There is going to be heated debate on whether mad cow disease is here," said Jay Gordon, executive director of the Washington Dairy Federation, a trade association in the state where the country's first case of mad cow disease, or bovine spongiform encephalopathy, was found.

"If an animal is not born in the country, you can argue that you have your B.S.E.-free status," Mr. Gordon said. "If that does shake out and become the case, with any luck at all, we can quickly and fairly rapidly get all the material necessary to prove our case."

Clint Peck, a senior editor at Beef Magazine, an American trade publication, was a guest on a Canadian radio show last week and the host asked him, "How mad are U.S. cattlemen at Canada?"

Mr. Peck recalled telling the host: "When it comes to the North American cattle business, the hole isn't in your side of the boat. We're pretty much in this ballgame together."

But that is not the message the American beef and dairy industry would like to send to consumers or to the dozens of nations that have banned American beef imports.

Rick McRonald, executive director of the Canadian Livestock Genetics Association, which represents exporters of breeding animals, said there were 300,000 to 400,000 Canadian cattle in American cattle herds.

And Ryan Dykstra, a dairy farmer near Moncton, New Brunswick, who sold cattle to American farmers regularly before the trade ban, said, "Cattle have been flowing back and forth for years."

Mr. Dykstra said he was frustrated by what appeared to be an eagerness to portray mad cow disease as a Canadian problem. "If the Americans don't like something, they will change their laws to suit their needs," he said.

In 2002, Canada sent 1.2 million live cattle to the United States, the Canadian government said, but all imports were halted when Canada discovered its first case of mad cow disease, in a black Angus.

Until the trade ban, the scene at Walker Dairy Sales in southwestern Ontario was typical for many Canadian cattle auction yards: On the last Friday of every month, about 100 buyers showed up to bid on cattle, but American buyers, numbering only about a half-dozen, would leave with the most, frequently buying a trailer-load of 35 cows each.

John Walker, the auction yard owner, said he could not recall a more difficult time for Canadian dairy farmers since he began selling cows 40 years ago.

On the other side of the border, cow auctioneers and dairy farmers, particularly on the West Coast, said Canadian cattle were highly desirable because of their quality and the favorable exchange rate. So many cattle were imported into Washington State, dairymen and auctioneers said, that farmers rarely distinguished between cows from the two countries. "One Holstein looked like another," said Ronald Mariotti, owner of a livestock auction yard in Enumclaw, Wash.

The news that the diseased cow in Washington was believed to have been born in Canada came as American officials were moving toward reopening the border to imports of Canadian cattle younger than 30 months, those considered at low risk for mad cow disease. The Department of Agriculture, which proposed resuming the imports, has now indicated it may reconsider.

The ban on exports of live cattle has not only financially pinched Canadian farmers, but has also, some said, left them feeling abandoned by their neighbor.

A columnist for The Montreal Gazette, Bill Brownstein, wrote last week about issues that have divided the United States and Canada, including the war in Iraq, prescription drugs, the environment and wheat and lumber subsidies.

"And now it appears that their mad cow came from Canada," Mr. Brownstein wrote. "There is no respite. Or respect. We have become their whipping-boy, their 98-pound weakling." But, he continued, "We are entirely blameless in the matter of Michael Jackson."

Sarah Kershaw reported from Seattle for this article, and Bernard Simon from Toronto.

US News and World Report
Nation & World 1/12/04
Is It Safe?

By Susan Brink and Nancy Shute
You know the old saw about the two things you should never watch being made, legislation and sausage? Add burgers and steaks. The discovery of mad cow disease in an animal from Washington State has many Americans wondering if they should avoid the meat counter. The U.S. Department of Agriculture's decision last week to upgrade safety regulations for beef processing reassured many, but certainly not all. "Our food supply and the public health remain safe," said Agriculture Secretary Ann Veneman. Among the new measures: keeping potentially infected brain and spinal parts away from edible meat and banning the butchering and use of animals too sick to walk.

Industry critics applauded the action but say they're concerned about enforcement and charge that the federal government waited too long before acting. Says Caroline Smith DeWaal, director of food safety for the Center for Science in the Public Interest: "We've been raising this with USDA since 1997."

Had it not been for the case confirmed just before New Year's Eve, the wait might have been longer. Just weeks before, Congress--buoyed by the powerful beef lobby--scuttled the latest effort to keep sick cows, known as "downers," out of the food supply. Meat from the infected cow, a downer, reached supermarkets in eight states, and some was consumed before Agriculture Department officials could recall it. The Food and Drug Administration, which is also charged with keeping infected beef out of the food supply, has been criticized for failing to adequately enforce a 1997 ban on feeding cow remains to other cattle--the practice that sparked Britain's mad cow epidemic in the 1980s.

Even with the newly enhanced safeguards, no one can say for sure what's safe and what's not. That's because scientists know so little about the behavior of prions, the strange infectious proteins that appear to cause mad cow disease and its human counterpart, variant Creutzfeldt-Jakob disease. For years, government officials maintained that the diseases couldn't be transmitted through blood. Yet just last month, Britain announced its first case of a person who died of Creutzfeldt-Jakob disease after a blood transfusion from an infected donor. That news, coupled with new research showing that animals can be infected through blood transfusions, has the FDA scrambling to reconsider the common practice of using cow blood as a protein supplement for cows and calves. "Blood has not been thought to be a source of infection," says Lester Crawford, deputy commissioner of the FDA. "Now there's new information, which we've been looking at very carefully."

The world has been grappling with the threat of mad cow disease, or bovine spongiform encephalopathy, since 1985, when scientists traced an outbreak of the deadly neurological disorder among cattle to the use of cow brains and other tissue in cattle feed. But it wasn't until the 1990s, when people in England who ate beef started dying of a rare dementia, that anyone realized the effect of the disease on humans. Since the outbreak, at least 136 Creutzfeldt-Jakob deaths have been linked to beef across Europe, most in the United Kingdom. The average age of the deceased: 28.

Prion-based diseases are scary because they're invariably fatal and can incubate silently for decades before they start producing symptoms. In cattle, they appear to incubate for at least 3½ years, which is why European nations now test all cows over 30 months of age. Another reason prions are so worrisome is that they're almost impossible to destroy. Even incinerating infected tissue at superhigh temperatures doesn't neutralize them.

What to do? Britain finally tamed its mad cow epidemic by enforcing a strict ban on feeding cow remains to other cattle. The FDA issued a similar ban in 1997, and it says 99 percent of feed mills have complied. But a report last year by Congress's General Accounting Office concluded that the ban lacked teeth. FDA inspectors don't test feed for cattle tissue; rather, they check the mills' paperwork. And it's still legal to feed blood and gelatin derived from cows to cattle, while blood products are often used to wean dairy calves. In light of last month's discovery, the FDA is now considering a ban on blood-based feeds, a move that dairy experts estimate could raise the cost of feeding a cow, currently around $3.50 per day, by 50 cents to a dollar.

Some critics worry that even if the feed ban proves effective, some cows may still end up eating the remains of others. Cow products are regularly used in poultry and pig feed, and the litter from these animals sometimes gets mixed back into cattle food. "They can feed cow parts to pigs and chickens, and then feed it back to cows," said Susan Solarz, scholar-in-residence at American University.

Move these issues out of the laboratory and into the family dining room, and they have a yuck factor that's off the charts. Take downer cows. Of the 36 million cattle slaughtered annually, an estimated 130,000 to 190,000 are sick or disabled animals. The beef and dairy industries have long argued that most of those animals are healthy, suffering only broken legs. Congress has pretty much bought the argument. More than half the members--33 of 51--of the powerful House Agriculture Committee received campaign contributions from dairy political action committees, and when the panel voted on a downer ban in July, 85 percent of those who had received contributions opposed it. In November, the Senate passed the ban on a voice vote, but then GOP leaders cut the provision from the giant spending package passed just before Christmas. That bill is now languishing in the Senate. Though it will top the agenda when Congress returns, even legislators friendly to the beef industry worry about the prospects for tougher safety rules. "We need to do something about the inordinate influence that the packers have on the process," says one such congressman, North Dakota Democrat Earl Pomeroy.

Prevention. But even without Congress, the Agriculture Department can move to regulate the food supply. That's what it did last week with the ban on downers. The new rule would have prevented the sick cow in Washington State from making its way to market. Another new rule, still in proposal form, also would have prevented the meat from reaching consumers. Since the disease is carried in high-risk tissue like the brain and spinal cord, those tissues were removed from the sick cow for testing. Before results were known, however, the meat was sent on for processing, sale, and consumption. A new proposed regulation calls for waiting until test results are known--the procedure used in Europe and Japan--before the meat can be processed. But it's unclear how many cattle would be tested.

Other new, proposed regulations have brought to light some more things many meat eaters would prefer not to think about. One says that cattle can no longer be stunned with air injections before slaughter, a practice that can send brain tissue into muscle, contaminating it. New restrictions would also be imposed on a process called advanced meat recovery, which cuts meat very close to the bone. It is widely used in ground meat for pizza, hot dogs, and sausage. An FDA survey found that 35 percent of meat sampled from this kind of process in 2002 contained traces of high-risk nervous-system tissue.

Regulations are one thing, enforcement another. Except for the immediate ban on downer cattle, the regulations are not yet written. Carol Tucker Foreman, director of food policy for the Consumer Federation of America, cautions that no one knows exactly what they'll say or how aggressively they will be enforced. "Because they were clearly put together quickly, they were very general. We have had occasions with this administration where the final product was substantially less than promised." One example this year, she says, was a proposal to require testing for the toxic form of listeria, bacteria found in processed food such as lunch meat. "The industry didn't want that, so they dropped that. For us, that was the linchpin of the rule."

One cow has forced Americans to look at the gruesome path taken by the beef they eat. The food-safety answers are far from clear. Some 5,200 people die in the United States each year of food-related illnesses. Not one of those deaths has been from mad cow. It could take years, if not decades, to learn the true risk and figure out how to minimize it. "With other illnesses, it's clear what the response is. With SARS, you quarantine immediately. With AIDS, you say use condoms and don't share needles," says Robert Klitzman, codirector of the Center for Bioethics at Columbia University. "Here, it's not certain how much disease is out there. In the worst-case scenario, if someone got infected from this cow, that person wouldn't suffer symptoms for 10 years. You don't want to make people hysterical, but you don't want to deny the illness, either."