Stakeholder response summary

Fresh beef and beef products from the United States including sourced from cattle imported from Canada or Mexico

The Department of Agriculture, Fisheries and Forestry received five stakeholder submissions on the report. Three submissions were from members of the public and two submissions were from domestic industry peak bodies, namely Cattle Australia (CA) and Australian Meat Industry Council (AMIC). Two of the submissions from members of the public did not provide written comment. The third submission by a member of the public is addressed under the general questions and comments section.

## General questions and comments

| **General questions and comments** | **Department response** |
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| How is the risk of Bovine Spongiform Encephalopathy being managed? | The Australian Government's BSE food safety policy 2009 (bovine spongiform encephalopathy) requires that all countries exporting or seeking to export beef or beef products to Australia have a food safety risk assessment undertaken by Food Standards Australia New Zealand (FSANZ). The FSANZ risk assessment includes a desk assessment and an in-country verification assessment. It examines the effectiveness of BSE-related controls throughout the beef production chain in the applicant country including animal feeding practices, transportation, animal identification and traceability, slaughtering, and food safety and food recall systems. Both Canada and Mexico have been assessed by FSANZ as having a Category 1 status. Category 1 status means there are comprehensive and well-established controls to prevent both the introduction and amplification of the BSE agent in a country's cattle population, and contamination of the human food supply with the BSE agent. |

## Cattle Australia submission

| **Comment** | **Department response** |
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| CA recognises that the draft report recommends that there is minimal biosecurity risk in expanding market access to the US including beef and beef products derived from Canada and Mexico. | The comment from CA refers to beef and beef products derived from Canada and Mexico. The draft report recommends that the biosecurity risk in expanding market access to the United States including beef and beef products derived from bovines born and raised in Canada or Mexico and subsequently legally imported and slaughtered in the United States meets Australia’s appropriate level of protection.  The report did not assess the biosecurity risk of beef and beef products exported (to Australia) either directly from Canada or Mexico or Canadian/Mexican beef products exported (to Australia) indirectly via the United States. Direct access from Canada for beef of Canadian/US origin has been assessed [separately](https://www.agriculture.gov.au/biosecurity-trade/policy/risk-analysis/animal/fresh-usa-beef-from-canada-mexico-imports) . |
| It is imperative that any requests or decisions regarding market access to Australia be conducted in a manner that upholds the principles of a rule-based international trade system, consistent with our membership obligations to the World Trade Organisation (WTO) and in accordance with the standards set by the World Organisation for Animal Health (WOAH).  CA support the adoption of an objective and transparent science-based risk analysis framework for evaluating import applications. This framework should prioritise the establishment of robust sanitary and phytosanitary (SPS) protocols that mitigate risks to public health and animal welfare while facilitating fair and equitable trade practices. | The department agrees with this comment. All WTO Members are required to uphold the principles and obligations of the WTO SPS Agreement. This includes the recommendation that member countries adopt the guidelines established by the international standard setting organisations – in the context of this review, the guidelines set out in the World Organisation for Animal Health (WOAH) Terrestrial Animal Health Code. These guidelines provide for structured and science-based assessment. Notwithstanding the above, the department must also comply with domestic legislation. The *Biosecurity Act 2015* defines biosecurity risk and sets out the circumstances in which it can / must be assessed. The *Biosecurity Act 2015* also defines Australia’s ALOP. |
| One of CA’s key guiding policy principles in regard to beef imports to Australia is the implementation of comprehensive, in-country, whole-of-life traceability systems for all imported beef products, with demonstrated equivalence to Australian standards. This includes the requirement for export abattoirs seeking approval to consign beef to Australia to adhere to risk-based reciprocal in-country SPS inspection and auditing protocols, which should be no less stringent than those applied to Australian processing plants. It is essential to Australia’s biosecurity requirements that imported products are accompanied by closed and audited animal traceability systems that are equivalent to Australia's National Livestock Identification System (NLIS).  CA does not believe that the US currently can provide an equivalent level of individual lifetime animal traceability (for animals imported specifically from Mexico) to that of the Australian system.  CA are concerned that lifetime traceability of cattle entering the US from Mexico and their country of origin is not clearly demonstrated and that there is potential for cattle being transported into Mexico from Central America to be identified as Mexican cattle. CA are concerned over the biosecurity risk this poses for Australia, and we would urge the Department to do a more thorough assessment of the lifetime traceability of Mexican cattle due to the biosecurity risk they could potentially pose to Australia. | The United States’ domestic cattle traceability system was evaluated in 2019 in a Competent Authority assessment that followed from the 2017 Beef Review.  The United States also places identification and traceability obligations on livestock imported from both Canada and Mexico. These obligations are set out in the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) importation protocols for cattle sourced from each country.  Under the recently published USDA-APHIS protocols for Mexican feeder and breeder cattle (separate protocols), all animals must have been born and raised in Mexico or the United States and have originated from an export-eligible region in Mexico[[1]](#footnote-1). All animals must also be individually identified with permanent or semi-permanent tamperproof official ear tags approved by the Ministry of Agriculture and Rural Development (SADER/AGRICULTURA) with tag numbers recorded in appropriate export documentation such that each animal can be traced back to the farm where it was born and/or raised if required. In addition, each animal must have a blue metal tag indicating the Mexican state of origin. Each desexed animal must also be bear a distinct, permanent, and legible “M” brand applied on the right hip with a freeze brand, hot iron, or other method approved by USDA-APHIS. Entire (breeding) animals are to be similarly branded, but on the upper right front shoulder. At the United States border, USDA-APHIS port personnel will verify the completeness and accuracy of export documentation and compliance with import requirements. The USDA-APHIS port Veterinary Medical Officer will visually examine the cattle to verify health status and to confirm that forms of identification correlate with export documents. Animals missing the blue metal ear tag and/or the SINIIGA ear tag will be refused entry. Animals whose ID is not accurately reflected in the export documentation will be refused entry. USDA-APHIS will record the details of any animal that has been refused entry.  The department has assessed these USDA-APHIS arrangements as effective at providing sufficient assurance that the biosecurity risks can be managed |
| This includes the requirement for export abattoirs seeking approval to consign beef to Australia to adhere to risk-based reciprocal in-country SPS inspection and auditing protocols, which should be no less stringent than those applied to Australian processing plants. | The department does not audit and approve individual export abattoirs to consign beef to Australia.  The 2019 Competent Authority assessment that followed from the 2017 Beef Review determined that the United States’ beef production and processing systems, including the USDA oversight, provide outcomes that will meet equivalence with Australian systems. The department therefore will accept product from export abattoirs that are approved by the USDA to export to Australia. Establishments eligible to export to Australia are listed by the USDA-FSIS at [Australia Export Eligible Establishments](https://www.fsis.usda.gov/inspection/import-export/import-export-library/u-s--establishments-country/australia-eligible).  The department acknowledges that the United States applies rigorous inspection and auditing protocols to Australian processing plants (including the annual self-reporting tool and in-country visits every 3-5 years. The frequency and level of reciprocal in-country inspection and auditing by the department will be on the basis of trade, ongoing compliance and biosecurity risk.  In addition to this, all food imported into Australia must comply with Australian food standards and requirements for safety. This includes compliance with the Australia and New Zealand Food Standards Code and country of origin food labelling requirements. The department monitors imported food to check it meets these requirements through a risk-based inspection scheme called the Imported Food Inspection Scheme (IFIS).  Beef and beef products are classified as risk food in the Imported Food Control Order 2019. This is based on advice from FSANZ that the food poses a medium or high risk to public health. All consignments of risk food are referred to the department for inspection. The rate of inspection of these consignments is based on the food’s history of compliance. A history of compliance is developed based on the producer, country of origin, and tariff code. The rate of inspection starts at 100% and then is reduced to 25% of consignments following 5 consecutive passes, is reduced to 5% following a further 20 consecutive passes and is increased back to 100% if a risk food fails inspection.  The department refers consignments of raw chilled or frozen beef and beef products for analytical testing at the rate of 5%. During inspection, the department will also conduct a visual and label assessment. Beef and beef products are subject to microbial testing (*E. coli* and *Salmonella* spp.) and antimicrobial screening. |
| CA also support the implementation of appropriate labelling requirements consistent with Australian consumer law. Clear and accurate labelling, including country of origin identification, enables consumers to make informed purchasing decisions and promotes transparency within the marketplace. US country of origin labelling laws require the country of origin be identified. For an animal imported from either Mexico or Canada for slaughter, the US label must state born and raised in Mexico/Canada, slaughtered in the US. CA questions how beef products imported from the US and raised in either Canada or Mexico will be identified. These products must be accurately and clearly labelled in order to provide Australian consumers with the ability to make informed choices. | CA correctly notes that labelling requirements of imported product must be consistent with Australian consumer law. The requirements, verification, compliance and enforcement issues for country-of-origin food labelling rest with the Australian Competition & Consumer Commission (ACCC).  While labelling of imported foods is not the responsibility of the department, the department is happy to provide this information: Meat is considered a priority food (by the ACCC) and as such, if offered for retail sale, is required to have information on the country where the food was grown, produced or made. The department has advised the USDA that Australia’s country of origin labelling requirements are administered by the Australian Competition and Consumer Commission (ACCC) and has provided the USDA with links to the ACCC website. Similarly, the department recommends that if CA has further comments or questions regarding labelling to direct them to ACCC.  In March 2024, the USDA finalised its rule regarding the voluntary use of the labelling terms “Product of USA” and “Made in the USA.” This new rule establishes a requirement that must be met in order for a meat, poultry or egg product to bear a label claiming the product is of United States origin. Under the new rule, a product must be derived from an animal born, raised, slaughtered, and processed in the United States in order to bear the label “Product of USA” or “Made in the USA.” The rule establishes requirements for both single and multi-ingredient products and creates standards for United States origin labels claiming that components of a product’s preparation or processing occurred in the United States. The rule does not establish a mandatory United States origin label but, rather, creates an opportunity for a voluntary claim of a product’s United States origin if the requirements are met.  Further details here: [USDA finalizes voluntary product of USA rule](https://nationalaglawcenter.org/usda-finalizes-voluntary-product-of-usa-rule/); [Voluntary Labelling of FSIS-Regulated Products With U.S.-Origin Claims](https://www.federalregister.gov/documents/2024/03/18/2024-05479/voluntary-labeling-of-fsis-regulated-products-with-us-origin-claims#print).  Only product arriving in Australia bearing a voluntary label “Product of USA” or “Made in the USA” must be derived from animals born, raised, slaughtered, and processed in the United States. Product not bearing either of these labels may be derived from bovines born in Canada or Mexico or the United States and may even be comingled from all three countries. |

## Australian Meat Industry Council submission

| **Comment** | **Department response** |
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| The systems, processes and regulatory settings that ensure animals from Mexico entering the beef supply chain from US to Australia are born and raised in Mexico.  Recommendation 1: AMIC recommends that a thorough review of the Mexican Federal Identification system is carried out to ensure it ability to manage animal biosecurity risks and provides adequate assurance animals entering the US supply chain for Australian exports are born and raised in Mexico. | The United States places identification and traceability obligations on livestock imported from both Canada and Mexico. These obligations are set out in the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) importation protocols for cattle sourced from each country.  Under the recently published USDA-APHIS protocols for Mexican feeder and breeder cattle (separate protocols), all animals must have been born and raised in Mexico or the United States and have originated from an export-eligible region in Mexico. All animals must also be individually identified with permanent or semi-permanent tamperproof official ear tags approved by the Ministry of Agriculture and Rural Development (SADER/AGRICULTURA) with tag numbers recorded in appropriate export documentation such that each animal can be traced back to the farm where it was born and/or raised if required. In addition, each animal must have a blue metal tag indicating the Mexican state of origin. Each desexed animal must also be bear a distinct, permanent, and legible “M” brand applied on the right hip with a freeze brand, hot iron, or other method approved by USDA-APHIS. Entire (breeding) animals are to be similarly branded, but on the upper right front shoulder. At the United States border, USDA-APHIS port personnel will verify the completeness and accuracy of export documentation and compliance with import requirements. The USDA-APHIS port Veterinary Medical Officer will visually examine the cattle to verify health status and to confirm that forms of identification correlate with export documents. Animals missing the blue metal ear tag and/or the SINIIGA ear tag will be refused entry. Animals whose ID is not accurately reflected in the export documentation will be refused entry. USDA-APHIS will record the details of any animal that has been refused entry.  The department has assessed these USDA-APHIS arrangements as effective at providing sufficient assurance that the biosecurity risks can be managed. |
| A need for clarification of Australian BSE assessments and processes noting the Mexico traceability concerns and requirement for assurance that animals from uncategorised BSE third parties do not enter the US processing supply chain.  AMIC requests clarification if any further assessments by FSANZ, or any other Australian Government body, will consider a BSE risk assessment for those cattle from Mexico, entering the US supply chain. This needs to consider the current traceability standards in the Mexico reviewed as per Recommendation 1, and if it can ensure that only Mexican born animals are capable of entering the US beef supply chain.  Recommendation 2: BSE Risk Assessment needs to ensure the following is considered: • The risk of animals that are born outside of Mexico in countries with unknown BSE risk entering the US supply chain • The BSE risk from US bovine meat exports for a supply chain that is integrated with Mexican (and Canadian) cattle. | The Australian Government's BSE food safety policy 2009 (bovine spongiform encephalopathy) requires that all countries exporting or seeking to export beef or beef products to Australia have a food safety risk assessment undertaken by Food Standards Australia New Zealand (FSANZ). The risk assessment included a desk assessment and an in-country verification assessment. It examines the effectiveness of BSE-related controls throughout the beef production chain in the applicant country including animal feeding practices, transportation, animal identification and traceability, slaughtering, and food safety and food recall systems. Both Canada and Mexico have been assessed by FSANZ as having a Category 1 status. Category 1 status means there are comprehensive and well-established controls to prevent both the introduction and amplification of the BSE agent in a country's cattle population, and contamination of the human food supply with the BSE agent. |
| Deficiency in the suggested forward process outlined in the conclusion to the Bovine Tuberculosis assessment from animals from Mexico noted at 5.4.6.  Recommendation 3: DAFF require formal USDA notification of any requests and/or approvals for direct slaughter of Mexican cattle at a US export processing establishment, which triggers a consideration by DAFF of whether a review of the risk is required. | The USDA has advised that there are currently no imports of cattle from Mexico for immediate slaughter and that no establishments are approved to slaughter these cattle. The USDA will advise Australia if a protocol for the importation of immediate slaughter Mexican cattle is published, and this pathway opened. If this eventuates, the department will consider the biosecurity risks for immediate slaughter Mexican cattle and the US have been advised and agreed to these requirements.  The department’s recommendation is that the requirements of the Beef Review 2017 be amended to allow the importation of fresh beef and beef products from the United States derived from:   * Immediate slaughter, feeder and breeder bovines born and raised in Canada and legally imported into the United States, subject to all other relevant requirements of the Beef Review 2017, including having passed ante- and post-mortem inspection under official veterinary supervision. * Feeder and breeder bovines born and raised in Mexico and legally imported into the United States, subject to all other relevant requirements of the Beef Review 2017, including having passed ante- and post-mortem inspection under official veterinary supervision. |

1. At the time of publication all trade in live cattle has been stopped in response to New World Screwworm fly in Mexico. [↑](#footnote-ref-1)