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SWINE HEALTH PROTECTION ACT

GOVERNMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT
INVESTIGATIONS, OVERSIGHT, AND RESEARCH

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

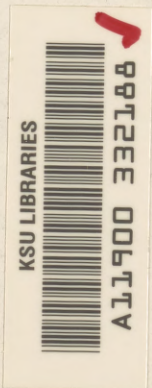
SECOND SESSION

ON

H.R. 6593

JULY 1, 1980

Serial No. 96-000



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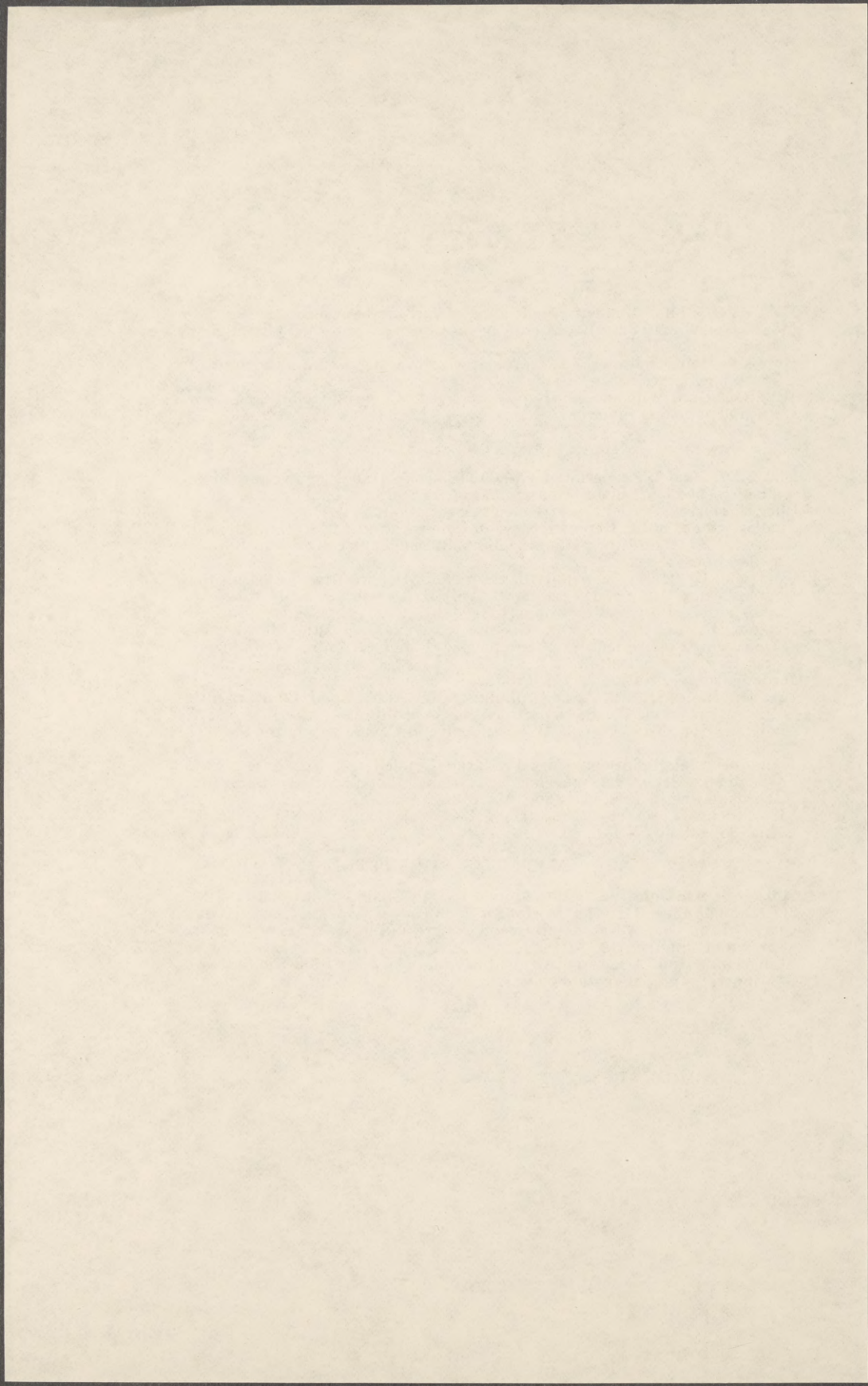
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SWINE HEALTH PROTECTION ACT

TUESDAY, JULY 1, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENT INVESTIGATIONS,
OVERSIGHT, AND RESEARCH OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 1302, Longworth House Office Building, Hon. E de la Garza (chairman of the subcommittee) presiding.

Present: Representatives Fithian, Skelton, Wampler, and Grassley.

Staff present: J. Robert Franks, associate counsel; Peggy L. Pecore, clerk; Gary Norton, Anita R. Brown, Mario Castillo, Wayne A. Fletcher, Gerald R. Jorgensen, and James C. Tippet.

Also present: Representatives Madigan and Findley, members of the full committee, and Representative James J. Florio, a Representative in Congress from the State of New Jersey.

Mr. DE LA GARZA. The subcommittee will be in order.

We meet this morning in order to consider the bill, H.R. 6593, by Mr. Findley and Mr. Madigan.

[The bill, H.R. 6593, follows:]

(1)

96TH CONGRESS
2D SESSION

H. R. 6593

To regulate the feeding of garbage to swine.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1980

Mr. FINDLEY (for himself and Mr. MADIGAN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To regulate the feeding of garbage to swine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Swine Health Protection
4 Act".

5

FINDINGS

6 SEC. 2. The Congress hereby finds and declares that—

7 (1) raw garbage is one of the primary media
8 through which numerous infectious or communicable
9 diseases of swine are transmitted;

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(1) raw garbage is one of the primary media through which numerous infectious or communicable diseases of swine are transmitted;

(2) if certain foreign diseases, such as foot-and-mouth disease or African swine fever, gain entrance into the United States, such diseases may be spread through the medium of raw or improperly treated garbage which is fed to swine;

(3) African swine fever, which is potentially the most dangerous and destructive of all communicable swine diseases, has been confirmed in several countries of the Western Hemisphere, including the Dominican Republic and, most recently, in Cuba;

(4) swine in the United States have no resistance to African swine fever and there are no effective vaccines to this deadly disease;

(5) the interstate and foreign commerce in swine and swine products and producers and consumers of pork products could be severely injured economically if African swine fever enters this country;

(6) it is impossible to assure that all garbage fed to swine is properly treated to kill disease organisms

1 of garbage to swine, except garbage treated in accord-
2 ance with the requirements of this Act and regulations
3 promulgated hereunder.

4 DEFINITIONS

5 SEC. 3. For purposes of this Act—

6 (1) the term “Secretary” means the Secretary of
7 Agriculture;

8 (2) the term “garbage” means all waste material
9 derived in whole or in part from meats or other animal
10 (including fish and poultry) material, and other refuse
11 of any character whatsoever that has been associated
12 with any such material, resulting from the handling,
13 preparation, cooking, or consumption of food, except
14 that such term shall not include waste from ordinary
15 household operations which is fed directly to swine on
16 the same premises where such household is located;

17 (3) the term “person” means any individual, cor-
18 poration, company, association, firm, partnership, soci-
19 ety, or joint stock company or other legal entity;

20 (4) the term “State” means the fifty States, the
21 District of Columbia, Guam, Puerto Rico, the Virgin
22 Islands of the United States, American Samoa, the
23 Commonwealth of the Northern Mariana Islands, and
24 the territories and possessions of the United States.

1 (4) the term "State" means the fifty States, the
2 District of Columbia, Guam, Puerto Rico, the Virgin
3 Islands of the United States, American Samoa, the
4 Commonwealth of the Northern Mariana Islands, and
5 the territories and possessions of the United States.

6 PROHIBITION OF CERTAIN GARBAGE FEEDING

7 SEC. 4. (a) No person shall feed or permit the feeding of
8 garbage to swine except in accordance with subsection (b) of
9 this section.

10 (b) Except when prohibited by State law, garbage may
11 be fed to swine only if treated to kill disease organisms, in
12 accordance with regulations issued by the Secretary, at a
13 facility holding a valid permit issued by the Secretary, or the
14 chief agricultural or animal health official of the State where
15 located if such State has entered into an agreement with the
16 Secretary pursuant to section 9 of this Act. No person shall
17 operate a facility for the treatment of garbage knowing it is
18 to be fed to swine unless such person holds a valid permit
19 issued pursuant to this Act.

20 ISSUANCE, SUSPENSION, AND REVOCATION OF PERMITS

21 SEC. 5. (a) Any person desiring to obtain a permit to
22 operate a facility to treat garbage that is to be fed to swine
23 shall apply therefor to the Secretary, or to the chief agricul-
24 tural or animal health official of the State where the facility
25 is located if such State has entered into an agreement with

1 of any infectious or communicable disease of animals or
2 poultry, and

3 (2) is so constructed that swine are unable to
4 enter the premises on which the facility is located and
5 are unable to have access to untreated garbage of such
6 facility, or material coming in contact with such un-
7 treated garbage.

8 (b) Whenever the Secretary has reason to believe that
9 any person holding a permit to operate a facility to treat
10 garbage in any State has violated this Act or any regulation
11 of the Secretary issued hereunder, the Secretary may, after
12 notice and opportunity for a hearing on the record in accord-
13 ance with sections 554 and 556 of title 5, United States
14 Code, suspend or revoke such permit. Any person aggrieved
15 by an order of the Secretary issued pursuant to this subsec-
16 tion may, within sixty days after entry of such order, seek
17 review of such order in the appropriate United States court of
18 appeals in accordance with the provisions of sections 2341,
19 2343 through 2350 of title 28, United States Code, and such
20 court shall have jurisdiction to enjoin, set aside, suspend (in
21 whole or in part), or to determine the validity of the Secre-
22 tary's order. Judicial review of any such order shall be upon
23 the record upon which the determination and order are based.

24 (c) The permit of any person to operate a facility to
25 treat garbage in any State shall be automatically revoked,

1 whole or in part), or to determine the validity of the Secre-
2 tary's order. Judicial review of any such order shall be upon
3 the record upon which the determination and order are based.

4 (c) The permit of any person to operate a facility to
5 treat garbage in any State shall be automatically revoked,
6 without action of the Secretary, upon the final effective date
7 of the second conviction of such person pursuant to section 7
8 of this Act of a violation of this Act or the regulations of the
9 Secretary issued hereunder.

10

CIVIL PENALTIES

11 SEC. 6. (a) Any person who violates any provision of
12 this Act or any regulation of the Secretary issued hereunder,
13 other than a violation for which a criminal penalty has been
14 imposed under this Act, may be assessed a civil penalty by
15 the Secretary of not more than \$10,000 for each such viola-
16 tion. Each offense shall be a separate violation. No penalty
17 shall be assessed unless such person is given notice and op-
18 portunity for a hearing on the record before the Secretary in
19 accordance with sections 554 and 556 of title 5, United
20 States Code. The amount of such civil penalty shall be as-
21 sessed by the Secretary by written order, taking into account
22 the gravity of the violation, degree of culpability, and history
23 of prior offenses; and may be reviewed only as provided in
24 subsection (b) of this section.

1 sions of sections 2341, 2343 through 2450 of title 28, United
2 States Code, and such court shall have jurisdiction to enjoin,
3 set aside, suspend (in whole or in part), or to determine the
4 validity of the Secretary's order. Judicial review of any such
5 order shall be upon the record upon which the determination
6 and order are based.

7 (c) If any person fails to pay an assessment of a civil
8 penalty after it has become a final and unappealable order, or
9 after the appropriate court of appeals has entered final judg-
10 ment in favor of the Secretary, the Secretary shall refer the
11 matter to the Attorney General, who shall institute a civil
12 action to recover the amount assessed in any appropriate dis-
13 trict court of the United States. In such collection action, the
14 validity and appropriateness of the Secretary's order impos-
15 ing the civil penalty shall not be subject to review.

16 (d) All penalties collected under authority of this section
17 shall be paid into the Treasury of the United States.

18 (e) The Secretary may, in his discretion, compromise,
19 modify, or remit, with or without conditions, any civil penalty
20 assessed under this Act.

21 CRIMINAL PENALTIES

22 SEC. 7. Whoever willfully violates any provision of this
23 Act or the regulations of the Secretary issued hereunder shall
24 be guilty of a misdemeanor and shall be fined not more than
25 \$5,000, or imprisoned not more than one year, or both.

1 (e) The Secretary may, in his discretion, compromise,
2 modify, or remit, with or without conditions, any civil penalty
3 assessed under this Act.

4 CRIMINAL PENALTIES

5 SEC. 7. Whoever willfully violates any provision of this
6 Act or the regulations of the Secretary issued hereunder shall
7 be guilty of a misdemeanor and shall be fined not more than
8 \$5,000, or imprisoned not more than one year, or both.

9 GENERAL ENFORCEMENT PROVISIONS

10 SEC. 8. (a) The Attorney General, upon the request of
11 the Secretary, shall bring an action to enjoin the violation of,
12 or to compel compliance with, any provision of this Act or
13 any regulation issued by the Secretary hereunder by any
14 person. Such action shall be brought in the appropriate
15 United States district court for the judicial district in which
16 such person resides or transacts business or in which the vio-
17 lation or omission has occurred or is about to occur. Process
18 in such cases may be served in any judicial district wherein
19 the defendant resides or transacts business or wherever the
20 defendant may be found.

21 (b) The Secretary is authorized, and shall have access at
22 reasonable times, to inspect the books, records, and premises
23 of any person subject to this Act.

1 authorities, facilities, personnel, and procedures, as deter-
2 mined by the Secretary, may assist the Secretary in the ad-
3 ministration and enforcement of this Act and regulations
4 hereunder to the extent and in the manner the Secretary
5 deems appropriate in the public interest. The Secretary is
6 further authorized to coordinate the administration of this
7 Act and regulations with such State laws and regulations
8 wherever feasible: *Provided*, That nothing herein shall affect
9 the jurisdiction of the Secretary under any other Federal law,
10 or any authority to cooperate with State agencies or other
11 agencies or persons under existing provisions of law, or affect
12 any restrictions upon such cooperation. To the maximum
13 extent feasible, the Secretary shall allow any State agency
14 with which there is a valid agreement pursuant to this sec-
15 tion to assume the primary responsibility for issuing permits
16 pursuant to section 5 of this Act to operate a facility to treat
17 garbage that is to be fed to swine.

18 REGULATIONS

19 SEC. 10. The Secretary is authorized to issue such reg-
20 ulations and to require the maintenance of such records as he
21 deems necessary to carry out the provisions of this Act.

22 AUTHORITY IN ADDITION TO OTHER LAWS;

23 EFFECT ON STATE LAWS

24 SEC. 11. The authority conferred by this Act shall be in
25 addition to authority conferred by other statutes. Nothing in

1 pursuant to section 5 of this Act to operate a facility to treat
2 garbage that is to be fed to swine.

3 REGULATIONS

4 SEC. 10. The Secretary is authorized to issue such reg-
5 ulations and to require the maintenance of such records as he
6 deems necessary to carry out the provisions of this Act.

7 AUTHORITY IN ADDITION TO OTHER LAWS;

8 EFFECT ON STATE LAWS

9 SEC. 11. The authority conferred by this Act shall be in
10 addition to authority conferred by other statutes. Nothing in
11 this Act shall be construed to repeal or supersede any State
12 law prohibiting the feeding of garbage to swine.

13 AUTHORIZATION OF APPROPRIATIONS

14 SEC. 12. There are hereby authorized to be appropri-
15 ated such sums as may be necessary to carry out the provi-
16 sions of this Act.

MR. DE LA GARZA. We will be happy to hear from Mr. Findley, the author of the legislation, at this time.

STATEMENT OF HON. PAUL FINDLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

MR. FINDLEY. Thank you, Mr. Chairman.

As a sponsor of H.R. 6593 with my colleague, Mr. Madigan, I thank the chairman and members of this subcommittee for holding this hearing on legislation which is of utmost importance to this country's swine producers, the pork industry, and to consumers.

Simply put, this legislation is aimed at providing a system of cooperative State-Federal regulations to ward off the possibility of an invasion of African swine fever, the most deadly of foreign diseases of hogs. The acute form of the disease kills almost all of the hogs that become infected.

Outbreaks of the disease cause widespread death losses in swine from the disease itself and from the slaughter of exposed animals which is required for eradication of the disease. No effective vaccine has been developed to combat the disease and no treatment is known. Slaughter of exposed swine is the only eradication technique.

American swine have no resistance to this disease, thus mass death from the disease itself, as well as slaughter for disease eradication purposes, would result from outbreaks in this country. Such would cause a severe economic crisis for affected swine producers. Widespread outbreaks would affect the pork industry through shortages of pork and pork products and thus could result in higher consumer food prices.

Mr. Chairman, each subcommittee member has a copy of a study, "Potential Economic Consequences of African Swine Fever and Its Control in the United States." I would appreciate it if this study could be made a part of the hearing record.

Why the concern over African swine fever? The disease has now spread to the Western Hemisphere. Its presence in Haiti, Cuba, and the Dominican Republic—so close to our shores—poses a threat that should be dealt with at the earliest possible time.

Pork producers, farm organizations, and State and Federal animal health officials are alarmed over this threat. It was in response to calls for action of those concerned that Congressman Madigan and I introduced this legislation February 25, 1980.

It was done after consultations with pork producer organizations, farm organizations, State animal health departments, and the U.S. Department of Agriculture's Animal Plant Health Inspection Service. All of these organizations and agencies reviewed the draft legislation and made helpful comments and suggestions which have been embodied in the bill now before this subcommittee.

H.R. 6593 offers a sound, realistic approach to dealing with the threat. African swine fever is spread primarily through infected pork scraps in raw or improperly cooked garbage fed to swine. Except when a State law bans garbage feeding, H.R. 6593 provides that garbage may be fed to swine only if treated to kill disease organisms, in accordance with U.S. Department of Agriculture regulations.

A number of farm organizations have called for a total ban on garbage feeding of swine in the United States and it is difficult to know what pressure there might be for legislating a total ban should this dreaded disease break out in this country.

However, the sponsors of this bill believe that effective State-Federal regulations, as proposed in this bill for those States which allow garbage feeding, would be a preferable alternative.

The bill should pose no threat to any organization, municipality, or commercial firm now involved in feeding garbage that has been processed to a sterile product. In fact, their aims would be well served by this legislation as it is intended to insure that no feeding of diseased garbage be allowed.

Prior to the introduction of the bill a number of questions were raised by various groups that were helpful in the development of the bill.

One had to do with the intent of the bill with regard to separate premises for the treatment of garbage and for feeding. Does the bill require separate premises? No, it does not. In fact, we dealt with this question in the bill because we were aware that this was a matter of concern to many commercial garbage feeders.

The bill provides that, and I quote:

No permit shall be issued unless the facility * * * is so constructed that swine are unable to enter the premises on which the facility is located and are unable to have access to untreated garbage of such facility, or material coming in contact with such untreated garbage.

As you can see, this bill does not engage in legislative fence building because it would be impossible for a bill to cover all possible contingencies. Instead, this matter would be covered by regulations issued by the Secretary of Agriculture with the appropriate periods of time given for public comment and hearing.

Another question that was raised implied that the bill might be an attempt to ram Federal authority down the throats of State governments. Certainly such implications could not be further from the fact. It is the intent of this legislation to strengthen the cooperative State-Federal animal health programs that already exist.

Here, I would call your attention to page 9, section 9 which clarifies the cooperative relationship in the following way:

In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of this Act and State laws and regulations relating to the feeding of garbage to swine, the Secretary is authorized to enter into cooperative agreements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate authorities, facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of this Act and regulations hereunder to the extent and in the manner the Secretary deems appropriate in the public interest.

That legal language underlines the State-Federal cooperative nature of this legislation. Later in that same section of the bill it is emphasized that:

To the maximum extent feasible, the Secretary shall allow any state agency with which there is a valid agreement pursuant to this section to assume the primary responsibility for issuing permits pursuant to section 5 of this act to operate a facility to treat garbage that is fed to swine.

As I indicated earlier, the fact that African swine fever has spread to Cuba, Haiti, and the Dominican Republic gives a sense of urgency to setting up a protective network of State-Federal cooperation provided in this legislation.

It is true that Federal officials are conducting a stepped-up program to inspect pork-related products entering the United States, especially in the possession of refugees, but complete surveillance is impossible considering the tremendous volume of traffic between the Caribbean Islands and the United States. One contraband infected pork product in garbage fed to hogs could cause an outbreak. One sure way of protecting American swine is to require virus killing treatment of garbage fed to hogs.

H.R. 6593 has the active support of the National Pork Producers Council and State pork producer organizations. The American Farm Bureau Federation and the National Grange have endorsed the bill and urged early action be taken on it. It has the support of many State agriculture and animal health department officials.

I might say at this point that at the March meeting of the National Association of State Directors of Agriculture, Illinois Director of Agriculture John Block circulated a letter citing the urgent nature of the African swine fever problem and calling for hearings as quickly as possible to secure passage of this most important legislation.

The letter to Mr. de la Garza and Mr. Wampler was signed by Illinois Director Block and officials of 16 other States—Indiana, Wisconsin, Iowa, Tennessee, Ohio, Oklahoma, Kansas, New Mexico, Louisiana, Nebraska, West Virginia, North Dakota, Oregon, New Hampshire, Utah, and Texas.

Mr. Chairman and members of this subcommittee, we appreciate your holding this hearing on this important legislation and hope that it will receive your approval.

I am happy to report also that our initiative in the House of Representatives has led to the introduction of an identical bill on the Senate side. The bill, S. 2612, was introduced on April 24 by Senator Percy of Illinois and Senator McGovern of South Dakota with co-sponsorship by Senator Boschwitz of Minnesota and Senator Culver of Iowa.

I will add at this point that the 43 sponsors of H.R. 6593 are almost evenly divided between Democrats and Republicans, so you can see that this legislation has bipartisan support on both sides of Capitol Hill.

Mr. Chairman, I appreciate the opportunity to testify on behalf of H.R. 6593 and will welcome any questions you may have.

MR. DE LA GARZA. Thank you very much, Mr. Findley.

Without objection, the article you provided will become a part of the record at this point.

["Potential Economic Consequences of African Swine Fever and Its Control in the United States" and other material submitted is held in the subcommittee file.]

MR. DE LA GARZA. If there are no questions, I will recognize Mr. Madigan for his presentation.

Thank you, Mr. Findley.

STATEMENT OF HON. EDWARD R. MADIGAN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. MADIGAN. Thank you, Mr. Chairman.

At the outset I would like to congratulate you and the members of the subcommittee for holding this hearing on H.R. 6593, the Swine Health Protection Act.

The possibility that African swine fever could be introduced into the United States is approaching reality due to the recent outbreaks in Brazil, Cuba, the Dominican Republic, and Haiti. The disease became widespread in these countries within a period of only a few months.

Because of its nature of high case fatality—that is, 50 to 95 percent—and the present inability to develop a vaccine against swine fever, it is truly one of the most economically dangerous of animal diseases. Given the threat so close to us, I believe we have no choice but to convince Congress to take some action.

Therefore, Congressman Findley and I introduced H.R. 6593, the Swine Health Protection Act. The bill now has more than 35 cosponsors.

An identical bill, S. 2612, has been introduced in the Senate by Senators Percy, McGovern, Boschwitz, and Culver. Both bills would provide for the uniform regulation of the feeding of garbage to swine.

The reason why the regulation of garbage feeding in the United States is so important is that African swine fever always seems to spread through the feeding of garbage. In each country where the disease has appeared there seems to be solid evidence that the feeding of leftover food which contained pork scraps has been the vehicle by which virus of the disease reached susceptible pigs. In addition, garbage feeding can be a major source of spreading other animal diseases such as foot-and-mouth disease and hog cholera.

Furthermore, we must increase our efforts to regulate garbage feeding because there is no treatment or vaccine that cures African swine fever. If this disease does gain entrance into the United States the only available option is to eradicate it by slaughtering the infected and exposed swine.

Estimates have been made of the cost of eradicating the disease from the United States. A special study of the economic consequences of having swine fever in the United States has been made by scientists at the University of Minnesota. They estimate the cost of eliminating the disease, even from a small area, to be \$7.3 million. The cost of eradicating the disease from an area the size of the State of Minnesota would be \$151 million according to their study.

If the disease would become widespread and if it would take as long as 10 years to eradicate it, the total cost could approximate \$5 billion. Part of this cost would be reflected in the increased cost of pork and beef. The consumer prices for meat could increase \$2 billion for the first year of the disease's occurrence.

Export markets also would be adversely affected by the presence of swine fever in the United States. The losses in exports of pork would be \$1.5 billion if it took 5 years to eradicate the disease and they could be \$3 billion if the disease persisted in the United States for 10 years.

Also, some countries are likely to place partial or complete embargoes on other agricultural imports from the United States for fear that these products might carry the disease to their swine.

Fortunately, swine fever does not affect human beings but the potential adverse impact of the disease on swine producers, meat-packers, and consumers makes it important that the Congress pass this legislation at the earliest possible time.

H.R. 6593 prohibits the feeding of garbage unless it is treated to kill the virus in accordance with certain regulations. If a State Law prohibits the feeding of garbage the State Law would prevail.

The bill also provides for State and Federal Governments to cooperate and coordinate in the enforcement of the State laws and regulations under cooperative agreements.

Since 35 States presently regulate raw garbage feeding and 15 States totally prohibit garbage feeding, it is not anticipated that there will be a burden of additional Federal regulation or funding. The role of the Department of Agriculture shall be to aid and assist the States and allow the State agencies to assume primary responsibility for issuing permits and enforcing the act.

I would like to make it clear that this legislation in no way bans the feeding of processed garbage to swine. It allows garbage feeding to be more uniformly regulated in the 35 States that presently permit the feeding of processed garbage to swine.

Furthermore, the bill gives to States—and if the States do not accept, the Federal Government—the power to enforce their own garbage feeding regulations.

Mr. Chairman, once again I would like to thank you for holding this hearing on H.R. 6593 at this crucial time. U.S. Department of Agriculture veterinarians and port inspectors are taking special care to insure that refugees currently coming into Florida from Cuba and Haiti do not bring swine fever with them in pork products. In addition, inspection of garbage-fed swine is being stepped up in Florida and Puerto Rico to make sure the garbage is thoroughly cooked to kill any virus.

I commend USDA for stepping up their inspection activities in Florida in order to prevent swine fever from entering the United States. However, the threat of swine fever entering through other States is also of concern to many people. The expeditious passage and implementation of this legislation could alleviate their concerns and save swine producers and taxpayers millions of dollars.

I want to join with Mr. Findley, and on behalf of our 40 cosponsors, urge you, Mr. Chairman along with members of your subcommittee, to take action on this bill as soon as possible.

Thank you very much.

Mr. DE LA GARZA. Thank you very much.

They may or may not have a quorum next door in the full committee meeting. Have you recorded your presence, Mr. Madigan?

Mr. MADIGAN. Yes, I have been there, Mr. Chairman.

Mr. DE LA GARZA. Let me pass the gavel to Mr. Skelton and let him preside while he asks his question.

Mr. SKELTON [acting chairman]. Mr. Madigan, I compliment you for your stand and your position concerning this dreaded problem we have concerning African swine fever.

Recently I served, and am serving, as a member of the Mexican-American Interparliamentary Conference. One of the topics of concern that we raised in our conference here in Washington a few weeks ago was this very subject of African swine fever. They, the Mexican delegation, as well as those of us who were present at the meeting, I think, fully understood that once this got a foothold in the continental United States—whether in Mexico or in this country—we would have a serious problem.

I hope that our two countries can work and cooperate in holding the line against outbreaks of this fever, because we have it at our doorsteps down there in Haiti, Cuba, the Dominican Republic, and the other Caribbean Islands.

I point this out to you because it is not just an American problem. I think it is a problem for all of us on the continent to be concerned about. I compliment you for your position.

Mr. MADIGAN. Thank you, Mr. Skelton.

Mr. DE LA GARZA. Are there any further questions of Mr. Madigan or Mr. Findley?

Mr. MADIGAN. Thank you very much, Mr. Chairman.

Mr. DE LA GARZA. Mr. Wampler?

OPENING REMARKS OF HON. WILLIAM C. WAMPLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. WAMPLER. Thank you, Mr. Chairman. I do have a very brief statement to make before hearing from the remainder of the witnesses.

Mr. Chairman, I appreciate your calling this hearing on H.R. 6593, the Swine Health Protection Act. As a cosponsor of this legislation introduced by Congressmen Findley and Madigan, I am vitally interested in moving the legislation, particularly since African swine fever is so close to our shores and because of the economic consequences that can befall this Nation should this disease strike here at home.

My own State of Virginia is one of the States that prohibits garbage feeding and would like to see a total Federal ban on garbage feeding as one major preventative measure. In checking with Mason Carbaugh, Commissioner of the Virginia Department of Agriculture and Consumer Services, and with Sam Pope, president of the Virginia Pork Industry Association, I found support for this legislation as a move in the right direction.

Mr. Chairman, I look forward to having the testimony of the witnesses today and to working with all concerned so that we may report the legislation that will be acceptable and that can be signed into law.

Thank you.

Mr. DE LA GARZA. Thank you, Mr. Grassley?

OPENING REMARKS OF HON. CHARLES E. GRASSLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. GRASSLEY. I want to tell Mr. de la Garza that I, as well as the pork producers in the State of Iowa, want to thank him for taking the leadership in moving this bill along. There is a lot of concern about it in my State. It has the support of the pork producer organization in my State as well.

As we move into this area of one more time when it looks like the Federal Government might be usurping the authority of the States, I want to compliment the authors of the bill for moving very slowly in that area. I think, if there is any one area in which the Federal Government has been involved where it has preempted State law in an arbitrary manner, it has historically been in the animal health field and in legislation to prevent the spread of disease.

This legislation would follow the precedents that have occurred in the past. Therefore, I look forward to this legislation promoting Federal-State cooperation in this area.

We do have a lot of good State laws in the area of garbage feeding to prevent the spread of disease, but animal disease knows no political boundaries. It does not know any international boundaries either. That is why it is necessary for this legislation to be passed.

I am glad to be a cosponsor of it and look forward to pushing it through the Congress the rest of the way.

Mr. DE LA GARZA. Thank you very much, Mr. Grassley.

Our next witness is Dr. James Lee of the Animal and Plant Health Inspection Service. Dr. Lee, will you please identify your associates for the record.

STATEMENT OF DR. JAMES O. LEE, JR., ACTING ADMINISTRATOR, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY DR. ROBERT P. JONES AND DR. JAMES A. DOWNARD, VETERINARY SERVICES PROGRAM

Dr. LEE. Thank you, Mr. Chairman. As you indicated, I am James O. Lee, Jr., the Acting Administrator of the Animal and Plant Health Inspection Service.

I am accompanied today by Dr. Robert P. Jones and Dr. James A. Downard from our veterinary services program.

I appreciate the opportunity to appear before your subcommittee to express the views of the Department concerning H.R. 6593. The bill would regulate the feeding of garbage to swine and may be cited as the Swine Health Protection Act.

The Department recommends that Congress defer action on the bill until the administration can more fully review the problem with which the bill seeks to deal and the possible solutions.

It is an established fact that infectious and communicable swine diseases can be spread readily and rapidly if the swine are fed garbage that is either raw or not properly treated to kill disease organisms such as African swine fever, hog cholera, vesicular exanthema, foot-and-mouth disease and others.

As you know, in 1978 Secretary Bergland declared the United States to be free of hog cholera. This historic event was accomplished as the result of a massive cooperative Federal-State-private sector eradication program from which we learned how vital it is to prevent hog cholera from being reintroduced, or worse, from having African swine fever invade our shores.

African swine fever is presently in France, Spain, Portugal, Brazil, the African continent, and as nearby as some Caribbean countries

such as the Dominican Republic, Haiti, and Cuba. If we were to experience an outbreak of this disease in our highly susceptible swine population, the economic effects on the Nation's multibillion dollar swine industry would be devastating. There would also be a drastic reduction in the availability of pork products for human consumption. Similar problems would occur if there is a new outbreak of hog cholera.

As part of the hog cholera program, we impose restrictions on the interstate movement of swine fed raw garbage as well as pork derived from such swine. Essentially, these restrictions are: One, swine fed any raw garbage may be shipped in interstate commerce only for immediate slaughter and special processing; and, two, products from swine fed raw garbage must be specially processed prior to interstate shipment. These restrictions are our most effective guard against African swine fever.

It is in the area of regulating the processing or treatment operations for garbage fed to swine that we presently rely on the laws and regulation of each State to require proper treatments for killing any disease organisms because there is not now authority to impose uniform Federal requirements.

Presently, 15 States prohibit the feeding of garbage to swine. The others require the treatment of garbage fed to swine but the enforcement varies from very strict to only minimal.

We are working with the States to assist in enforcing garbage cooking laws. Although these efforts would be extended and strengthened substantially under the provisions of H.R. 6593 by authorizing a Federal-State cooperative effort to establish and enforce a uniform system for the treatment and feeding of garbage to swine, with appropriate civil and criminal sanctions for violations, we do not believe this legislation should be enacted before the administration has an opportunity to study more completely the alternatives.

If enacted, the bill would not require additional appropriations because we would expect to implement the activities authorized under the bill as part of our present Federal-State cooperative animal health programs.

Mr. Chairman, this concludes my remarks. My associates and I will be happy to respond to your questions or those of other committee members.

Mr. DE LA GARZA. Thank you very much, Dr. Lee. Mr. Wampler?

Mr. WAMPLER. Thank you, Mr. Chairman.

Dr. Lee, I want to thank you for your appearance here this morning and for your statement. I must say, however, that I am a little disappointed that you are not in a position to tell us that the administration is prepared to support this bill or similar legislation now.

If I understand the situation correctly, the possibility of infestation is imminent, particularly in view of the spread of African swine fever in certain countries of the Caribbean.

Are you in a position to say that because the office of Management and the Budget has not approved this legislation you made the comments you did, or has the Department not yet reached a consensus on what ought to be done?

Dr. LEE. Mr. Wampler, the Department supports enactment of the legislation. However, we have been advised that because of the re-

view process in the Office of Management and the Budget, the executive branch is not prepared to take a position on the legislation right now.

Mr. WAMPLER. I understand how the process works. I am not being critical of you. I just want to make sure that, as far as the Department is concerned and to the extent that you have the authority to testify here this morning, there is nothing in the bill that you find unacceptable or unworkable.

Dr. LEE. That is exactly right, sir.

Mr. WAMPLER. I would commend the Department for the work that they have done to try to create and perpetuate the cooperative spirit between the Federal, State, and private sectors in all types of eradication. As you mentioned in your statement, the Secretary of Agriculture declared the country to be free of cholera just a few years ago. I believe it was in 1978. A few years prior to that, I guess, that would have been something that we thought of as being utopian in nature and impossible to accomplish.

I just want to urge upon you the importance of getting that decision—to the extent that you have an influence on the process—from OMB just as rapidly as possible.

I can foresee a terribly, terribly catastrophic situation resulting if this infestation were to occur. It seems to me that here we have a good mechanism that could help us to provide the safeguards to prevent any infestation.

Also, the economic consequences of this type of infestation would be almost incalculable.

I want to thank you and hope that you will do everything that you can to see that we get that opinion or policy statement from OMB at the earliest possible moment.

Dr. LEE. We will do our very best. I would certainly like to be on record as seconding your position as far as the necessity for good Federal-State cooperative programs are concerned. That is really the lifeblood of the Animal and Plant Health Inspection Service.

Mr. WAMPLER. Let me say finally, Mr. Chairman, that I suppose that I have been among the members of this committee who have been the most critical of trying to impose upon the States federal guidelines in many areas, but while I am a strong advocate of States rights, I also believe that there are such things as States responsibilities.

When States are either unwilling or unable to come up with methods which help to minimize this possible threat, then I think it is quite appropriate for the Federal Government to step into the picture and say:

Here is a problem that is imminent. The consequences are terrible and we need to move in a cooperative way to make sure that we do everything that we know to do to prevent this possible infestation.

I thank you and your colleagues for what you have done.

Mr. DE LA GARZA. Mr. Findley, do you have any questions?

Mr. FINDLEY. Thank you, Mr. Chairman.

Dr. Lee, I appreciate very much your candor, establishing clearly the fact that the Department does favor the enactment of this legislation.

I note your third to last sentence in which you suggest that additional appropriations would not be required. Do you have any estimate

as to additional outlays that the administration of this program might require once it is in place? Do you have any dollar estimate?

Dr. LEE. The enactment of the bill would not require additional appropriations because we would expect to implement the activities authorized under the bill as part of our present Federal-State cooperative animal health program.

If, however, it is assumed that the States would not continue to cooperate as they have in the past and we would have to do 100 percent of the work, our estimates are that it could take as many as 140 man-years and at a cost of approximately \$4 million net to the program.

Mr. FINDLEY. That is assuming that the State agencies would step back from the program entirely and leave it entirely to the Federal Government. Is that correct?

Dr. LEE. That is exactly right.

Mr. FINDLEY. Would you agree with me that that is most unlikely to happen?

Dr. LEE. It is extremely unlikely. The present situation, as far as hog cholera is concerned, is that in fiscal 1980 a total of only 26.4 Federal man-years will be used for garbage inspection at a cost of \$685,000 with the States bearing a good bit more than that. I would expect, as I indicated earlier, that this type of cooperation will continue.

Mr. FINDLEY. Then, in considering this, the Congress really ought to assume that the enactment of this legislation will not place additional burdens on the U.S. budget.

Dr. LEE. That is exactly right.

Mr. FINDLEY. Thank you, Mr. Chairman.

Mr. DE LA GARZA. Thank you very much, Dr. Lee. We appreciate your being here.

The next witness is Paul Doby, superintendent of the division of meat, poultry, and livestock inspection of the Illinois Department of Agriculture.

I have been advised that there is a vote occurring in the full committee. If you bear with us for just a minute or so, we will be right back.

[Recess taken.]

STATEMENT OF DR. PAUL B. DOBY, SUPERINTENDENT, DIVISION OF MEAT, POULTRY, AND LIVESTOCK INSPECTION, ILLINOIS DEPARTMENT OF AGRICULTURE

Dr. DOBY. Mr. Chairman and members of the committee, my name is Paul B. Doby, superintendent of the division of meat, poultry, and livestock inspection of the Illinois Department of Agriculture located in Springfield, Ill. In my position I have responsibility for the State's administration of the animal health programs in the State of Illinois.

Mr. Chairman, I request that I be recorded as being in support of H.R. 6593. It has been established that the feeding of raw garbage to swine can be a major contributing factor in the spreading of disease affecting not only swine but other animals and man.

The present laws requiring the cooking of garbage and those prohibiting the feeding of garbage to swine were all developed to prevent the transmission of disease to swine via consumption of raw contaminated garbage.

During the periods when this country was engaged in active disease eradication programs to eradicate vesicular exanthema and later hog cholera, the U.S. Department of Agriculture had considerable ability to monitor the State garbage cooking laws in the various States. For example, due to the intensity of the hog cholera eradication program nationwide the simple withholding of program status for failure to enforce garbage cooking requirements was adequate to move a delinquent State into action.

Today there is no program activity in the swine health area that includes the enforcement of garbage cooking laws as one of its primary components. For this reason there is no national monitoring program to insure compliance with the garbage cooking requirements in each State.

Granted, garbage feeding or cooking inspection has been increased in Puerto Rico and Florida due to the presence of African swine fever in the Caribbean area, but the USDA is void of any real authority to place restrictions on the State or territory if enforcement becomes lax.

The Wholesome Meat Act of 1967 is an excellent example of a program which permits the individual State to operate a specific program with ongoing monitoring by the Federal agency. The concept likewise mandates that when a State fails in its responsibility its program is relinquished to be operated by the Federal Government.

This country is under constant threat of the entry of a number of serious diseases of swine which are not now present in the United States. A high percentage of the major swine producing States have taken action to protect their industry against the entry of serious swine diseases through the improper feeding of garbage. The feeding of garbage to swine is prohibited in 15 States which contain approximately 60 percent of the Nation's swine population.

Those States, however, cannot protect their industry against poorly enforced garbage cooking regulations in another State. Only through national action can the multibillion dollar swine industry be protected nationwide.

The individual States do have some input into Federal regulations, especially those enforced by Veterinary Services of the Animal and Plant Health Inspection Service, USDA. We believe that the passage of H.R. 6593 would substantially increase the protection of the Nation's swine industry by mandating that the USDA monitor enforcement of garbage cooking regulations throughout the Nation and assume responsibility for enforcement of such regulations when a State fails to do so.

The threat of the entry of African swine fever into this country is only one of the dangers posed by the improper feeding of uncooked garbage. Hog cholera still exists in the country of Mexico.

Mr. Chairman, members of the committee, in closing, I request your favorable consideration of H.R. 6593.

Mr. DE LA GARZA. Thank you very much, Dr. Doby.

Are there any questions?

[No response.]

Mr. DE LA GARZA. Our next witness is Dr. Robert Horton the director of the Division of Animal Health of the New Jersey Department of Agriculture.

REMARKS OF HON. JAMES J. FLORIO, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW JERSEY

MR. FLORIO. Mr. Chairman, I wonder if I might take the subcommittee's time to introduce Dr. Horton and to indicate that there will be some subsequent witnesses who are constituents of mine who I think have much to contribute to the deliberations of this committee.

Dr. Horton, as you know, is director of the Division of Animal Health of the New Jersey Department of Agriculture. You will subsequently be hearing from Mr. John Villari, director of the New Jersey Livestock Cooperative Association; Mr. Gene Schlichman, vice president of National Food and Conservation Through Swine, Inc.; Neil MacIntyre, the president of the New Jersey Livestock Association; and Mr. Norm Lichtman, the president of FACTS, Food and Conservation Through Swine, Inc.

This is a subject of great importance to New Jersey. I have had very good and productive conversations with my colleague, Mr. Madigan, on the Transportation and Commerce Subcommittee of the Interstate and Foreign Commerce Committee. This is a very important subject to these individuals.

I believe they have a perspective that the committee has to hear if there is going to be a well-balanced piece of legislation.

Knowing the time constraints the committee, I would just say at this point that I anticipate good information being conveyed to the committee and would appreciate your consideration of the comments of these witnesses.

Thank you very much.

MR. DE LA GARZA. I thank our colleague for being here and I apologize, we were not advised that you would be here.

Dr. Horton, we will be happy to hear from you at this time.

STATEMENT OF DR. ROBERT HORTON, DIRECTOR, DIVISION OF
ANIMAL HEALTH, NEW JERSEY DEPARTMENT OF AGRICULTURE;
REPRESENTING PHILLIP ALAMPI, NEW JERSEY SECRETARY OF AGRICULTURE

DR. HORTON. Mr. Chairman and honorable committee members, thank you for the opportunity to testify on the proposed Swine Health Protection Act, H.R. 6593.

I am Robert Horton, director of the Division of Animal Health in the New Jersey Department of Agriculture. Secretary Alampi has asked me to deliver the following testimony on his behalf.

Included in our program responsibilities of the New Jersey Department of Agriculture is an extensive livestock disease control program and the operation of a veterinary diagnostic laboratory. New Jersey's swine industry presently uses some 100,000 tons of food waste in the production of 25 million pounds of market hogs. Therefore, we know something of the industry this proposed legislation intends to protect.

While we support Congressman Madigan's desire to protect the livestock industry from disease outbreaks, I am compelled to question the necessity and wisdom of this particular legislation in its present form.

Uncooked or improperly treated plate wastes are indeed potential sources of infection when fed to swine. In recognition of this, the State of New Jersey enforces strict laws and regulations regarding the feeding of plate waste to swine.

In cooperation with Federal livestock inspectors we inspect all swine farms where food wastes are fed to swine. In fiscal year 1978-1979 we conducted 1,692 inspections of 83 farms licensed to feed plate waste to swine. State law requires that these farms not only be licensed but that they maintain sanitary conditions and that the plate waste fed to swine is properly heat-treated.

In addition to licensing and constant inspection to assure proper cooking and handling of plate waste, herd health is also checked during field inspections. This arrangement is efficient and permits immediate trace-back should a disease outbreak occur. Such would not be the case with centralized cooking at locations separate from the feeding stock as proposed in H.R. 6593.

One hundred percent of the plate waste feeding farms in New Jersey are inspected at least twice, and usually more than twice, each month. Similar State programs are operated in the 34 States where plate waste feeding is allowed.

By contrast, in the 15 States where plate waste feeding of swine is prohibited, the absence of adequate surveillance means that there is no assurance that such feeding does not occur. The proposed legislation does not address this issue, nor does it ban the use of garbage produced in the owner's household, although such material may also harbor infectious organisms.

Due to their location near metropolitan environs, New Jersey swine producers have ready access to highly nutritious food wastes from restaurants, bakeries, and food processors. The use of this material is an example of recycling at its best and also helps to relieve waste disposal problems while benefiting consumers.

New Jersey is confident that it has an effective disease control program for swine and it behooves us to maintain a high degree of animal health for efficient production as well as for the economic health of our swine industry. We believe centralized treatment, as proposed in H.R. 6593, would be costly and inefficient.

Such a proposal also fails to recognize the increased cost of transportation, including gasoline and diesel fuel required by centralized treatment. Such a system would be highly inefficient and it would actually make disease control and surveillance more difficult in terms of trace-back, as I mentioned earlier.

It is important to note that the United States has successfully eradicated hog cholera without a Federal law on cooking food wastes. In fact, we know that in the more recent outbreak of the disease there was no evidence that food waste was the causative agent. Instead, New Jersey outbreaks were always associated with newly imported feeder swine.

Another real concern this committee must face is the unfortunate truth that when a Federal program replaces a State program, there usually follows a less efficient program of surveillance due to the realities of budget and manpower constraints and the enormous scope of jurisdiction for enforcement. Usually the Federal program falls some-

where between the least and greatest surveillance activity at the State level.

I would like to respectfully suggest that the Federal Government devote its energies in the area of swine health protection toward improved inspection and surveillance of people and luggage, imported food products, and the refuse from transport equipment originating from countries where exotic diseases exist.

Since we have an efficient and effective disease control program in place, as do other States which permit plate waste feeding, this legislation is duplicative and will not really do what it is intended to do. The New Jersey Department of Agriculture cannot support this bill in its present form.

Thank you for the opportunity to testify on this legislation.

Mr. DE LA GARZA. Thank you very much, Dr. Horton.

Are there any questions of Dr. Horton?

Mr. Wampler?

Mr. WAMPLER. Thank you, Mr. Chairman.

Dr. Horton, I want to thank you for appearing here today and for giving us a very fine statement.

If I understand the situation correctly, New Jersey and California are the two States that thus far, not only have expressed serious reservation, but have expressed opposition to the bill in its present form. I am advised that New Jersey—and you certainly support this statement—does have a good State law regulating the feeding of your swine and that you have done an outstanding job in enforcing your State law. For that, you are certainly to be commended.

I commented earlier, in a colloquy with Dr. Lee, that unfortunately I do not think that that can be said of all States in the Union. Of course, I realize that you are responsible for the State of New Jersey and not any of the other States.

You raise some very legitimate concerns and objections to the bill. I was wondering if there are any suggestions you have for changes to the bill that you could propose that would make it acceptable to the State of New Jersey.

Have you had a chance to examine the bill in that light or do you find it totally unacceptable?

Dr. HORTON. I do not think we find it totally unacceptable. I think my greatest concern is the availability of garbage, plate waste, or what have you to the household producer. As far as I am concerned, if he has sows and raises pigs and those pigs are sold and not used in his household; that is an outlet for possibly diseased pigs onto the market. If those pigs go onto the market and go to a sale, they may come to New Jersey and get into our feed lots and infect our feed lots. This is my main objection to it.

Mr. WAMPLER. Would you agree that the prospect or likelihood of a major infestation of African swine fever is a likely event or a possibility at the moment?

Dr. HORTON. Yes. It is a likelihood. That is why our laboratory is inspecting all of the samples, not only for hog cholera, but also for African swine fever.

Mr. WAMPLER. I hope that you would give the bill some additional study. If you do have specific changes to the bill or recommendations that you could make that you would share that with the committee.

I can only speak for myself and I do not want in any way to make it appear that we are not appreciative of the fact that New Jersey does apparently have an effective law and that you are moving in an intelligent and effective way to implement and enforce it. I think this is a message to the other States that are not doing it. If they were, perhaps this bill would not be before us today in its present form. I hope that you will reconsider it in that light and if you do have specific changes in the proposed bill that you will share those views with us.

Dr. HORTON. We will share them with you.

Mr. WAMPLER. Thank you, Mr. Chairman.

Mr. DE LA GARZA. Are there any further questions? Mr. Findley?

Mr. FINDLEY. Thank you, Mr. Chairman.

Dr. Horton, you refer, on page 2, of the prepared statement, to "centralized cooking at locations separate from the feeding stock, as proposed in H.R. 6593." I wonder if that observation is not based on an earlier version of this legislation. We tried very explicitly to make clear in the legislation that centralized cooking is not mandated by the bill, that the treatment of the garbage may occur on the same premises where the feeding occurs. Were you aware of this final language?

Dr. HORTON. The way I interpreted the bill, it still meant separate premises. Maybe I have not actually seen the last copy of it. I think I saw a March copy of the bill.

Mr. FINDLEY. I can quickly give you the citation. The bill provides:

No permit shall be issued unless the facility is so constructed that swine are unable to enter the premises on which the facility is located and are unable to have access to untreated garbage in such facility, or material coming in contact with such untreated garbage.

That is the only limitation. It does not require, as an original version did, centralized treatment of the garbage.

Dr. HORTON. What is your definition of premises? That is what bothered me in another part of it.

In other words, we consider a premises as one farm. If you have separate premises, that would mean you would have to have your cooking facility separate from that farm altogether.

Mr. FINDLEY. That is not the intent of the legislation.

Mr. MADIGAN. Would the gentleman yield?

Mr. FINDLEY. Certainly.

Mr. MADIGAN. The bill says the "premises on which the facility is located." The definition of facility, of course, is where the actual feeding of the swine is taking place. The premises, by virtue of the language in the bill, would be defined as that area where the swine feeding facility was located. It would be one and the same thing. I will read it to you: "enter the premises on which the facility is located."

Dr. HORTON. Are you talking about the cooking facility or the feeding facility? This is my problem.

Mr. MADIGAN. The feeding facility: "is so constructed that swine are unable to enter the premises on which the facility is located." Obviously, that contemplates the swine-raising facility by virtue of the fact that the swine are present.

Dr. HORTON. Thank you.

Mr. FINDLEY. The main point is that we have adjusted the language of the bill so as to remove the earlier requirement of centralized processing which would require, in some cases, the transportation, at considerable expense, of the garbage to and from the processing location.

That is what led me to feel that perhaps you were not aware of the language and the intent of this later version. I think your comment would certainly be appropriate in referring to the earlier version which is not now before the committee.

You make a point that this is discriminatory, in that it does not apply to 15 States. That could be remedied by expanding the authority of the Federal Government. We could add a section which would make it a Federal offense to feed garbage in such States where such feeding is prohibited by State law. Would you recommend that we add to Federal authority in that way?

Dr. HORTON. It would seem to me that we do need more surveillance in those States which have prohibited feeding garbage. It does not seem to me that they have the inspection force to cover their States.

Mr. FINDLEY. You are referring to the 15 which presently prohibit the feeding of garbage.

Dr. HORTON. That is right.

Mr. FINDLEY. Could you identify States where this is a problem?

Dr. HORTON. Every once in a while we will have swine come in which have trichinosis. I do not like to name States right here, but we have had a case of trichinosis come into New Jersey. It was rumored that these swine had been fed garbage.

Mr. FINDLEY. In that instance, the swine are crossing a State line. I believe Federal law gives USDA the authority to take action to prohibit such transport, so I think Federal law is probably already adequate. Perhaps the enforcement is inadequate, but I think the law is adequate.

Are there other aspects of the bill that trouble you?

The reason why I raise that question is because my impression from your testimony is that the State of New Jersey is doing a splendid job of surveillance of garbage fed to swine, and your operation probably would not be altered as the result of the enactment of this legislation.

Dr. HORTON. A few years ago we were doing a splendid job of meat inspection as well. Once the expenses were figured up and it looked like a nice item to line out—I am just afraid that perhaps this swine inspection may also be lined out just as meat inspection was and will be thrown back on the Federal Government.

Mr. FINDLEY. I am sure you heard Dr. Lee testify that it is his expectation that this would not impose any additional cost on the Federal Government. If that is a fair estimate, and I imagine it is, then the State of New Jersey will continue as it has in the past, but the Federal Government would have new authority to require treatment of garbage where such treatment is not now required in neighboring States.

I think it would really be an advantage to the State of New Jersey as well as to other swine producing States to have this additional scope of Federal authority.

Dr. HORTON. I would hope so.

Mr. WAMPLER. Will the gentleman yield?

Mr. FINDLEY. Yes.

Mr. WAMPLER. This is not totally unrelated to what we are talking about. Some years ago I was privileged to visit one of the processing plants in your State, the Allen Packing Co., which I understand is no longer in business. It was a division of Food Fair, I believe, at the time.

Dr. HORTON. I am not familiar with it.

Mr. WAMPLER. In any event, my purpose in going was that the operators of that plant were having some trouble with the USDA inspectors. My particular interest was that practically all of the veal calves that are produced in my part of Virginia do go into the New York-New Jersey area. Practically all of our lambs go there.

From my firsthand observation, and this was before the enactment of the Wholesome Meat Act which eventually resulted in Federal usurpation of inspection, I did see a fine State-inspected plant. I commend you for it.

I just hope that you will keep buying all the veal calves and all of the lambs that we can produce in the State of Virginia.

Mr. DE LA GARZA. Thank you, Dr. Horton. We appreciate your being here.

The next witness is Mr. John Villari, the director of the New Jersey Livestock Cooperative Association. We welcome you, sir, and will be happy to hear from you at this time.

STATEMENT OF JOHN D. VILLARI, DIRECTOR, NEW JERSEY LIVESTOCK COOPERATIVE ASSOCIATION, INC., GLASSBORO, N.J.

Mr. VILLARI. Thank you, Mr. Chairman.

I am John Villari, a director of the New Jersey Livestock Cooperative Association, Inc., speaking on behalf of the edible food waste swine feeders in New Jersey who are members of our association.

I would like to respectfully submit the opinions and comments of our members in reference to H.R. 6593 that may be cited as the Swine Health Protection Act. We are certainly in support of the desire to protect the livestock industry from any infectious disease outbreaks.

We agree that uncooked or improperly treated food wastes are a potential source of infection when fed to swine or other livestock. It is reported that 15 States have prohibited the feeding of food waste referred to as garbage. Since there could be inadequate surveillance there is no assurance that garbage feeding does not take place in those States. The bill as presently written permits food waste from ordinary household operations to be fed directly to swine on the same premises where such households are located. There is nothing mentioned in the bill which would prohibit the selling of such swine to markets, thereby allowing the possibility of an outbreak of an infectious disease to occur.

New Jersey swine farmers have for several generations fed swine highly nutritious food waste generated by food processor, bakeries, restaurants, military installations, colleges, and households producing high quality pork. This recycling of valuable food waste is an important economic factor. It helps to relieve the waste disposal problem and is a benefit to consumers.

On June 4, 1980, the administrators and advisory committee of the New Jersey Office of Recycling met with our association representa-

tives to consider plans to increase the amount of food waste for recycling through swine. A plan has been formulated and has been submitted to the Department of Environmental Protection for approval.

All garbage feeding or edible food waste farms in New Jersey are required to be licensed each year. Each farmer is required to conduct his operation under provisions of the Swine Disease Control Act, enacted by the New Jersey Senate and General Assembly.

The New Jersey State Department of Agriculture, through its division of animal health, administers the provisions of the act. All farms feeding food waste are under constant inspection to enforce the proper cooking and handling requirements.

At the same time qualified State and Federal inspectors check on herd health. Any apparent problems are promptly reported. This serves to detect any disease problems which may occur.

During the successful program to stamp out hog cholera there was no conclusive evidence that hog cholera outbreaks in New Jersey were caused by garbage feeding. In most cases the infection was traced to newly imported feeders from all parts of the country.

We feel the enactment of a Federal law is both unnecessary and an added expense to taxpayers. This, at a time when the feeling of the general public is that there should be less Federal laws. We respectfully suggest that our Federal authorities devote continued efforts to increase surveillance at points of entry of travelers, imported food material, and waste from facilities servicing transportation carriers originating in foreign countries.

We feel H.R. 6593 will do nothing more for the industry except duplicate the existing regulations. Furthermore, why does this bill pertain to only 35 States? The New Jersey Livestock Cooperative Association, Inc., feels that this bill is discriminatory.

On behalf of our New Jersey farmers I respectfully offer my appreciation to this committee for the opportunity to present this statement.

Thank you, Mr. Chairman.

Mr. DE LA GARZA. Thank you very much.

Are there any questions, Mr. Findley?

Mr. FINDLEY. Mr. Villari, thank you very much for your testimony today.

I note your comment on page 3 of the prepared statement that there is a feeling among the general public that there should be less Federal laws and I am sure that that is a prevalent feeling. However, on page 1 you cite the fact that this bill permits food waste from ordinary household operations to be fed directly to swine on the same premises.

It is true that the bill does exempt food fed from a household table to swine. I presume that that feeding is under State examination in New Jersey as well as the commercial feeding of garbage. I commend New Jersey for going that far.

We felt, in writing this language which we hoped would establish new Federal standards for the feeding of garbage, that it would be going perhaps a step too far by Federal law to prohibit the feeding of table scraps within the household. That is why we did not expand the scope of our law. It could be changed in that respect and perhaps it should be, but our feeling was that this final step of intruding into the very household table should not be included.

I just wanted you to understand our reasoning on that point.

Mr. MADIGAN. Will the gentleman yield on that point?

Mr. FINDLEY. Yes.

Mr. MADIGAN. That is not actually an original thought process on our part because the language is the same as it is in the Federal law concerning cholera. The Federal law for cholera also excludes household waste fed on the premises. It says specifically, "but excluding waste from ordinary household operations which is fed directly to swine on the same premises where such household is located." What we have done is copy the Federal law as it relates to hog cholera.

Mr. WAMPLER. Will the gentleman yield?

Mr. MADIGAN. I would be happy to yield.

Mr. WAMPLER. Could the gentleman tell us what further restrictions are placed on the products of a feeding operation of that type? Is there any restrictions placed on their movement in interstate commerce?

Mr. MADIGAN. Not under Federal law.

Mr. WAMPLER. Thank you.

Mr. DE LA GARZA. Thank you very much, Mr. Villari. We appreciate your testimony.

Mr. VILLARI. Thank you, Mr. Chairman.

Mr. DE LA GARZA. The next witness is Mr. Gene Schlichman, who is vice president of National FACTS, Inc., in Cassville, Mo.

STATEMENT OF GENE SCHLICHMAN, VICE PRESIDENT, NATIONAL FOOD AND CONSERVATION THROUGH SWINE, INC., CASSVILLE, MO.

Mr. SCHLICHMAN. Thank you, Mr. Chairman.

My name is Gene Schlichman. I am vice president of National FACTS, Inc. I have been a processed food waste feeder since 1964.

I feed basically military installations. I have had Fort Leonard Wood, Mo.; Fort Riley, Kans.; and Fort Polk, La. They are the three bases from which I have fed food waste.

I understand that you have copies of the prepared statement. Because of time, I would just like to make a few comments on each point and forego reading the whole thing, if that is all right with you, Mr. Chairman.

Mr. DE LA GARZA. That is perfectly agreeable. Your full statement will appear in the record, without objection.

Mr. SCHLICHMAN. National FACTS is a group of processed food waste feeders. We are, I imagine, just as concerned as anybody in this room about the health of swine. It is our livelihood.

I have never had cholera. Of course, nobody in the country has ever had African swine fever. I have been feeding food wastes since 1964 through the whole cholera eradication program. I never received a letter of indemnity. It can be done and, in most cases, is being done without any problem.

National FACTS is in favor of the basic intent of the bill which is swine health, but National FACTS feels that before we can support the bill to regulate the feeding of garbage to swine, cited as the Swine Health Protection Act, we have several questions that merit consideration.

The first question is this. Is this bill not a duplication of regulations?

If Department of Agriculture regulations in the Federal Register, title IV, part 76, section 76.15—of which I believe you have a copy with my statement—is enforced, it stops the feeding of raw garbage.

Concerning the regulation, handling, and disposition of foreign arriving garbage, title 9 of the Code of Federal Regulations, part 94, section 94.5, handles and regulates foreign garbage or food wastes coming into the country.

I know, and am fairly aware of, the Cuban problem and of the Cuban refugees coming in. I recognize the threat, but I think it also proves the effectiveness of the controls that are presently in operation.

We have not had any outbreak. I understand the refugee flow has been greatly reduced. I wonder if this is not already being well taken care of.

We have not had hoof-and-mouth disease enter this country since 1929, vesicular exanthema since 1955, and hog cholera since 1978. That is a pretty good track record under our present regulations.

The second question is: Why is it only a swine health protection act and not an animal health protection act? Swine are not the only animals that eat food wastes or garbage in the United States. I know some instances when cattle have been fed food waste and they do very well. Why was this bill limited strictly to swine? Other diseases could come in and infect cattle just as they do swine.

The third question is: Why are States that have laws prohibiting the feeding of garbage to swine exempt from this bill and allowed to prevent the recycling industry? We feel that there is a tremendous waste taking place in States that are prohibiting the feeding of food waste to swine.

I wonder if there will be proper regulation in the States that have outlawed it. I have had firsthand information and firsthand experience in the State of Louisiana, through Fort Polk. I can tell you for a fact that there was a tremendous amount of raw garbage being fed in the State of Louisiana when I got the contract at Fort Polk.

I took it across the State line and fed it in Texas. We had a tremendous problem getting the people from hauling it out in their pickups and feeding it raw.

Today there is no contract for Fort Polk and I see no reason why it is not now being fed there raw. I do not think it is any different than when I got the contract.

National FACTS feels that any legislation on the Federal level should cover all 50 States.

My fourth question is: Does this bill pertain only to garbage and not to other commercial feed that contains animal byproducts, including bonemeal, feathermeal, bloodmeal, meat scraps, and so forth?

Under the definition of garbage that I see in the bill, it includes all animal byproducts. I wonder if that would not include such companies as the Ralston-Purina Co., Cargill, Swift. They are in the business of processing food waste.

This could open up quite a number of regulations under the definition the way we read it. Not only could it be them, it could also cover all those people who are feeding their feed that has meats, bonemeal, feathermeal, bloodmeal, and so forth, in it.

The fifth question is: I have heard it mentioned here this morning in testimony that they do not feel that this will be expensive. Where will the money come from?

I have a letter from Secretary Bergland, dated February 25, 1980. He makes the statement that this would be an expensive program. I think you have a copy of the letter. I believe it was addressed to Mr. Findley. Is that not right, Mr. Findley? He makes the statement that this would be an expensive program.

With these questions, FACTS feels that the bill would not accomplish the intended goal, could create a lot of problems that we do not have now, and it would be expensive. Therefore, it should not be passed in its present form.

Mr. DE LA GARZA. Thank you very much, sir.

Without objection, your entire testimony will be included in the hearing record.

[The prepared statement of Mr. Schlichman appears on p. 34.]

Mr. DE LA GARZA. Are there any questions?

Mr. FINDLEY. Mr. Chairman, may I comment briefly?

Mr. Chairman, I will just make the observation that these questions are raised very clearly on the basis of an earlier draft of the legislation, not on the bill that is now before us.

Mr. DE LA GARZA. Apparently, there have been some statements that dealt with the previous draft of the bill. Probably we will be able to reconcile these issues when we get to the markup of the bill.

Mr. WAMPLER. Mr. Chairman?

Mr. DE LA GARZA. Mr. Wampler.

Mr. WAMPLER. Just as a matter of interest, I believe that you said that you either now have or once had the contract with Camp Polk, La.

Mr. SCHLICHMAN. Yes.

Mr. WAMPLER. You said you moved that into Texas. I am just curious. How many head of swine could you feed from a contractual relationship like that, if it is not too personal a question to ask?

Mr. SCHLICHMAN. Originally, about 1,500. It dwindled down. They did change the training procedure for Fort Polk to the point that it was no longer worth it to me. I had a long haul and it got to the point where I could not afford to haul it that far. That is why I had to discontinue the contract.

Mr. WAMPLER. Say, for a typical military installation—you referred to others—would that be about an average size, or would it be small, or large?

Mr. SCHLICHMAN. I would say it would be average. They run all the way from 5 or 10 hogs up to several thousand depending upon the size of the installation. A rule of thumb that I have found useful to gage a military installation is that 10 men will feed 1 hog.

Mr. WAMPLER. Ten men will feed one hog. Thank you. Will 1 hog feed 10 men?

Mr. SCHLICHMAN. If you have a military installation with a base population of 10,000, it will feed 1,000 hogs.

Mr. WAMPLER. Thank you. I was just curious. You would be a substantial feeder then in terms of the contracts that you have, would you not?

Mr. SCHLICHMAN. Yes.

Mr. FINDLEY. Will the gentleman yield?

Mr. WAMPLER. Yes.

Mr. FINDLEY. Could I draw the conclusion from the gentleman's comment that every military installation ought to have its own hog lot?

Mr. WAMPLER. No. I am not suggesting that at all. The military ought to feed more pork.

Mr. DE LA GARZA. Fort Polk had its own hog feeding operation. I served there and I would dare say that half of the wild hogs in the United States roam through all of its firing ranges and in Kisatchie National Forest around Fort Polk. Out in the field we dug as deep as you could go without hitting water. It was out by the next morning and into a hog in the Kisatchie National Forest.

Mr. SCHLICHMAN. I might make a comment. If that food waste were going into a can and to a licensed feeder instead of into the ground, those hogs would not get it.

Mr. DE LA GARZA. There was no way you could get it way out back in the fields in the firing ranges.

Mr. SCHLICHMAN. The problem I ran into in Fort Polk was that they had gone 2 years without a contract. Then they let it with the stipulation that it be taken to Kansas and fed. In the 2 years' time the contract had been held by the trash hauler.

The trash hauler was very happy when any of the employees on the base, or anybody as far as that is concerned, hauled the garbage away because they got paid the same amount for hauling less garbage. There was nobody on the base who cared where it went.

When I got the contract, I would say that I did not get over 50 percent, at most, of the garbage that was being produced on the base. The other 50 percent was being hauled out in pickups, mostly by people working on the base.

They would haul one, two, or five cans a day. They would dump it and bring the cans back in the morning. This is a tremendous problem.

Mr. DE LA GARZA. That was the case when I was there. Whoever had access to a mess or a kitchen and was willing to haul it away could haul it away.

Mr. SCHLICHMAN. Yes, and that is going on today. There is no licensed feeder. I am sure it is.

Mr. DE LA GARZA I might add, with all due respect, that every time we ran into one of those wild hogs out in the forest we found out, much to our surprise, that it had an owner. I happened to be involved in the handling of claims for our division.

Thank you very much, Mr. Schlichman. We appreciate your being here.

Mr. SCHLICHMAN. Thank you, sir.

[The letter referred to is held in the subcommittee file. The prepared statement follows:]

POSITION STATEMENT ON HR 6593
 "SWINE HEALTH PROTECTION ACT"

by

NATIONAL FOOD AND CONSERVATION THROUGH SWINE, INC.

I am Gene Schlichman, Vice President of National FACTS, Inc. President Norman N. Lichtman has asked me to deliver the following testimony in behalf of our organization.

National Food and Conservation Through Swine, Inc., (National FACTS) has members in nearly every state. We are persons interested in conserving our natural resources, reducing pollution and the production of protein by the recycling of process food waste (PFW) through swine. Many of our pork producers are second and third generation PFW feeders. We are very concerned about swine health and the importance of properly processing garbage into PFW. We operate under permits or license, from the respective states, and are subject to inspection by local, state, and in many cases federal regulatory officials to see that we are maintaining certain sanitation and processing standards.

During these unscheduled inspections, sometimes weekly, our animals' health is observed. Most of our producers purchase feeder pigs from all over the nation and being the only pork producers with such inspections, we become a "sentry" in the detection of animal diseases.

National FACTS feels that before we can support bill HR 6593, "a bill to regulate the feeding of garbage to swine," cited as the "Swine Health Protection Act," we have several questions that warrant consideration:

1.- Isn't this bill a duplication of regulations?

According to the supporters of this bill all states presently have regulations governing the use of garbage as animal feed. Fifteen states have passed laws prohibiting the permit or licensing of any more PFW operations and in most cases have stopped existing operations. The remaining thirty-five states permit this valuable recycling industry, subject to state regulations.

The United States Department of Agriculture, Animal and Plant Health Inspection Service, has regulations contained in the federal register, Department of Agriculture, Title IV, Part 76, Section 76.15, when enforced would stop any raw garbage feeding to swine (copy enclosed); other than the exempt person mentioned in Section 76.1 (I). That same person will be exempt if HR 6593 becomes law.

Regulations for the handling and or disposition of foreign arriving garbage are contained in Title 9, code of Federal Regulations, Part 94 (copy enclosed). Section 94.5 provides for disposal by incineration, sterilization, or cooking at 212°F for thirty minutes. Material subject to sterilization or cooking is further restricted to a landfill. It is unlawful to use foreign garbage for animal feed.

Plant protection and quarantine programs, Animal and Plant Health Inspection Service, United States Department of Agriculture is responsible for the implementation of these regulations at the port of entry.

The United States Customs Service, Immigration and Naturalization Service, United States Coast Guard, and United States Public Health Service are on constant vigilant for any situation of material that could cause introduction of disease into American Agriculture. The recent Cuban and Haitian immigration into Florida is a splendid example of the high degree of effectiveness and cooperation obtained with our present disease control and prevention program. National FACTS congratulates those persons, local, state, and federal agencies involved in the disease prevention effort.

With the cooperation of the public, livestock industry and meaningful regulations, the United States has been able to eradicate and prevent the reintroduction of Foot and Mouth Disease since 1929, Swine Vesicular

Exanthema (VE) since 1955, and Hog Cholera since 1978. We have also prevented other foreign animal diseases, such as African Swine Fever and Swine Vesicular Disease (SVD) from ever gaining entry. We think the states have done their part well by enlarge and do not need further federal regulations.

2.- Why is it only a swine health protection act and not an animal health protection act?

If numerous infections or communicable diseases of swine can be transmitted through raw garbage, so can other animal diseases. Foot and mouth disease kills cattle and sheep also just to mention one disease. Other livestock and poultry are known to consume garbage.

3.- Why are states that have laws prohibiting the feeding of garbage to swine exempt from this bill and allowed to prevent this recycling industry?

It appears to us that if this bill becomes law those states will be assisted by the United States Department of Agriculture if the need arises in their prohibition of PFW feeders. We feel that these states should encourage the utilization of the PFW as feed for swine resulting in great savings to the taxpayer and consumer by reduction of disposal costs and conserving energy and natural resources.

4.- Why does this bill pertain only to garbage and not to any other commercial feed that contains animal bi-products including bone meal, feather meal, blood meal, and meat scraps?

According to the bill's definition of garbage (any commercial feed containing animal bi-products) would fit this description and come under the jurisdiction of this law.

5.- Where is the money to be appropriated from to fund the enforcement of this bill after it becomes law and how much will be needed?

In a letter dated January 7, 1980, addressed to Honorable Paul Findley (who together with Honorable Edward Madigan introduced this bill HR 6593 on February 25, 1980), Secretary of Agriculture Bob Bergland responded to Paul Findley's request for comment on the draft bill entitled "Swine Health Protection Act" which would regulate the feeding of garbage to swine. He said that such a program would be expensive. We quote Secretary Bergland (page 1 paragraph 4) of that letter. "The most important difficulty we see with the proposed bill is that the respective responsibilities of the State and Federal Governments are not clear. Section 5 (b) purports to place "primary responsibility" on the States. However, the Department is not given means to persuade the States to act. For example, the proposal does not authorize the Secretary to enter into cooperative agreements with the States, nor does it provide for Federal-State sharing of the costs of running and enforcing a program, though such a program would be expensive. The proposed bill does not provide for Federal action if a State, which technically has the authority to regulate garbage processing and feeding, fails to exercise that authority. The point at which the Department would step into a State and take over the program is unclear to us."

National FACTS feels that bill HR 6593 deserves much more time and in depth study and consideration than has been allocated. We are sure that other concerned and interested persons have questions and suggestions and should be given a chance to contribute. We appreciate you giving us the opportunity to appear before this sub-committee and present our position statement.

MR. DE LA GARZA. Our next witness is Dr. Harry Goldstein of the American Veterinary Medical Association.

STATEMENT OF DR. HARRY E. GOLDSTEIN, DEPUTY DIRECTOR, AND CHIEF, DIVISION OF ANIMAL INDUSTRIES, OHIO DEPARTMENT OF AGRICULTURE; REPRESENTING AMERICAN VETERINARY MEDICAL ASSOCIATION AND AMERICAN ASSOCIATION OF SWINE PRACTITIONERS

DR. GOLDSTEIN. Thank you, Mr. Chairman and members of the subcommittee. I am Harry Goldstein representing the American Veterinary Medical Association and the American Association of Swine Practitioners. I am employed by the Ohio Department of Agriculture where I am a deputy director and chief of the department's Division of Animal Industries.

The American Veterinary Medical Association and the American Association of Swine Practitioners have, throughout their history, been concerned over the losses and public health hazards of animal disease, particularly those diseases which may devastate an animal population and significantly reduce essential components of the Nation's food supply.

You will recall that many members of this subcommittee expressed similar concerns during the consideration of the Animal Health and Disease Research provisions of Public Law 95-113, the Food and Agriculture Act of today.

Today we are faced with an animal disease threat that has not been brought under control. Our Nation faces the threat of an epizootic of African swine fever.

An extremely important factor in preventing such an epizootic is a strong program to regulate the feeding of garbage to swine. H.R. 6593 offers this program.

Mr. Chairman, I understand that you have my prepared statement. I would respectfully submit that it be part of the record and permit me in the interest of time and brevity, and so as to avoid being repetitious, to highlight our statement.

MR. DE LA GARZA. Yes; thank you very much. We appreciate your cooperation in that respect. Your full statement, without objection, will appear in the record.

DR. GOLDSTEIN. Thank you, sir.

We believe that H.R. 6593 embodies a sound approach to preventing an African swine fever epizootic. All facilities which process garbage for swine feed must be made subject to uniform regulations.

USDA currently has the expertise and much of the infrastructure necessary to implement such a program. Several additional features of the bill deserve to be highlighted. The bill would provide a minimum burden on the effected industries, notably garbage processors.

Some have suggested that there should be an outright ban on the feeding of garbage to swine. If an effective regulatory program can preserve this useful recycling system, we should adopt it.

We strongly recommend the provision which specifically authorizes USDA to develop regulations to keep swine away from any untreated garbage in or around treatment facilities. This is an essential element.

Section 9 of the bill authorizes the Secretary to turn over primary enforcement responsibilities to any State which has developed and can implement an effective regulatory program on its own. This is a useful tool to preserve scarce governmental resources.

We also have one concern with H.R. 6593 as it was originally introduced. We do not see in it the authority for the Secretary or an authorized State agency to take swift action to stop the feeding of untreated garbage to swine. Responsible officials need the power to seize quickly any untreated garbage on its way to a swine feeding trough or to close down a garbage handling facility which is not adequately treating garbage which is intended to be swine feed.

We recognize that extraordinary administrative powers should not be granted lightly. Regardless of the form of the Secretary's authority, USDA or State officials must be able to act quickly and forcefully to correct a negligent operation. It is surely more effective to attack the virus by properly handling garbage than by slaughtering hundreds, and perhaps thousands, of possibly infected animals.

In summary, the American Veterinary Medical Association and the American Association of Swine Practitioners believe that strong effective new regulatory actions are essential to prevent the introduction of African swine fever and other swine diseases into the United States.

We further believe that H.R. 6593 would authorize an essential part of the necessary regulatory action. We recommend its enactment with some modification, as noted.

I thank you for the opportunity to testify before you. We would be glad to answer any questions you might have.

Mr. DE LA GARZA. Thank you very much, sir.

Are there any questions of Dr. Goldstein?

Mr. WAMPLER. Mr. Chairman?

Mr. DE LA GARZA. Mr. Wampler.

Mr. WAMPLER. Dr. Goldstein, thank you for your appearance and your statement.

I suppose what is really concerned here is the question of whether or not we should eradicate or eliminate the feeding of garbage to swine, or whether we should regulate it. My State has chosen to eliminate it. That is their judgment and it depends upon your point of view.

You indicated in your prepared statement that section 9 of the bill:

Authorizes the Secretary of Agriculture to turn over primary enforcement responsibilities to any State which has developed and can implement effective regulatory programs of its own. This is a useful tool to preserve scarce government resources.

Does this, at least partially, answer the concern that was raised by Dr. Horton in this testimony? He felt that perhaps the Federal Government would come in and usurp this function. Apparently, at least, the State of New Jersey is now regulating and enforcing well. Would you agree with that?

Dr. GOLDSTEIN. Mr. Chairman and Representative Wampler, we in Ohio—and I can speak for Ohio, not for New Jersey—have had an ongoing garbage cooking and feeding law since 1952. Our numbers have been reduced over the years from about 3,300 garbage feeders in 1952 to a total of 12 commercial garbage feeders in Ohio right now.

We just went through testifying before Ohio's Agricultural House Committee last week. There was a bill to prohibit the feeding of all garbage. I am pleased to tell you that our Ohio House turned it down, so we will continue to have a garbage cooking-feeding program in Ohio.

However, to answer your question specifically, speaking for Ohio, it would relieve me of any problems. We have an ongoing enforcement program, in cooperation at the present time with the U.S. Department of Agriculture.

Mr. WAMPLER. The answer, I suppose, is to have an effective program we must maintain what has been a traditional program and a well-established Federal-State effort in trying to eradicate or control all types of diseases that affect swine or other animals. Is that correct?

Dr. GOLDSTEIN. Mr. Chairman and Mr. Wampler, yes, sir.

Mr. WAMPLER. Let me just finally say, Mr. Chairman, that a number of witnesses have quite properly raised the question of recycling. How do we get rid of much of the garbage and waste that is now being fed to animals if it is properly treated, or whatever process they might be using. I think the committee ought to look very carefully at those possibilities.

Thank you, sir.

Mr. DE LA GARZA. Thank you very much, Dr. Goldstein. We appreciate your being here.

[The prepared statement of Dr. Goldstein follows:]

STATEMENT OF
HARRY E. GOLDSTEIN, D.V.M.
FOR THE
AMERICAN VETERINARY MEDICAL ASSOCIATION
AND THE
AMERICAN ASSOCIATION OF SWINE PRACTITIONERS

Mr. Chairman and members of the subcommittee, I am Harry E. Goldstein, representing the American Veterinary Medical Association and the American Association of Swine Practitioners. I am employed by the Ohio Department of Agriculture where I am Deputy Director and Chief of the Department's Division of Animal Industry.

The American Veterinary Medical Association and the American Association of Swine Practitioners have, throughout their histories, been concerned over the losses and public health hazards of animal disease, particularly those diseases which may devastate an animal population and significantly reduce essential components of the nation's food supply. We recall that many members of this subcommittee expressed similar concerns during the consideration of the animal health and disease research provisions of P.L. 95-113, the Food and Agriculture Act of 1977.

Today, we are faced with an animal disease threat that has not yet been brought under control. Our nation faces the threat of an epizootic of African swine fever; an extremely important element in preventing such an epizootic is a strong program to regulate the feeding of garbage to swine. H.R. 6593 offers such a program.

African swine fever causes a high mortality in pigs, often killing nearly all that become infected. Since there is no method of immunization against the disease, its spread throughout a country can be controlled only by destroying susceptible pigs in the area of an active infection. The disease spreads rapidly and can destroy the swine population of a country in a very short time. Fortunately, humans are not affected by the disease, but it would have a devastating impact on the pork-producing and processing industries of this

country, as well as greatly reduce the food supply and increase costs to consumers.

Swine in the United States have no resistance to the disease, and introduction of the African swine fever virus here would be extremely destructive and costly. The virus survives in undercooked pork from infected hogs for long periods of time. Unless heated at a temperature high enough to kill the virus, the pork remains infectious. Thus, garbage is a vital link in the transmission of the disease.

African swine fever is now active close to the United States, with infections in Cuba, the Dominican Republic, Haiti and Brazil. African swine fever in Cuba in 1971 resulted in the destruction of a major part of the nation's swine population.

Presently our protection against African swine fever is limited. The virus could easily be carried into the United States in pork products from countries with active infections. Without strong, effective regulation of swine garbage-feeding activities, the swine population of the United States is continually at risk of exposure to African swine fever virus through garbage brought into the country on ships and aircraft. Effective action should be taken to minimize this risk.

For over twenty-five years the states have conducted programs of varying effectiveness to regulate the feeding of garbage to swine. We understand that many of these programs are now neglected or underfunded to the extent that they may be ineffective in preventing the introduction or spread of African swine fever. This is not only a potential problem for areas around international airports and seaports; if the disease ever gets a foothold in this country, it could practically "explode" across the nation.

We believe that H.R. 6593 embodies a sound approach to preventing an African swine fever epizootic. All facilities which process garbage for swine feed must be made subject to uniform regulation. USDA currently has the expertise and much of the infrastructure necessary to implement such a program. Several additional features of the bill deserve to be highlighted:

- The bill would provide a minimum burden on the affected industries, notably garbage processors. Some have suggested that there should

be an outright ban on the feeding of garbage to swine; if an effective regulatory program can preserve this useful "recycling" system, we should adopt it.

- We strongly support the provision which specifically authorizes USDA to develop regulations to keep swine away from any untreated garbage in or around treatment facilities. This is an essential element.

- Section 9 of the bill authorizes the Secretary to turn over primary enforcement responsibility to any state which has developed and can implement a effective regulatory program of its own. This is a useful tool to preserve scarce governmental resources.

We also have one concern with H.R. 6593 as it was introduced. We do not see in it authority for the Secretary (or an authorized state agency) to take swift action to stop the feeding of untreated garbage to swine. The responsible officials need the power to seize quickly any untreated garbage on its way to a swine feedtrough or to close down a garbage handling facility which is not adequately treating garbage which is intended to be swine feed. We recognize that extraordinary administrative powers should not be granted lightly. Regardless of the form of the Secretary's authority, USDA (or state) officials must be able to act quickly and forcefully to correct a negligent operation. It is surely more effective to attack the virus by properly handling garbage than by slaughtering hundreds, or perhaps thousands, of possibly-infected animals.

In summary, the American Veterinary Medical Association and the American Association of Swine Practitioners believe that strong, effective new regulatory actions are essential to prevent the introduction of African swine fever and other swine diseases into the United States. We further believe that H.R. 6593 would authorize an essential part of the necessary regulatory action. We recommend its enactment, with some modification, as noted.

Thank you for this opportunity to present our views. I would be glad to respond to any questions.

Mr. DE LA GARZA. Our next witness is Vernie Glasson. Please proceed.

STATEMENT OF VERNIE GLASSON, DIRECTOR, NATIONAL AFFAIRS DIVISION, AMERICAN FARM BUREAU FEDERATION

Mr. GLASSON. Thank you, Mr. Chairman and members of the subcommittee.

The Farm Bureau would like to take this opportunity to testify in support of H.R. 6593, the Swine Health Protection Act. Farm Bureau is the Nation's largest general farm organization, representing more than 3.2 million member families with a large number of members who are pork producers.

First of all, Mr. Chairman, we do commend you for calling these hearings on this most important matter. We also commend Mr. Findley, Mr. Madigan, and their colleagues for introducing this very important piece of legislation, designed to protect our country's \$7 billion hog industry from the potentially devastating effects of African swine fever.

At our most recent annual meeting in January 1980 the voting delegates of the member State Farm Bureaus adopted the following policy which provides the basis for our support of H.R. 6593:

With the recent outbreaks of African swine fever in countries close to the United States, we recommend that:

One, garbage from all international commercial and private air and water craft arriving in this country be completely incinerated.

Two, Farm Bureau work with agencies of government to develop techniques which will prevent the introduction of livestock and poultry diseases from foreign countries.

Three, Farm Bureau support USDA and private industry research in developing improved methods for economically converting waste food to animal feed and, at the same time, destroying disease organisms to eliminate the risk of transmitting diseases.

Four, commercial bakery waste, chocolate waste, and fresh fruit and vegetable waste be excluded from the definition of garbage.

Five, Farm Bureau continue to work to insure that garbage feeding regulations are strictly enforced. Stringent financial penalties should be imposed by USDA and/or state departments of agriculture on producers found to be using illegal garbage cooking methods and vaccines. If disease outbreaks can be positively traced to garbage feeding operations, Farm Bureau should support action to prohibit the feeding of garbage in this country.

Based on recommendations from the American Farm Bureau Federation swine advisory committee, the AFBF board of directors recently voted to endorse the proposed legislation to regulate the feeding of garbage to swine, provided that changes are made to make the legislation consistent with Farm Bureau policy.

Farm Bureau recommends that the language in section 3 be modified to more clearly exclude bakery, chocolate, fresh fruit, and vegetable wastes from the definition of garbage. Such revision will insure the economic viability of those types of garbage feeding operations which are not capable of spreading African swine fever.

We further recommend that an amendment be adopted to require incineration of garbage from all international commercial and private air and water craft arriving in this country.

For the past several years Farm Bureau has continually communicated its concerns on this issue to Congress, most recently in a Decem-

ber 13, 1979, letter to all Members of the House. H.R. 6593, if enacted, will satisfy those concerns.

Farm Bureau feels that quick action to approve this bill is imperative, especially considering recent outbreaks of African swine fever now detected in Cuba and the recent movement of Cuban refugees to the United States.

A closely regulated and monitored garbage feeding industry is the only way to continue to utilize these waste products and at the same time prevent an outbreak of dangerous and uncontrollable diseases. Farm Bureau urges you to act expeditiously on the legislation and report it favorably to the full committee.

Thank you for your consideration of our views.

Mr. DE LA GARZA. Thank you very much.

Are there any questions?

[No response.]

Mr. DE LA GARZA. Our next witness is Mr. Ritchie Jordan, who is accompanied by Mr. John Rundquist, both of the National Pork Producers Council.

We welcome you, gentlemen, and will be happy to hear your statement.

STATEMENT OF RITCHIE JORDAN, NATIONAL PORK PRODUCERS COUNCIL; ACCOMPANIED BY JOHN RUNDQUIST, AND DR. DON VAN HOUWELING, DIRECTOR, LEGISLATIVE AFFAIRS

Mr. JORDAN. Mr. Chairman and members of the subcommittee, I am Ritchie Jordan. I represent Virginia on the National Pork Producers Council. With me I have Mr. Jack Rundquist who represents Illinois on our board and Dr. Don Van Houweling who is our director of governmental affairs. We represent the National Pork Producers Council which is made up of about 97,000 pork producers in 35 States.

We appreciate the opportunity to present the views of the National Pork Producers Council on H.R. 6593, introduced by Illinois Congressmen Findley and Madigan and cosponsored by 40 other Representatives, with almost an equal number from both parties. We favor this legislation and sincerely hope that these hearings will be followed by actions of this subcommittee which will lead to the early enactment of the bill into law.

Let us briefly review the background of this legislation as far as the National Pork Producers Council is concerned. Our delegate body, at several American Pork Congresses, discussed and debated the need for legislation prohibiting the feeding of garbage to swine.

Since there are 15 States, some of which are major producing States, that have laws which prohibit garbage feeding, there is naturally a strong feeling among swine producers to prohibit garbage feeding. Therefore, in 1979 our delegates instructed the National Pork Producers Council to attempt to have the Congress enact a law which would prohibit the feeding of garbage to swine. We explored this course of action and were confronted with the opinion that enacting legislation banning garbage feeding was not feasible or possible. We are, therefore, grateful to Congressmen Findley and Madigan for drafting this bill and giving us an opportunity to comment on it before it was introduced.

When we received the draft version of the bill, we circulated it to our appropriate committee members and they submitted comments to the offices of Congressmen Findley and Madigan. We were pleased that they were able to accept most of the suggestions received from our members and we believe this bill, as written, is well drawn and provides a reasonable workable procedure for the States and Federal Government to work together in effectively regulating the cooking and feeding of garbage where State laws do not prohibit garbage feeding.

We are strongly in favor of careful strict regulation of garbage feeding where it is permitted by State law. There is no question at all that the feeding of garbage that has not been heated sufficiently to destroy any disease-causing agents can be a means of spreading disease.

The first State laws were enacted in the 1950's when it became apparent that garbage cooking was essential for the eradication of vesicular exanthema in swine. With the enactment of State garbage cooking laws, it was soon possible to accomplish the eradication of VE. During the eradication of hog cholera, the importance of regulating garbage feeding to prevent the spread of that disease was recognized. If the State laws regulating the feeding of garbage have been adequate for these disease eradication programs, why are we seeking Federal legislation now?

There are several reasons. First, there is no eradication program like VE or hog cholera being carried out at this time. Therefore, there is a tendency to relax enforcement efforts.

Second, the squeeze for funds which affects all State governments results in less enforcement in some States where swine production is not an economically important industry.

Third, we are concerned about garbage that may result from food brought into the United States from countries where diseases such as African swine fever, hog cholera, and foot-and-mouth disease are prevalent. The risk from this source of garbage is often highest in parts of the country where hogs and other livestock are not important income producing industries.

Fourth, we believe it will take the very best efforts of both the States and the Federal disease control forces to adequately enforce State and Federal garbage feeding laws and to thereby, hopefully, prevent the introduction of these foreign animal diseases and their spread in the event that they do get into the United States.

If we wait to enact this legislation until we have one or more of these diseases in our county, we will be in the position of having done too little too late.

This legislation allows State laws to prevail even if this law is enacted. It allows for the State and Federal agreements to enforce State and Federal regulations, and it maintains responsibility with the States to issue feeding permits where the State government wishes to do so.

We believe this bill effectively sets the stage for the Federal Government to assist the States that need assistance in the regulation and enforcement of garbage cooking requirements. Animal diseases do not respect State borders and, therefore, a small outbreak of a disease may spread rapidly to other States.

This is the basis for the State-Federal cooperation that has existed for years in animal disease control and prevention. Money spent by the Federal Government to prevent the introduction of a foreign ani-

mal disease can save many millions of dollars trying to bring them under control or in eradicating them after they get into the United States.

The presence of African swine fever in Haiti and the Dominican Republic, only 70 miles from Puerto Rico, gives us grave concern. The fact that swine fever has been reported in Cuba twice in recent years, and even though it is reported to have been eradicated—we are concerned about the traffic from Cuba to the United States, especially in recent weeks.

We are reassured by the efforts being expended by the Government agencies, especially the Animal and Plant Health Inspection Service, in trying to prevent the introduction of foreign animal diseases. These efforts to control hazardous material in baggage and mail, off ships and planes, coming from countries where African swine fever and foot-and-mouth disease do exist, and being carried by refugees, are laudable and, we trust, will be successful.

The additional protection and assurance that can come from regulating the feeding of garbage is well worth the expense and effort, in our opinion.

We have traveled to the Dominican Republic and Spain to observe firsthand what swine fever has done to those countries. In the Dominican Republic the swine industry was just reaching a stage where they could begin to export pork when the disease came in. They are having to slaughter all of their swine in an effort to eradicate the disease. In Haiti and Brazil little is known about the status of the disease except that it is feared to be endemic and widespread.

In Spain, although they have learned to live with the disease, it has changed the whole structure of their swine production. Last year it cost that country \$30 million to control African swine fever and they have only about one-seventh as many hogs as we do in the United States.

Estimates have been made, based upon experiences in eradicating hog cholera, as to what it would cost if swine fever got into the United States. Figures vary from \$7.3 million for a very small area to \$5 billion if it became widespread before being eliminated. Again, we stress that a little money spent by our State and Federal Government in closing this loophole in our defense against foreign diseases is money well invested.

We are indeed pleased that the American Farm Bureau Federation, the National Grange, the National Cattlemen's Association, and the American Veterinary Medical Association all support this legislation. The State agricultural officials of 17 major swine producing States have signed a letter calling for hearings on this bill and "as quickly as possible to secure passage of this most important legislation."

We are informed that the National Food and Conservation Through Swine, Inc., the organization representing the larger garbage feeders, supports this legislation, although they have some questions about certain requirements or phrases. We hope these can be resolved by this subcommittee at this hearing today.

In fact, we know of no opposition to this bill and therefore hope it can move quickly forward to enactment by the Congress.

As a result of the trip that four members of the Pork Producers Council took, there are several observations that I would like to make from that.

We found that African swine fever had moved from Africa to Europe and to the Caribbean and South America by meat scraps, or the feeding of the meat scraps to swine. We feel that our Federal officials are doing a very good job in incinerating or autoclaving garbage from planes and ships that come into our ports.

We have been repeatedly informed that refugees are being screened and that we are preventing entry of most meat products through the refugees coming into Florida.

However, we did observe that in normal tourist travel our customs is not detecting individuals who have traveled on farms in countries that have had African swine fever and foot-and-mouth disease.

There is a place on your declaration form where you must mark whether you have been on these farms. We went through customs seven times on our tour and only one time was this question picked up by customs—the fact that we had visited farms in those countries.

We also discussed these problems with the Plant Protection and Quarantine Service when we got back to this country. They feel that they are not detecting all of the meat products that come in through the mail. This is a very difficult problem. Once these mail packages come into the country they travel to all parts of our country.

They are using dogs to screen some of these packages, just as they do for marihuana and other drugs, and they are doing the best they can, but they realize that they are not getting all of the meat products that come in through the mail.

Therefore, we feel that we are vulnerable and we feel that a fair, just, and uniform inspection of garbage feedlots is one way that we can defend ourselves further.

I would like Mr. Rundquist to make a few comments now, if he would.

Mr. DE LA GARZA. Thank you very much, sir.

STATEMENT OF JOHN RUNDQUIST, NATIONAL PORK PRODUCERS COUNCIL

Mr. RUNDQUIST. Mr. Chairman, I was a member of the group that toured Puerto Rico, the Dominican Republic, and Spain. We spent 2 weeks in these countries, visiting the farms and public officials who are in charge of the health programs.

In all cases where the outbreaks of African swine fever have occurred it has been traced back to the feeding of contaminated garbage—pork products that were not sufficiently cured or handled correctly. The garbage was fed to local swine and the disease then moved out across the country.

The Dominican Republic has a tremendous program to eradicate swine fever. The eastern third of the island has been completely depopulated. That is, every hog was slaughtered and no hogs have been allowed to come back into the area, with the exception of just this past week when the first shipment of American breeding stock has arrived in the Dominican Republic.

We have a tremendous problem in Haiti with African swine fever. It, of course, lies adjacent to the Dominican Republic.

We think this is a very important problem to our total swine production in this country. If we have African swine fever in any part of the hemisphere, we should do everything possible to eradicate it.

We are very vulnerable. You may be knowledgeable of the fact that 15,000 Haitian refugees have entered Florida recently and there are rumors now that another 100,000 refugees may be coming in from Cuba in the next few weeks. We have a tremendous problem.

We have a large industry. In Illinois we produce over 10 million head of hogs each year. It is a great industry. We feed a lot of corn. We feed a lot of soybean meal. We have a great source of income from pork production in Illinois and we are concerned about any disease that could possibly come in.

We have no resistance in our native herds. We have never had African swine fever. There are no vaccines available. We are completely vulnerable.

I was personally involved in the eradication of hog cholera. I know we did a tremendous job. It was costly and we spent a lot of time and effort, but we did lick the hog cholera problem.

I am very confident, in the present situation, if African swine fever ever did come into this country, we have a tremendous animal health protection service that would give us a great deal of help in eradicating the disease.

However, we take the position that we do not want to allow it to come in and we do not ever want to have an outbreak, because we have too large an industry to be severely jeopardized by an exotic disease which is presently in the Dominican Republic, Haiti, and Brazil, as well as in Cuba.

Thank you, sir.

MR. DE LA GARZA. Thank you.

You said you visited Puerto Rico. Is the African swine fever in Puerto Rico?

MR. RUNDQUIST. No, sir. They have not had an outbreak. They have very close surveillance. They do a lot of garbage feeding but it is mostly regulated.

It is only 70 miles between Puerto Rico and the Dominican Republic. There is also a great deal of traffic between the islands, legal and illegal. We were with the maritime officials. We were with the police authorities. They showed up several boats that they confiscated from illegal traffic of humans.

Of course, there is a lot of legal movement of people across between the islands that could also carry the disease.

At the Mayaguez Airport we very closely observed the checking of luggage of travelers. We saw an incinerator where they burn all of the confiscated plant and food material.

MR. DE LA GARZA. Did you visit Haiti and the Dominican Republic also?

MR. RUNDQUIST. We did not go to Haiti. We spent 4 days in the Dominican Republic with our Embassy officials and agricultural attachés. Everybody we talked to in the Dominican Republic was very concerned about Haiti because there is a common border between the two countries.

African swine fever is all over Haiti. There is no program in Haiti. The Dominicans are very concerned because they have a tremendous program to eradicate the disease and they want the Haitians to clean up their country, but at the present time Haiti does not have a program.

We have loaned, I think, \$12 million through AID to the Dominican Republic. They have used this money, we think, very effectively. We were out in the country. We talked to producers. We talked to packers. I think the program is very effective.

MR. DE LA GARZA. What about Spain? I believe you said you visited Spain. What is being done there?

MR. RUNDQUIST. Spain has had African swine fever for some 20 years. They have tried to curtail it. African swine fever is also in Portugal. The Portuguese and the Spanish go back and forth across the border, so they are continuously being recontaminated.

They have tried to control African swine fever but in Spain there are a great number of small producers with one sow or one or two pigs. They have tried to outlaw and prevent a family from having one pig or one sow.

They have encouraged large cooperatives where several farmers can go together and produce a great number of hogs under strict sanitation. In the large cooperatives, where they have very adequately and very strictly enforced sanitation, they have been able to produce hogs. In fact, the swine population has increased in Spain during the last 20 years, but it is extremely costly.

I would like to comment that the Spanish people were very appreciative of the friendship we have shown. We have given millions of dollars to Spain for military bases and part of that money they have used for African swine fever research.

We were able to get some of the results and the benefits from the Spanish research people and their indications of the problems that they have had with African swine fever.

MR. DE LA GARZA. Thank you very much. We appreciate your cooperation and your testimony.

Are there further questions?

[No response.]

MR. DE LA GARZA. We thank all of you gentlemen.

MR. JORDAN. Mr. Chairman, we might make one comment. Mr. Rundquist and I both come from States that have outlawed the feeding of garbage. It has been mentioned here today that it may be discriminatory toward those States that they are not included in the legislation.

If it would make it more agreeable, we have no problem with saying that it would be a Federal offense in the States that do prohibit garbage feeding if a feeder were found in those States—that is, if that would be under the committee's consideration.

MR. DE LA GARZA. Thank you.

MR. JORDAN. Thank you, sir. We appreciate your calling the hearings.

MR. DE LA GARZA. The next witness is Mr. Burton Eller of the National Cattlemen's Association.

STATEMENT OF J. BURTON ELLER, NATIONAL CATTLEMEN'S ASSOCIATION

MR. ELLER. Mr. Chairman, I would like to briefly summarize my statement and submit the entire statement for the record.

MR. DE LA GARZA. Without objection, your full statement will appear in the record.

Mr. ELLER. The cattle industry may appear to be somewhat out of context in testifying here today, but we do support the philosophies and the principles embodied in the Swine Health Protection Act. If waste feeding would perhaps become more common in the cattle industry as a mixture in cattle feeds, then we might be here with a bill of our own reading the same, perhaps, as this bill.

The cattle industry is very concerned about the introduction of foreign exotic diseases into this country, several of which are African swine fever, of course, foot-and-mouth disease, rinderpest, and Rift Valley fever. These four diseases seem to be ravaging new parts of the world at this time.

Of course, to the cattle industry foot-and-mouth disease seems to be the most worrisome at this point. It would be perhaps the easiest to introduce and be the most devastating in this country in the short run.

Foot-and-mouth disease can also affect swine, and it has in many countries.

The same mode of introduction into this country that would bring African swine fever might well bring foot-and-mouth disease and, of course, the much more dreaded disease for which there is no cure, the Rift Valley fever.

Not only are cattle and hogs susceptible to foot-and-mouth disease, but also the wild game population is susceptible—such as, deer, elk, moose, antelope—as well as the sheep and goat industry which would be heavily impacted here also.

Foot-and-mouth disease, incidentally, occurs in all major livestock producing areas of the world except Central and North America, Australia, and New Zealand, so the prevalence of foot-and-mouth disease in the world is quite widespread.

Our fear is that with today's leisure and business travel, we have a readymade mode of introduction for foot-and-mouth disease into this country. We are traveling into many new areas because of our emphasis on energy acquisition, areas we have never had people visit in this number before to this country, nor have we sent people from this country to many of these other countries in such great numbers. These countries are, at this time, very heavily infested with foot-and-mouth disease.

Like the fellows who just testified from the National Pork Producers Council, we are finding more food products moving in commerce and with travelers internationally than ever before. We are skeptical that either customs or APHIS can do the kind of job that would be necessary to totally prevent introduction of these four major exotic diseases.

Therefore, some further precautions to disallow any introduction from the movement of international food products through various traveling sources, or mail, or other commerce is perhaps necessary.

This country has been very lucky not to have a foot-and-mouth disease outbreak for many years. However, the USDA did a simulated outbreak just a couple of years ago in which a market in Joliet, Ill., supposedly had an infected foot-and-mouth animal pass through. In only a matter of 3 days the simulated outbreak was carried to sheep, cattle, and hogs in 20 different States.

The impact here, at minimum, should it have been a real outbreak, would have caused beef prices at the consumer level to increase 12 per-

cent the first year and 15 percent the second year. This does not include the regulatory costs included in such an outbreak.

To summarize and conclude, we have consulted with many disease epidemiologists around the world. They seem to feel that perhaps it is not "if" but "when" many of these major exotic diseases might reach our shores.

Therefore, we do support this legislation as another important precaution against the introduction of devastating exotic diseases to our country.

Thank you, Mr. Chairman.

Mr. DE LA GARZA. Thank you very much, sir.

Without objection, your entire statement will be included in the hearing record at this point.

[The prepared statement of Mr. Eller follows:]

STATEMENT

Of The

National Cattlemen's Association

The NCA supports the philosophy and principles embodied in H.R. 6593, "The Swine Health Protection Act."

The cattle industry as well as the total U.S. livestock industry is continually concerned about the introduction of serious foreign diseases into the United States.

There are several devastating exotic diseases which threaten the North American continent because of widespread, rapid leisure travel, the increased international business travel, and the daily arrival of immigrants from all over the world.

Some of the most dreaded foreign diseases are African swine fever, foot and mouth disease, rinderpest, and Rift Valley fever. To the cattle industry, the threat of foot and mouth disease (FMD) appears to be the most imminent.

Foot and mouth disease virus can be transmitted by fresh, chilled or frozen meat, by fresh and processed milk and milk products, fresh hides, raw wool and other animal products. The disease may also be carried on the shoes and garments of people exposed to the disease and its environment.

Foot and mouth disease (FMD) is also known as *fievre aphteuse* (French), *Maul-und Klauenseuche* (German), *fiebre aftosa* (Spanish), and *afta epizootica* (Italian). Foot and mouth disease is acute and highly communicable and affects almost exclusively cloven-footed animals, domesticated and wild. Animals susceptible to the disease include cattle, swine, sheep, goats, wild pigs, wild ruminants, (deer, elk, moose, antelope, etc.) hedgehogs, armadillos, rats, nutria, grizzly bears, elephants, and buffalos. Experimental infection has been reported in young dogs, cats, rabbits, and chinchilla. There are very few scientifically authenticated cases of FMD infection in man.

The incubation period after natural exposure varies from 48 hours to a few days, depending upon the particular strain of virus and the nature and extent of exposure to infection. Signs of infection include increase in body temperature, lassitude, anorexia,

and lameness when involvement of the feet is evident. The severity of lameness will depend upon the extent of foot involvement. Abortion, mastitis, and chronic deformities of the feet are common. Sometimes the hoofs will slough. Mortality seldom exceeds 5%; however, in outbreaks in young animals the heart may be involved with an overall mortality as high as 50%. In cattle, dribbling of foamy saliva is usually profuse.

The first written account of FMD was a description of an outbreak in Italy in 1514. Foot and mouth disease occurs at least intermittently in most major livestock producing areas of the world. Exceptions are: North America, Central America, Australia, and New Zealand. It last occurred in Australia in 1872. England is free of the disease for years at a time. The largest and most costly epizootic in England occurred in late 1967 and early 1968. This outbreak involved more than 2,300 premises and resulted in the destruction of 430,000 livestock before the disease was brought under control.

The United States has experienced 9 outbreaks of FMD, the first in 1870 and the latest in 1929. The worst outbreak was in 1914 when, some 172,000 cattle, sheep, hogs and goats were slaughtered. Foot and mouth disease occurred in Canada in 1952, and this outbreak was eradicated within a few weeks. The disease occurred in Mexico in 1946, and that country was not declared free of the disease until 1954, after nearly one million animals had been slaughtered and approximately 60 million animals had been vaccinated.

In a recent hypothetical training exercise simulating a mock invasion of foot and mouth disease, into the U.S. conducted by APHIS, some 2,500 cattle and 1,600 hogs would have been initially exposed at a Joliet, Illinois market. At the end of three days after initial discovery of an outbreak on an Iowa farm, the infection would have spread to some 20 different states and would have required emergency quarantine over the movement of any animal products out of these states. Under such circumstances, it is not hard to visualize the devastating economic impact which would be wrought on American agriculture and consumers if we experience an outbreak of FMD in the U.S.

The possibility of the introduction of FMD into the U.S., therefore, is of grave concern not only to all persons involved in our livestock industry, but to the Nation as a whole. The impact of the infection would be staggering. An FMD outbreak here in cattle would cause serious economic losses in the form of death or permanent damage, uncompensated growth interruption, abortion, reproductive inefficiency and lowered milk production. These factors would cause such a reduction in beef supplies that consumer prices would increase 12 per cent the first year and 15 per cent the second year following the outbreak.

Although the mortality rate is not often high, FMD is a major concern to disease control veterinarians in most countries, because of its rapid spread, the resulting loss of milk, meat, and other animal products, expensive eradication and vaccination programs, and restrictions on international trade.

To estimate more specifically the production loss caused by FMD infection, we refer to a study by McCauley, et al, (1977) for beef cattle which shows the following impact:

1. Death and permanent disability
 - 0 to 12 months age - 13 percent
 - Above 12 months - 6 percent
2. Growth interruption
 - Fifty percent of infected growing cattle would reach market weight two months later and would consume the equivalent of one month's more feed than uninfected cattle. Fifty percent of growing cattle are marketed with no delay and no additional feed requirement due to complete compensatory gain.
3. Abortion and reproductive inefficiency
 - For beef cows, a 10 percent abortion rate would result in a identical loss in calf crop. No additional loss was calculated due to delay in breeding, which would be substantial.

Such serious consequences cause an acute awareness of the seriousness of FMD among livestock producers, veterinarians, sci-

entists and consumers alike. On October 2, 1979, the Secretary's Advisory Committee of Foreign Animal and Poultry Diseases introduced and unanimously passed the following resolution:

"WHEREAS, from time to time political pressures arise to import into the United States fresh, chilled, and frozen meat, casein, and other animal products from nations known to have foot-and-mouth disease, African swine fever, and other disease, and

"WHEREAS, such importation could severely jeopardize the livestock industry of the United States, consumer supplies of domestic meat, other livestock products, and wildlife, "THEREFORE BE IT RESOLVED, that the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases strongly urge the Congress and the Executive Branch of the United States Government to resist such pressures as may be brought upon them to allow importation into the United States of fresh, chilled, and frozen meat, casein, and other animal products excepting those that have been scientifically determined by the United States Department of Agriculture to be safe for importation."

No fresh, chilled or frozen meat or meat products may be imported into the United States from countries where FMD exists. Only meat products which have been subjected to extremely high temperatures for periods of time sufficient to kill the virus may come from those countries. Raw hides from FMD countries are restricted. Wool from FMD countries must either be scoured before it leaves the country of origin or immediately upon arrival on U.S. shores.

Such precautions apparently are not taken with casein, casein mixtures, and certain other milk derivatives.

We continually hear the comment from leading epidemiologists that it isn't "if" but "when" foot and mouth disease breaks out in the United States. Therefore, The National Cattlemen's Association supports this proposed legislation as one more important precaution against the introduction of devastating exotic diseases into our country.

Mr. DE LA GARZA. We appreciate your being here.

This concludes all of the witnesses scheduled for today, therefore, there will be no need for the afternoon session.

With that, the subcommittee will stand adjourned.

[Whereupon, at 11:58 a.m., the subcommittee was adjourned.]

[Additional material submitted follows:]

STATEMENT OF HON. DAN QUAYLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. Chairman and members of the subcommittee, the possible invasion of the dreaded African swine fever has the potential of destroying an annual \$600 million industry, the third largest in the State of Indiana. Approximately 25,000 individuals were involved in the production of over 6 million hogs in 1979. Third in the nation in the production of swine, the economy of Indiana would be severely threatened by any disruption in the health of its herds.

A serious threat to the swine herds of the United States, the African swine fever has been reported in epidemic outbreaks in the swine herds of the Caribbean countries—the Dominican Republic, Haiti and Cuba.

The disease affects only swine and is transmitted through food wastes containing uncooked pork scraps from infected animals, which may be fed to swine herds. It can be spread from one country to another through garbage collected at airports and seaports that is later fed to swine. Imported meats may carry the disease, entering the country through normal channels of importation, smuggled goods or carried privately by individuals traveling from one country to another.

An outbreak of any degree in the United States would not only create a significant loss to pork producers across the nation, but in disrupting the market, would be costly to the consumers.

Because the disease is highly contagious with no known vaccine or effective treatment, it is imperative that appropriate controls and precautions be taken to insure that the disease does not enter the United States.

Due to the fact regulations governing the usage of garbage in feeding swine varies from State to State, stronger efforts are needed to insure that our pork industry does not become a victim of this dread disease.

As a preventative measure, H.R. 6593 has been introduced. While limited in providing all the possible safeguards, it does give the USDA the authority to monitor the garbage feeding of swine by issuing permits to approved garbage feeding facilities.

I urge that the subcommittee give speedy and favorable consideration to this legislation.

STATEMENT OF HON. ARLAN STANGELAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman, I am pleased that you have called these hearings today to discuss the legislative proposals outlined in H.R. 6593. This legislation is extremely important to the swine producers in my State of Minnesota who, in 1978, had gross income from swine of over \$650 million. This placed Minnesota third among swine producing States in terms of gross income. Consequently, with farmers depending on income from swine for well over a half million dollars, the importance of this legislation to swine producers in my State and throughout the Nation becomes apparent.

It is known that the feeding of raw garbage to swine can be a major contributing factor in spreading diseases affecting swine. Present laws which require the cooking of garbage and those prohibiting the feeding of garbage to swine were developed in an effort to prevent the transmission of diseases to swine by the consumption of raw contaminated garbage. For example, today in the United States we are faced with the possibility of an outbreak of African swine fever (ASF), which has not been brought under control in other parts of the world. In my opinion, the legislation which the subcommittee is considering today

would provide the means to develop a strong program in regulating the feeding of garbage to swine and would greatly lessen the threat from ASF.

African swine fever causes a high mortality rate in pigs, killing most of those infected. Because there is no method of immunization against this disease, the only effective way of controlling it is by destroying susceptible pigs in an active area. This disease spreads rapidly and, since swine in the United States have no resistance to the disease, introduction into this country would be extremely destructive and costly. The virus survives in undercooked meat from infected hogs for long periods of time and, unless it is heated at a temperature high enough to kill the virus, the pork remains infected. Thus, uncooked, or undercooked garbage containing meat scraps is a vital link in the transmission of the disease. African swine fever is now active close to the United States, with infections in the Dominican Republic, Haiti, Brazil and Cuba. African swine fever resulted in the destruction of a large part of Cuba's swine population in 1971.

I fear that our present protection against African swine fever is not sufficient. The virus could easily be carried into the United States in pork products from other countries with active infections.

Consequently, it is important to move forward with legislation which will effectively regulate swine garbage feeding activities in order to lessen the risk to the swine population in the United States to exposure to African swine fever virus through garbage brought into the United States on ships and aircraft.

This legislation provides a means for developing, in cooperation with the states, a program which will address these concerns. Should the disease get into the United States, it would have a devastating impact on the pork producing and processing industries of this country, as well as greatly reduce the food supply and increase costs to consumers.

Mr. Chairman, thank you for this opportunity and I hope the subcommittee will move forward with this legislation and report it to the full Agriculture Committee.

TEXAS ANIMAL HEALTH COMMISSION,
Austin, Tex., August 11, 1980.

HON. E (KIKI) DE LA GARZA,
Member of Congress,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DE LA GARZA: Receipt of your letter, dated July 29, 1980, regarding legislation regulating the feeding of garbage to swine is acknowledged with appreciation.

After reviewing the proposed legislation attached to your letter, it would appear that it would require basically the same things that are now required by Texas statute.

The Texas Animal Health Commission is not in opposition to the requirements set out in this legislation; on the contrary, we have an active garbage inspection program in this State. However, there are a few concerns which I would like to mention:

1. Many times when state and federal laws require the same things, conflicts arise regarding responsibility in spite of efforts to coordinate the programs.

2. The legislation states that "state agencies—may assist the Secretary in the administration and enforcement of this Act and regulations hereunder to the extent and in the manner the Secretary deems appropriate in the public interest." This would indicate that the State, if it remained involved in this effort would be required to work under the Secretary's guidelines. These regulations could be greater than the State's ability to comply.

3. In the event this happened, the Texas Animal Health Commission might have to consider turning the entire garbage inspection responsibility over to the federal government.

4. Experience has been that state directed programs, when supported by industry, seem to be more conscientiously enforced than those directed totally from the federal level.

From the above comments. I would not want you to get the impression that the state and federal could not work together in this effort. We are being greatly assisted today in Texas by our federal counterparts in our garbage inspection. With the threat of entry of Hog Cholera, African Swine Fever and Foot and Mouth Disease through garbage, we would want our efforts reinforced in this regard throughout the United States.

If this agency can ever be of assistance to you, please feel free to contact us.

Yours very truly,

JOHN W. HOLCOMBE, DVM,
Executive Director.



