Mr. Chairman, thank you for holding this hearing on a topic that has severely undermined our beef export markets and shaken consumer confidence in the safety of our food supply.

Two weeks ago I wrote a letter to USDA Secretary Veneman expressing my concerns about the chronology of events that led to the diagnosis of BSE in a Holstein cow last month in Washington State.

I am still waiting for a response. Given the focus of this hearing, I would like to discuss some of the questions I posed two weeks ago.

Test and Hold Policy
The USDA has a long-standing policy prohibiting the processing of cattle with neurological signs for any use. The Washington cow was sampled for BSE testing because she was, according to the USDA, showing signs of calving paralysis. However, calving paralysis is by definition a neurological disease.

The inspectors at the Washington plant were correct in singling out this animal for BSE sampling, but why was the carcass not held until the results were known? If the inspectors recognized that the animal was uncoordinated or unable to rise on her own, why was she allowed into the human food chain at all?

If the USDA inspector had followed basic USDA guidelines prohibiting the processing of cattle with neurological signs, the carcass would not have found its way into the consumer product pipeline.

Turn Around Time for Test Results
I also wonder why it took so long to obtain the presumptive positive results from the BSE tests. I understand that immunohistochemistry analysis usually takes only five to seven days. Because the animal was not considered a priority, the results took 13 days.

As a result of the delay, the animal was processed, according to Dr. Steven Solomon from FDA, into 2.8 millions pounds of consumer products, all of which were potentially contaminated with BSE.

Need for Increased Surveillance
How many cattle in America have BSE? We are hopeful that there was only this one isolated case but the truth is that we don't know because we test so few animals. Answering that question today is similar to trying to estimate the prevalence of HIV infection in people by only testing individuals who have symptoms of AIDS. At the current level of testing, we have no real estimate of the true prevalence rate of BSE in our country.

The USDA should adopt the use of rapid BSE tests and implement a "test and hold" protocol for dealing with not only suspect animals such as the one in Washington, but also all cattle and bison presented for processing that are over 30 months of age.

Using the rapid BSE tests on this additional group of older animals would provide critical

surveillance data that then could be used to determine a true prevalence rate of BSE in the United States and make clear whether we truly have a BSE problem in our country. If a rapid test had been used on the cow in Washington State, the results would have been known within a few hours instead of days, avoiding the need for a costly recall of contaminated food and consumer products.

I understand that the OIE is considering the adoption of test protocols that would require the United States to accumulate 450 points to retain our country's "minimum BSE risk." Testing downer cattle and those exhibiting neurological signs is the backbone of the OIE test point system.

Since the USDA's enactment of the ban on processing downer animals, there is currently no system in place to consistently reach those animals that OIE considers to be so important for testing. Although this system is still only a proposal, it points out the fact that, if we are not routinely testing high risk cattle, we may have to dramatically expand our testing for BSE and provide a mechanism through which non-ambulatory and neurological animals can be tested.

National Ruminant ID System

The case of the Washington BSE cow demonstrated another long-standing deficiency in our livestock disease control system: the lack of a uniform livestock ID system.

If we had in place an effective and efficient way to trace back animals with reportable or zoonotic diseases, we would not still be scrambling to find all of the cattle that had contact with the BSE positive cow. We have been talking about developing a national ruminant ID program for many years. It is now time to implement a system that can track an animal back to its herd of origin within 48 hours.

Need for BSE and Other Prion Disease Legislation

Mr. Chairman, our country has been blessed with the safest and most abundant food supply in the world, but we can do better. The events surrounding the diagnosis of the first Mad Cow case in Washington State demonstrate that improvements are possible.

My thoughts about how to improve matters are reflected in legislation I introduced that will reduce the likelihood that meat from a contaminated cow will reach the food supply and expand our understanding of the many prion diseases that affect both humans and animals. This bill, S. 2007, known as the BSE and Other Prion Disease Prevention and Public Health Protection Act, codifies some of USDA's recent steps, requires more aggressive testing of older cattle and expands surveillance for Chronic Wasting Disease (CWD) in deer and elk and Creutzfeldt-Jakob disease (CJD) in people.

Here are some of the major provisions of S. 2007 are listed below:

Better surveillance: The bill requires the use of rapid BSE tests for all cattle and bison over 30 months of age and for all sheep, goats, deer and elk over 12 months of age. Rapid tests can provide results the same day that they are taken instead of taking the current five to seven days. Although most sampling and testing for BSE will occur through USDA inspectors at slaughterhouses, the bill also provides for on-farm testing of non-ambulatory animals. In

addition, all ruminants of any age exhibiting neurological symptoms would be tested.

All tested animals will be held until the results of the test are known rather than being released into the food supply and consumer product system, as was the case in Washington. An expensive and time-consuming recall of products will be avoided.

The bill also requires the development of a mandatory ruminant identification program to allow for trace back of diseased animals to their farm of origin within 48 hours after diagnosis. This is significant not only for BSE but for other reportable illnesses such as brucellosis, tuberculosis and foot and mouth disease.

The measure also regulates expanded coordination of testing for CWD in farm-raised and wild deer and elk. To support expanded ruminant testing for prion diseases, the bill calls for the expansion of the national animal health laboratory network to include state and university veterinary diagnostic laboratories.

Similarly, the bill expands the sampling of suspected cases of human CJD through the National Prion Disease Pathology Research Center at Case Western Reserve University.

Targeting Risk Materials: The bill updates and expands the definition of BSE specified risk materials and bans the use of such materials from cattle over 30 months of age for any use.

Importation of ruminant-based products: The bill expands the list of imported ruminant derived products that must be labeled for contents and country of origin and bans the importation of products containing ruminant-derived materials from countries identified as at-risk for BSE transmission.

Feed Ban: The bill closes loopholes in the USDA rules on recycling pet food and poultry litter back into ruminant feed. The legislation requires FDA to develop a database for handlers of livestock, renderers and feed mills and feed blenders.

Mr. Chairman, we currently have only a limited understanding of prions and the diseases that they cause. To understand how these significant and challenging misfolded bits of protein can affect us, we need better data. We need data on which to base sound policy for our public health, for our animal health and for the safety of our food supply. USDA's response to this problem will not give us that clear picture.

We need to take every reasonable step to ensure that we do not introduce infective material through importation or through feeding our ruminant animals contaminated feed. An expanded testing program will only demonstrate to our trading partners that they have nothing to fear in buying our meat products if the tests are negative.

Need for a Single Food Agency
As I have been watching all of the news stories about the recent discovery of BSE in the United States, I cannot help but revisit a problematic issue that I have focused on for several years. Our Federal food safety system is divided between at least a dozen Federal agencies that implement more than 35 different food safety statutes. This system of divided responsibility

creates a regulatory system that is duplicative, costly and unduly complex. I can only wonder whether the investigation of the BSE positive cow in Washington would have been handled differently if we had a single agency responsible for the safety of the American food supply.

Over the past 25 years, the General Accounting Office and other organizations, such as the National Academy of Sciences, have issued report after report describing the problems with Federal food safety oversight and the need for a single food agency. These organizations have made many recommendations for change, yet no changes have been made.

I have introduced legislation in both the 106th and 107th Congresses to create a single food safety agency, and will be reintroducing this legislation soon. The creation of a single food safety agency is long overdue. We need one agency solely responsible for the safety of the food supply without the burdens of promoting meat products throughout the world. It's time to finally move forward. Let's stop discussing the need for a single food safety agency and actually take the necessary steps to make it happen.

I want to urge my colleagues to join me in both of these efforts to strengthen consumer confidence in the safety of our food supply. The BSE and Other Prion Disease Prevention and Public Health Protection Act can provide the public with the confidence that our beef and venison is safe to eat and can assure our trading partners that we are aggressively addressing BSE surveillance in the United States. The creation of a single food safety agency will also set the course for a food safety system that is efficient, effective, and based on the latest science. I look forward to working with each of you as we continue to ensure the American food supply remains the safest in the world.