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Email: phyllis@southwestmeat.org
www.southwestmeat.org

Edited by Phyllis Zimmerman

DHS Proposes Amended Safe Harbor Rules for No Match Letter

The Department of Homeland Security (DHS) is proposing to amend its regulations that provide a “safe harbor” from liability under section 274A of the Immigration and Nationality Act for employers who follow certain procedures after receiving a notice from the Social Security Administration (SSA), called a “no-match letter,” or from DHS, called a “notice of suspect document,” that casts doubt on the employment eligibility of their employees. The prior final rule was published on August 15, 2007, but implementation of that rule was preliminarily enjoined by the U.S. District Court for the Northern District of California on October 10, 2007. The district court based its preliminary injunction on three findings. Specifically, the court questioned whether DHS had: (1) supplied a reasoned analysis to justify what the court viewed as a change in the Department’s position – that a no-match letter may be sufficient, by itself, to put an employer on notice, and thus impart constructive knowledge, that employees referenced in the letter may not be work-authorized; (2) exceeded its authority by interpreting the anti-discrimination provisions of the Immigration Reform and Control Act of 1986; and (3) violated the Regulatory Flexibility Act by not conducting a regulatory flexibility analysis. This supplemental proposed rule clarifies certain aspects of the August 2007 Final Rule and responds to the three findings underlying the district court’s injunction. The proposed rule provides a more detailed analysis of how DHS developed the No-Match policy and how it will help responsible employers ensure that they are not employing unauthorized workers. After addressing these three issues, DHS will seek to have the preliminary injunction dissolved. DHS is requesting public comments on the Supplemental Proposed Rulemaking for 30 days after its publication in the *Federal Register*. Read the Supplemental Proposed Rule online at www.dhs.gov/xlibrary/assets/press_nomatch-snprm.pdf.

Study: Conventional Beef Production Better for Environment

The director of research at the Hudson Institute’s Center For Global Food Issues recently presented findings of his study, “The Environmental Safety and Benefits of Pharmaceutical Technologies in Beef Production” via a Webinar for beef industry stakeholders. According to Alex Avery, he and fellow researcher Dennis Avery reached their conclusions using conservative beef production models from Iowa State University’s Leopold Center for Sustainable Agriculture and greenhouse gas emissions estimates from the United Nations Intergovernmental Panel on Climate Change (UNIPCC). Comparing conventional grain-fed beef production to an alternative grass-only beef production system created by Iowa State University shows that growth promoting hormones and ionophores decreased the land required to produce a pound of beef by two-thirds, with 20% of this improved land use directly attributable to growth enhancing pharmaceuticals. The research revealed that more than five acre-days are needed to produce a pound of beef from cattle raised and finished on grass in an organic system compared to less than 1.7 acre-days needed in a conventional feedlot system. Grain feeding combined with growth promoting pharmaceuticals also result in a nearly 40% reduction in greenhouse gases (CFGs) per pound of beef compared to grass feeding and finishing. Avery also defended the environmental and human safety of growth enhancing pharmaceuticals in beef production, citing the Food and Drug Administration’s (FDA) approval process and third-party extensive testing. “Environmentally conscious consumers who have been told that grass-raised beef is more environmentally sensitive and sustainable should rethink their beef purchases in light of our findings,” said Avery. The Center for Global Food Issues is a project of the Hudson Institute and is based in Churchville, VA. (*Lancaster Farming*, 3/21/08)

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FSIS Offers Educational Workshops in CA, AR

FSIS will hold regulatory education workshops for owners and operators of small and very small plants in California and Arkansas on April 8 and 9, 2008. The workshops will cover a variety of topics and prerequisite programs, including hazard analysis and critical control points, sanitation performance standards, sanitation standard operating procedures, rules of practice, food defense strategies, *E. coli* O157:H7 workshops, and the following notices: 65-07, Notice of Reassessment for *Escherichia coli* O157:H7 Control and Completion of a Checklist for all Beef Operations; 66-07, Multiple Follow-Up Sampling After FSIS Positive *Escherichia coli* O157:H7 Results; and 68-07, Routine Sampling and Testing of Raw Ground Beef Components Other Than Trim and Imported Raw Ground Beef Components for *Escherichia coli* O157:H7. The April 8 session will be held at the Radisson Suites Hotel, 1211 East Garvey Street, Covina, CA. The April 9 session will be held at the Courtyard by Marriott Little Rock West, 10900 Financial Centre Park, Little Rock, AR. The workshops will be held 6:30 - 8:30 PM at each location. To register by phone, please call 800-336-3747. Online registration forms and information about upcoming sessions can be found at www.fsis.usda.gov/News_&_Events/Outreach_Sessions_SVS_Plants/index.asp. Pre-registration is encouraged, but not required.

ERS Forecasts Higher Beef, Pork Slaughter for 2008

USDA's Economic Research Service (ERS) issued its latest Livestock, Dairy and Poultry Outlook last week. The report suggested challenges and opportunities for the entire sector in the year ahead. For the beef sector, cattle slaughter is expected to be slightly higher in the first quarter of this year than the first quarter of last year, which itself was 15% above the first quarter of 2006. USDA said that's largely due to drought conditions in the Southeast spreading into the Southern and Northern Plains from, respectively, Mexico and Canada. The Agency explained that beef prices haven't fallen this year due to strong beef exports, which were up 25% in 2007 and are expected to increase again this year. U.S. pork slaughter, meanwhile, is expected to be up nearly 10% in the first quarter compared to the first quarter of last year. Average hog prices are expected to be 12% lower than the first quarter of 2007. That, according to the USDA report, means many Iowa pork producers are currently operating at losses of up to \$30 per hog. The report is available online at www.ers.usda.gov/Publications/LDP/2008/03Mar/ldpm165.pdf.

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Briefly . . .

Arkansas Plant Destroyed by Fire, Explosions: A fire set off a series of explosions at a Cargill Meat Solutions packing plant yesterday, destroying the facility and causing an ammonia gas leak that forced an area-wide evacuation, authorities said. There were no reported injuries. The fire started in a freezer section where workers were doing some welding on some fans, according to officials. According to Cargill spokesperson, Mark Klein, the plant is closed on Sunday, but about 20 contractors and a few other employees were at the site at the time of the incident. The Booneville, AR plant was the town's largest employer, providing jobs for about 800 people and producing more than 2 million pounds of ground beef and steak per week. Logan County Judge Edgar Holt estimated the plant was worth more than \$100 million before the fire, explaining that the plant had recently completed a \$40 million expansion. The company plans to assist employees with job placement and unemployment services, as the plant is no longer operational, Klein said. The company also is working with its meat division headquarters in Wichita to assess the best way to move forward.

California Joins Canada - Mexico Cattle Trade Dispute: California is the latest of several U.S. border states to enter an international dispute surrounding cattle trade. State officials announced Friday afternoon that California would join Arizona, New Mexico and Texas in urging U.S. exporting facilities to turn away Mexico-bound Canadian cattle. California's decision follows an order issued March 4 by the Texas Department of Agriculture that would stop state-operated exporting facilities from allowing Canadian cattle to pass through to Mexico. Canadian and Mexican officials recently signed an agreement that allows Canada to trade breeding cattle less than 30 months old, but Mexico prohibits imports of U.S. breeding cattle, with the exception of dairy heifers under the age of 24 months.

USDA Increases Funding to Control Cattle Fever Tick: USDA's Animal and Plant Health Inspection Service (APHIS) will make an additional \$5.2 million available to control outbreaks of cattle fever ticks occurring outside a permanent quarantine zone between Texas and Mexico. "We will work aggressively to stop the spread of the cattle fever tick and remove it," said Bruce Knight, undersecretary for USDA's marketing and regulatory programs mission area. Although cattle fever-tick outbreaks do occur in a quarantine zone, the number of outbreaks within the zone has recently increased. Of greatest concern are outbreaks outside the quarantine zone, but APHIS has drawn additional quarantine areas to control these outbreaks. Additional funding will provide more people, surveillance, training and treatments to ensure the containment and early detection of new infestations.

Hallmark/Westland Worker Sentenced: Rafael Sanchez Herrera, 34, pleaded guilty Friday in San Bernardino Superior Court to three misdemeanor counts of illegal movement of a non-ambulatory animal. The slaughterhouse worker, caught on video dragging and shocking downed cattle at the Hallmark/Westland Meat Co. in Chino, CA, has been sentenced to six months in jail. Under the plea deal, Herrera will be deported to his native Mexico after serving jail time. Prosecutors had said a conviction could have put him in jail for three years, citing public sympathy was not in his favor. His supervisor, Daniel Ugarte Navarro, pleaded not guilty to five felony counts and three misdemeanor counts of animal abuse and is set to appear in court again on April 17.

FSIS Issues Questions and Answers for Notice 18-08: On March 17, FSIS issued Notice 18-08 titled, "Questions & Answers Related to Raw Meat and Poultry Product Performance Standards for *Salmonella* Sampling and Reporting." The notice responds to questions about the responsibilities of inspection program personnel and District Offices regarding reporting *Salmonella* performance standard (PR/HACCP) sampling results, and scheduling *Salmonella* performance standard (PR/HACCP) sampling after a failed set. The Q&A Notice is available at www.fsis.usda.gov/OPPDE/rdad/FSISNotices/18-08.pdf.

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