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## United States Appeals Court rules in favour of Rule 1

*For Immediate Release: August 28, 2007*

CALGARY, AB – The Ninth Circuit Court of Appeals has unanimously ruled against the Ranchers-Cattlemen Action Legal Fund (R-CALF) in their continuing effort to seek a permanent injunction of the first minimal risk rule. The first minimal risk rule, or “Rule 1”, allows trade of under-30-month (UTM) cattle and beef from cattle UTM.

“We are pleased with the Ninth Circuit’s decision and sincerely hope this will be the end of such frivolous legal actions,” says CCA President, Hugh Lynch-Staunton. “Significant resources, both in terms of time and money, have been spent by Canadian and U.S. producers and by our governments on these unnecessary proceedings.

“The Ninth Circuit Court of Appeals decision should be the end of R-CALF’s legal action against Rule 1. R-CALF could still appeal to the Supreme Court although our legal counsel advises us that the Supreme Court would be very unlikely to hear this case.”

In April 2006, Judge Cebull of the United States District Court in Montana decided to uphold the United States Department of Agriculture (USDA)’s rule to open the U.S. border to UTM cattle and beef. R-CALF appealed Cebull’s District Court ruling in June 2006. Two months later, the USDA filed a motion for “summary affirmance” with the Ninth Circuit Court, outlining that the Ninth Circuit had already heard, considered and rejected all of R-CALF’s arguments. However, the Ninth Circuit issued a decision to allow R-CALF to make its arguments regarding Rule 1, submitting its briefs to the Ninth Circuit in late 2006 and the USDA submitting its briefs in early 2007. The CCA and its affiliates along with the Government of Canada, the American Meat Institute, the National Meat Association and others, filed an *Amicus* Brief in support of the USDA.

Canada has shown that it has multi-layered safeguards in place to control Bovine Spongiform Encephalopathy (BSE) and according to the World Organisation for Animal Health (OIE) guidelines, there is no justifiable reason why the U.S. border should be closed to Canadian beef and cattle of any age. Canada and the United States have both been awarded the designation of a controlled risk country for BSE based on these safeguards. The USDA continues to take a science-based approach to trade and the CCA is confident in the measures being taken to ensure science-based trade between Canada and the United States.

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