

Canadian Cattle Associations File Brief in Appeal of Border Closure

(April 25, 2005) The Canadian Cattlemen's Association (CCA) (together with its affiliated organizations) and Alberta Beef Producers (ABP) have filed separate Amicus Briefs in the appeal of the preliminary injunction preventing the opening of the U.S. border to live cattle and an expanded list of beef products. Both the CCA and ABP are applying for amicus curiae, or "friend of the court", status in the appeal of the preliminary injunction filed by the United States Department of Agriculture (USDA) in the United States Court of Appeals for the Ninth Circuit, located in San Francisco.

In its Brief the CCA states, "the CCA can provide support for USDA/APHIS's position by assisting in the presentation and explanation of issues in which the CCA has specific knowledge and interest such as the global evolution of BSE, the status of international cattle and beef markets, the volume of Canadian cattle for export, and the impact of BSE on the Canadian consumer market. With respect to all these issues, the district court overlooked or misinterpreted record evidence that the CCA is in a position of expertise to clarify."

According to the Brief filed by ABP, the decision of Judge Cebull to grant the preliminary injunction was seriously flawed for three reasons: 1) the district court's assessment of R-CALF's likelihood of success on the merits was based on an erroneous view of USDA's authority under the Animal Health Protection Act; 2) the district court presumed that there would be a negative effect on the health of U.S. citizens which is completely unfounded; and 3) the district court assumed that the preliminary injunction would not harm other parties or the public interest, which is erroneous.

The CCA and ABP have also jointly filed for intervener status in the case for a permanent injunction to be heard in U.S. District Court for Montana, Billings Division, in late July. The district court has yet to make a decision on this application.

"The CCA and its legal counsel will continue to ensure the interests of Canadian cattle producers are represented in all legal actions that take place that affect our industry," states CCA President Stan Eby. ABP is supporting the efforts of the CCA by being actively engaged in the R-CALF litigation both in Billings and the 9th Circuit Court of Appeal.

Major U.S. agriculture organizations including the American Farm Bureau and National Cattlemen's Beef Association have filed their own friend of the court brief in support of the rule to re-open the border.

Further information on legal actions pertaining to the USDA rule to re-open the border to live Canadian feeder and slaughter cattle and an expanded list of beef products is available on the CCA website www.cattle.ca

For further information:

Cindy McCreath, CCA Communications Manager 403-275-8558 ext. 406

Ron Glaser, ABP Public Affairs Manager 403-275-4400