

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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# FSIS NOTICE

56-07

8/31/07

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## FINAL REGULATIONS FOR NON-AMBULATORY DISABLED CATTLE AND SPECIFIED RISK MATERIALS (SRMs)

### I. PURPOSE

This notice announces the publication of the SRM final rule, "Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle; Prohibition of the Use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter" (also referred to as "the SRM final rule"). It also announces that FSIS will issue two new directives. The new directives will consolidate information from all the current FSIS notices related to non-ambulatory disabled cattle and SRMs. Finally, this notice also instructs inspection program personnel to meet with the establishment management to discuss the provisions of the final SRM rule and the changes since the interim final rule.

**NOTE: It is important, in enforcing the SRM regulations that should it be necessary for inspection program personnel to write a noncompliance record (NR), they cite 9 CFR 310.22. FSIS Notice 05-07 emphasized the need to do this, yet an on-going review of NRs shows that inspection program personnel have not consistently followed this direction. Therefore, this notice reminds inspection program personnel of the need to cite this regulation and advises them that adherence to this direction will be closely monitored.**

### II. BACKGROUND

On July 13, 2007, FSIS published the SRM final rule (see link below).

<http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/03-025F.pdf>

This final rule (referred to as "the SRM final rule") makes permanent, with certain changes, interim regulations that FSIS issued in January 2004 to prevent potential human exposure to the bovine spongiform encephalopathy (BSE) agent. Like the interim regulations, the SRM final rule prescribes requirements for the handling and disposition of SRMs, requires that all non-ambulatory disabled cattle that are offered for slaughter be condemned, prohibits the use of mechanically separated (beef) (MS(beef))

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for human food, and prohibits the use of air-injection stunning devices on cattle. The SRM final rule will become effective on October 1, 2007.

### III. INSPECTION PROGRAM PERSONNEL RESPONSIBILITIES

#### A. Awareness Meeting

1. Upon receipt of this notice, inspection program personnel at establishments that slaughter cattle, and at establishments that process carcasses or parts of cattle carcasses, are to conduct an awareness meeting with establishment management. At the meeting, inspection program personnel are to:

a. inform the establishment that FSIS issued a final rule effective October 1, 2007, that affirmed the air-injection stunning regulations without changes and affirmed, with some changes, the regulations related to non-ambulatory disabled cattle and SRMs;

b. provide the establishment with link to the rule;

c. discuss the regulations. (See the attached regulatory talking points); and

d. advise the establishment that, because there are changes in the regulations that may affect the establishment's hazard analysis or alter its hazard analysis critical control point (HACCP) plan, it is required under 9 CFR 417.4(a)(3) to reassess the adequacy of the HACCP plan. The establishment needs to do so by October 1, 2007, the effective date of the regulation.

2. In a memorandum of interview, inspection program personnel are to document:

a. who was present at this initial awareness meeting;

b. the date and time of the meeting;

c. what was discussed, and

d. any documents that were shared with management.

3. Inspection program personnel are to maintain a copy of the memorandum in the official government file and provide a copy to the establishment management.

#### B. Verification Responsibilities

Beginning October 1, 2007, inspection program personnel will use FSIS Directives 6100.1, Ante-Mortem Inspection of Livestock and FSIS Directive 6100.4, Verification Instructions Related to Specified Risk Materials (SRMs), which FSIS will issue shortly, to verify the existing and new regulatory requirements related to non-ambulatory disabled cattle and SRMs.

Refer questions to the Policy Development Division (formerly the TSC) at 1-800-233-3935.



Assistant Administrator  
Office of Policy, Program, and Employee Development

**TALKING POINTS FOR THE SRM REGULATIONS**

The SRM final rule affirms the interim regulations on the handling and disposition of non-ambulatory disabled cattle. FSIS modified some of the interim regulations to codify existing practices. Following is a summary of the permanent regulatory requirements.

**NON-AMBULATORY DISABLED CATTLE**

- 9 CFR 309.2(b) permanently replaces the term “downer” with non-ambulatory disabled livestock. 9 CFR 309.2(b) continues to define “non-ambulatory disabled livestock” as livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.
- 9 CFR 309.3(e) continues to require that non-ambulatory disabled cattle that are offered for slaughter be condemned. However, this requirement now also clarifies that FSIS inspection personnel will determine the disposition of cattle that become non-ambulatory disabled after such cattle have passed ante-mortem inspection on a case-by-case basis. This revision reflects current Agency practices but adds this clarification to the regulatory text.
- 9 CFR 309.13(b) continues to list conditions for which condemned livestock may be set aside and treated. However, this requirement now also clarifies that veal calves that cannot rise from a recumbent position, or that cannot walk because they are tired or cold, may be set apart and held for treatment. This revision also reflects current Agency practices but adds this clarification to the regulatory text.
- 9 CFR 311.27 continues to prohibit for use as human food of the parts and carcasses of cattle slaughtered for humane reasons in the absence of an inspector

**SRMs**

9 CFR 310.22 of the SRM final rule affirms, with certain changes, the interim requirements for the handling and disposition of SRMs. Following is a description of these regulations and the changes made in the SRM final rule.

- 9 CFR 310.22 (a) continues to define “SRMs” as:
  - (1) the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and

(2) the tonsils and the distal ileum from all cattle.

- 9 CFR 310.22(a) also contains a new provision that excludes from the definition of SRM materials from cattle from a country that can demonstrate that its BSE risk status can reasonably be expected to provide the same level of protection from human exposure to the BSE agent as excluding SRMs from the human food supply does in the United States. As of the date of this notice, no foreign countries have qualified to have materials from their cattle excluded from the definition of “SRMs.” Countries that believe that they are eligible for this exemption have been instructed to notify FSIS’ Office of International Affairs (OIA) and to provide that Office with sufficient scientific evidence to support their claimed BSE risk status. When, and if, countries begin to qualify to have materials from their cattle excluded from FSIS’ definition of “SRMs”, FSIS will notify its Import Inspection Personnel and provide the appropriate instructions for implementing this part of the regulations
- 9 CFR 310.22(b) continues to provide that SRMs are inedible and must not be used for human food.
- 9 CFR 310.22(c) continues to provide that SRMs must be disposed of in accordance with 9 CFR 314.1 and 314.3. It also contains a new provision that provides that the spinal cord from cattle 30 months of age and older must be removed from the carcass at the establishment where the animal was slaughtered.
- 9 CFR 310.22(d) contains requirements for the use of the small intestine for human food. These requirements were in 9 CFR 310.22(a)(3) of the interim final rule but are otherwise unchanged.
- 9 CFR 310.22(e) requires that establishments that slaughter cattle, and establishments that process the carcasses or parts of cattle:
  - develop, implement, and maintain written procedures for the removal, segregation, and disposition of SRMs;
  - incorporate these procedures into their HACCP plan or into their Sanitation SOP or other prerequisite program. These requirements were in 9 CFR 310.22(e) of the interim final rule but are otherwise unchanged.
  - contains a new provision, 9 CFR 310.22(e)(1), which clarifies that an establishment’s procedures for the removal, segregation, and disposition of SRMs must address potential contamination of edible materials before, during and after entry into the establishment.
- 9 CFR 310.22 (f) sets out sanitation requirements for equipment used to cut through SRMs. This is a new provision that makes into a requirement the sanitation procedures that FSIS had described in FSIS Notice 10-04, “Questions and Answers Regarding the Age Determination of Cattle and Sanitation.”
- 9 CFR 310.22 (g) sets out the requirements for slaughter establishments shipping beef carcasses and parts from cattle 30 months of age and older

containing vertebral columns. This is a new provision that adopts as a requirement the procedures for transporting vertebral columns that FSIS had described in FSIS Notice 68-05 "Verification Activities at Establishments that Transport or Receive Cattle Carcasses or Parts with Vertebral Columns that Contain Specified Risk Materials (SRMs). Under this section, establishments that transport carcasses or parts that contain vertebral columns from cattle 30 months of age and older are required to maintain records that document that the official establishment that received the carcasses or parts removed the SRM portions of the vertebral column.

- 9 CFR 310.22(h) provides that materials that are designated as SRMs if they are from cattle 30 months of age and older will be deemed to be SRMs unless the establishment can demonstrate through documentation that the materials are from an animal that was younger than 30 months of age at the time of slaughter.

**AIR-INJECTION STUNNING AND MS (beef)**

- 9 CFR 313.15(b)(2) and 9 CFR 310.13(a)(2)(iv)(C) continue to prohibit the use of stunning devices that deliberately inject compressed air into the cranial cavity of cattle.
- 9 CFR 319.5(b) continues to prohibit MS(beef) for human food.