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CC: Desk Officer for Agriculture
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20253

Re: Docket No. 03-025IF; Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle

Dear Mr. O'Connell et al:

In a Federal Register notice dated January 12, 2004 (Volume 68, Number 7), the Food Safety and Inspection Service, USDA published an interim final rule and requested comment on the prohibition of use of certain materials for human food and requirements for disposal of disabled cattle. This action and amendment to the Federal meat inspection regulations undoubtedly stemmed from the recent increased perception of risk of bovine spongiform encephalopathy (BSE) in the U.S. cattle industry. We believe this amendment to Federal regulations is entirely necessary and valid; however, certain significant issues surrounding this amendment were not addressed by the FSIS in this rule. In the following document, we offer comment on the issues of animal consumption, accidental or indirect human consumption, and disposal of Specified Risk Materials.

The exclusion of SRMs from human food in this interim final rule appears to be dangerously inadequate because it does not include their use for animal feed in the ban. This exclusion does not ensure that cattle will not ultimately consume SRMs through other farm animal feed and therefore does not sufficiently protect both the animal and human population from BSE infection. There appear to be two issues that are problematic and are not addressed by this ruling. The first is the possibility of cross contamination of animal feed in feed mills. Currently in the US, animal protein derived from non-ruminant animals is allowed in feed to be consumed by cattle, while feed intended for non-ruminants, such as chickens and pigs, may contain SRMs. This type of feed regulation existed in the UK until 1994 when ruminant to ruminant feeding was banned. This ban was widened in 1996 when the use of mammalian MBM (meat and bone meal) was banned in all feed for farmed animals. The EU took this step because it was determined that the possibility for cross contamination of ruminant and non-ruminant feed within the different lines of feed mills existed. In fact, according to Malcolm Ferguson-Smith, a Cambridge University scientist, "It was calculated that over 44,000 animals were infected with BSE through this contamination".¹

¹ Organic Consumers (2003). If You Are What You Eat, then Canadian Cattle May Be Pigs or Chickens.
www.organicconsumer.org

Another risk is that a farmer may accidentally feed his cattle poultry feed that contains SRMs. Beyond these possibilities, Ferguson-Smith has raised the questions of whether pigs can be carriers of BSE without actually developing the disease or showing symptoms and if cow blood itself is infectious.² Knowing there is a risk of cross contamination of animal feed and that questions still exist about which parts of cattle are infectious and the transmissibility to other animals, we strongly encourage that this issue be explored more deeply and addressed in this interim final rule.

The second issue related to the feeding of SRM derived feed to other farm animals is that there are no bans on the feeding of these same animals back to cattle. If poultry and pigs are given feed derived from ruminants that include SRMs there is no regulation that will prevent the waste from those animals from getting into cattle feed, which is a common practice. Essentially, the SRMs are just being recycled from a slaughtered cow into poultry or pigs and then back into a live cow, with the potential for BSE to be transmitted. This practice of intra-species recycling, with some exceptions, has been permanently banned in the European Community as of September 2003. Considering the seriousness of this disease and the health, economic and political ramifications of a BSE outbreak in the United States, it is irresponsible of the US Government to ignore these issues and not address them in the proposed regulations. According to the UK's Department for Environment Food and Rural Affairs (DEFRA), "Effective controls on animal feed are the key to the eradication of BSE."³ We should follow their lead and ensure the safety of our cattle, our food supply and our economy by toughening our animal feed standards to include a ban on the practice of animal-to animal feeding.

Besides implications for animals in agriculture, BSE contaminated animal feed may easily find its way into consumer households through pet food. According to the Washington State Department of Agriculture website, all animal feeds except pet food that contain the prohibited meat sources are to be labeled, "Do not feed to any cattle or other ruminants." However, pet food is exempt from this labeling and therefore may often contain the materials in question.⁴ For example, the FDA learned from the Canadian government in May of 2003 that material from a cow that tested positive for BSE may have been used in dry dog food distributed by a U.S. pet food firm. The concern over this matter was so high, the pet food company asked consumers to return the suspect product for safekeeping and proper disposal. Although no concrete evidence exists to suggest BSE prions may cause zoonotic (contagious to humans) illness in companion animals, the possibility of pet food falling into human hands and mouths has not been addressed in this rule. This country's most at-risk populations may be the most affected; this includes the elderly, those in poverty, and children, many of which allegedly consume dog food on occasion. For example, in a January 2004 letter to KidsHealth.org, a mother complained her 20-month-old likes to steal and eat dry dog food from the family pet.⁵ Since dry dog food is often fed around human meals or kept in family pantries, the possibility of intermixing or accidentally consuming bits of animal feed is also a viable problem. This issue of human consumption of pet food, whether accidental or purposeful, should be investigated in much further detail.

² Organic Consumers (2003). If You Are What You Eat, then Canadian Cattle May Be Pigs or Chickens. www.organicconsumer.org

³ Department for Environment Food and Rural Affairs, Animal Health & Welfare. (2003) BSE Eradication: The Food Ban. www.defra.gov.uk/animalh/bse/animal-health/feed-ban.html

^{4,5} Washington State Department of Agriculture, Pesticide Management Division, Feed Program. (2002). Pet Food and Mad Cow Disease??? <http://www.wa.gov/agr>

As well as excluding SRMs in human food and animal feed, the FSIS interim final rule has not thoroughly discussed the Best Management Practices (BMPs) to deal with SRM removal. This ruling does not properly address the procedures for removal, segregation, and disposition of SRMs. Three issues need to be addressed before this ruling is finalized. They include:

1. The HACCP (Hazard Analysis Critical Control Point) and SOP (Standard Operating Procedures) development for the slaughter and removal of SRMs is very flexible. The Agency has stated that they are not “prescribing specific procedures that establishments must follow.” They feel that the establishments will benefit more if they follow the guidelines and have the procedure work with them, almost as if each establishment will have its very own unique procedure. Through research I was unsuccessful in finding the guidelines that will be followed for the slaughter and removal procedures of SRMs. Where will the establishments find these guidelines, and who will review them when they are completed? There was mention in the FSIS interim final rule that “use of the Canadian guidance on SRM removal is generally acceptable.” This process to develop procedures for slaughter and removal of SRMs needs to be very concrete so there is no question what should be done with SRMs. How can the establishments be held responsible for this major part of preventing BSE? The establishments should be responsible for following the procedure, not inventing it.
2. If the establishments formulate the HACCP plans and SOPs, who will they go to for advice on properly setting up the procedures for removal of SRMs? There are FSIS, APHIS, and EPA to name a few, which are all in charge of some part of the disposal issues. After reading the Procedures for Removal, Segregation, and disposition of SRMs there was a lot of discussion of having the procedures available at request, but who will approve the HACCP plans and SOPs? One group needs to step forward and determine what is acceptable and what needs to be changed. When there are too many high profile groups working to come up with one solution, there are bound to be disagreements and nothing will be accomplished.
3. There are different methods to dispose of the SRMs, Air Curtain Incineration, Alkaline Hydrolytic Tissue Digestion, Sanitary Disposal, and Burial. Each method seems to have benefits and drawbacks concerning economics and environmental health issues. With the FSIS interim final rule there was not a discussion on research to distinguish which method will be the BMP. An understanding of each individual establishment will be needed to determine which method should be used; however there was no clear evidence that gave any guideline to this matter. Other issues will need to be evaluated before an establishment can determine which method is best for them. An Environmental Assessment may be what is needed to discuss the environmental issues, human health implications, and the economic impacts for each disposal method before the issue is up to the establishment.

In conclusion, there are clearly many more issues needing to be addressed by the FSIS, long before a finalized ruling is completed. The rule in question is undoubtedly a step in the right direction, but further steps still must be taken toward more stringent regulation of the cattle industry before the health of this country’s population can be ensured.