



"Representing the state's largest ag industry"

August 9, 2004

Food and Drug Administration
Division of Dockets Management (HFA-305)
5630 Fishers Lane Room 1061
Rockville, MD 20852

RE: Docket No. 2004N-0264

The Food and Drug Administration (FDA) published a proposed rule in the Federal Register on July 14, 2004 (Volume 69, Number 134 Pages 42288-42300) titled "Federal Measures to Mitigate BSE Risks: Considerations for Further Action" (Docket No. 2004N-0264). The proposed rule would amend portions of the Code of Federal Regulations under 21 CFR Part 589.

The Nebraska Cattlemen (NC) appreciates the opportunity to review and provide comment on this important rule. NC represents the nearly 5,000 cattle breeders, producers and feeders across the state, representing the largest segment of Nebraska agriculture; cattle production.

As indicated by the FDA, the extensive list of questions in the ANPRM is designed to identify and define the scientific basis for additional BSE prevention measures as well as the risk reduction impacts and implication for the beef industry and the environment. The FDA requests comments and scientific information on several additional measures related to animal feed under consideration to help prevent the spread of Bovine Spongiform Encephalopathy (BSE) in the United States. NC recognizes the importance in preventing BSE and thus the necessity to address these specific measures and supports continued exploration of necessary and effective prevention measures.

NC disagrees with the premise of the International Review Teams (IRT) report on measures relating to the incidence of BSE in the U.S. The report issued in February of this year suggests the risk of BSE in the U.S. is comparable to that in Europe, a statement with which NC can not agree. The report fails to appropriately recognize the fact that the U.S. and Canada have taken steps since 1989 to reduce the risk of BSE. These actions led the Harvard Center for Risk Analysis to conclude the U.S. system is robust against the amplification and spread of BSE.

In regard to the issues raised by the FDA, NC has very clear and general policy regarding feed restriction practices.

- NC supports the requirements proposed in January 2004 that equipment, facilities, or production lines must be dedicated to non-ruminant animal feeds if they use protein that is prohibited in ruminant feed, and
- NC supports the ban on the use of poultry litter as a feed ingredient for ruminant animals.

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Regarding the economic and environmental impacts of prohibiting materials from dead stock and non-ambulatory disabled cattle from use in all animal feed, NC does not believe there is adequate scientific proof that the inclusion of such material in non-ruminant animal feed results in an increased risk of BSE. Such an unnecessary ban would put an undue economic burden on cattle producers. It is common practice for rendering operations to charge exorbitant rates to producers in remote locations for removal of dead animals. If the producer is prevented from selling the dead animal to a feed mill, there is no economic incentive to have the animal properly removed, resulting in environmental concerns.

NC commends the FDA for seeking necessary and effective measures to mitigate BSE risks. It is clear that further study and consideration must occur before many of the suggested measures could be implemented without placing undue economic burdens on the industry as well adverse impact on the environment.

Thank you for considering our comments.

Sincerely,

Allen Bright
President