



## VIRGINIA FARM BUREAU FEDERATION

12580 West Creek Parkway • P.O. Box 27552 • Richmond, Virginia 23261 • (804) 290-1000 • www.vafb.com

August 13, 2004

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

**RE: Food and Drug Administration (FDA), Docket No. 2004N-0264**

To Whom It May Concern:

Pursuant to the Advance Notice of Proposed Rulemaking, **Federal Measures to Mitigate BSE Risks: Considerations for Further Action**, published in the *Federal Register* on July 14, 2004, the Virginia Farm Bureau Federation is providing comment on certain questions raised by the FDA and listed below.

The Virginia Farm Bureau Federation is Virginia's largest agricultural membership organization representing approximately 37,000 farm families many of whom raise poultry, ruminants (primarily cattle) or both. Virginia's poultry and meat animal sectors are significant and generated 54.4% Virginia's gross farm receipts in 2002. That year state poultry receipts exceeded \$615 million despite market losses associated with an outbreak of avian influenza. In 2002 cattle receipts grossed over \$322 million, while hogs, sheep and wool receipts totaled nearly \$48 million.

17) *If FDA were to prohibit SRMs from being used in animal feed, would there be a need to prohibit the use of poultry litter in ruminant feed? If so, what would be the scientific basis for such a prohibition?*  
Prohibiting SRMs from being used in animal feed would eliminate the potential presence of the BSE causative agent in feed and preclude any need to ban poultry litter in ruminant feed for the purpose of preventing the potential spread of BSE. Prohibiting SRMs in animal feed would create a "primary firewall" to prevent the potential spread of BSE and would appear less difficult for FDA to regulate and monitor versus establishing multiple "secondary firewalls" dependent on the animal species and the type of feed produced/consumed, the type of feed manufacturing facility (SRM prohibited and SRM allowed) which produced the feed, and concerns over cross-contamination of different feed types.

18) *What would be the economic and environmental impacts of prohibiting bovine blood or blood products, plate waste, or poultry litter from ruminant feed?*

Banning poultry litter in cattle feed would pose serious economic hardship for poultry growers and would severely hamper private and public sector efforts to manage the disposition of poultry litter in an environmentally sound manner. In fact, FDA's advance notice of proposed rulemaking, "Substances Prohibited from Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed", Docket No. 02N-0273, the BSE test-positive cow and subsequent federal notices and industry speculation among both poultry and cattle producers disrupted the management and disposition of poultry litter as a cattle feed supplement and fertilizer source in Virginia in both 2003 and 2004.

Prior to 2003, an estimated 10% of Virginia's poultry litter was fed to cattle, 44% was land applied as fertilizer to pasture and another 25% was applied to hay land. Farm Bureau is not aware of any revised litter usage estimates; however, anecdotal information suggests that the amount of litter being stored may have increased as a result of falling demand, litter purchases for feed use by cattlemen have declined, cattlemen are reluctant to use litter as a pasture fertilizer, and litter's market value has declined. State poultry growers are required to comply with state and federal environmental regulations concerning the disposition and management of poultry litter. There are few other alternative uses for poultry litter, most of which are relatively new and considerably difficult and expensive to establish.

2004N-0264

C 95

FDA, Docket No. 2004N-0264  
Page 2

**28) Should FDA include exemptions to any new requirements to take into account the future development of new technologies or test methods that would establish that feed does not present a risk of BSE to ruminants?**

Yes, FDA should include exemption provisions for new technologies and test methods in order to encourage their development. Successful new technologies would provide added assurance concerning feed safety and monitoring and could ultimately lessen industry costs associated with any new requirements.

**29) If so, what process should FDA use to determine that the technologies or test methods are practical for use by the feed industry and ruminant feeders and provide scientifically valid and reliable results?**  
FDA together with feeders, industry, USDA Agricultural Research Service, FSIS, APHIS, and other research organizations should work together to determine and create a process based on sound science and peer review.

Thank you for the opportunity to comment on the use of poultry litter in ruminant feed.

Sincerely,



Tony Banks, Asst. Director  
Commodity/Marketing Dept.

C: Bruce L. Hiatt, President

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**Total Number of Pages: 3**

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The letter that follows contains comments from the Virginia Farm Bureau Federation relevant to the Advance Notice of Proposed Rulemaking, **Federal Measures to Mitigate BSE Risks: Considerations for Further Action**, published in the *Federal Register* on July 14, 2004.

Questions related to this facsimile should be directed to me at 804-290-1114 or [tony.banks@vafb.com](mailto:tony.banks@vafb.com).

Sincerely,

A handwritten signature in black ink that reads "Tony Banks".

Tony Banks, Assistant Director  
Commodity/Marketing Dept.