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August 13, 2004

Burt Pritchett, D.V.M.
Center for Veterinary Medicine (HFV-220)
Food and Drug Administration
7500 Standish Place
Rockville, Maryland 20855

RE: July 14, 2004, Federal Register, Part III, Department of Health and Human Services, Food and Drug Administration, 21 CFR Part 589, Federal Measures To Mitigate BSE Risks: Considerations for Further Action; Proposed Rule

Dear Dr. Pritchett:

Thank you for the opportunity to provide comments regarding the exclusion of specified risk materials (SRMs) from animal feed.

First, let me state that I support efforts to strengthen methods to protect not only our livestock industry from a potential outbreak of bovine spongiform encephalopathy (BSE) but also efforts to protect U.S. citizens from exposure to the BSE agent believed to cause variant Creutzfeldt-Jakob disease. It is very important that we provide consumers confidence in our food supply. I support the current scientifically based ruminant feed ban that has been in place since 1997, prohibiting the use of most mammalian protein in feeds for ruminant animals. However, I have concerns with this proposed rule's prohibition of non-ambulatory cattle and dead stock SRMs from all animal feed including pet food without the scientific basis for such a change.

The Advanced Notice of Proposed Rulemaking asks many questions relating to the economic and environmental impact of provisions of the proposed rule. I would like to address these questions, as several important agricultural industries in Texas will be greatly impacted by this rule. Additionally there are numerous environmental issues that need to be considered.

Economically, Texas and many other states will lose a valuable industry if SRMs cannot be manufactured into animal feed such as pet food. The pet food industry is a rapidly growing and successful industry. In Texas alone, there are 85 manufacturers creating over 165,000 tons of feed per year. These industries create jobs and add significantly to our economy. Although many manufacturers are currently working to source ingredients from suppliers that remove SRMs, there are significant costs. The requirement for dedicated facilities, equipment, storage, and transportation will be harmful to not only the pet food industry, but renderers and packing houses as well. The removal of SRMs from animal feed will have a significant economic impact on the beef industry, food recycling industry, and poultry and pork producers, without scientific justification.

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extraordinary service.*

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As the largest cattle producing state in the nation, my primary environmental concern relates to the disposal of the large amounts of SRMs that will result from this action. It is estimated that SRMs in cattle under 30 months of age weigh 20 pounds per head. In Texas, there are four major packing houses processing approximately 100,000 head per week, plus many small and very small facilities. From these four facilities only, this equals 2,000,000 pounds per week and 104,000,000 pounds of SRMs per year that must be disposed of. Also, approximately 18,000 head of cattle over 30 months of age are slaughtered weekly at these packing houses with 60 pounds of SRMs per head. This equals another 1,080,000 pounds per week and 56,160,000 pounds per year to dispose of from these four packing houses alone. Carcasses from dead stock are also used in animal feed ingredients. This category will add another 153,000,000 pounds per year of SRMs to be disposed.

I am specifically concerned with states' compliance with certain environmental laws in regard to disposal. In Texas, the SRMs would be classified as "special waste" and disposal is dependent on the capacity of the individual landfills. There are no landfills in the state currently available to accept or accommodate large volumes of materials like SRMs. Sanitary and environmental problems will arise from this large amount of waste with no disposal options. Additionally, if this type of landfill capacity and facilities were available, the costs of transporting and disposing of the materials would be cost-prohibitive.

Currently, SRM disposal is being conducted efficiently and without cost to states or the federal government through private enterprise by manufacturing it into animal feed. If FDA completely prohibits the use of SRMs from all animal feed including pet food, I am concerned SRM disposal will not be conducted efficiently and will create significant environmental and economic problems for both states and the federal government who will have the ultimate responsibility to dispose of SRM material.

In closing, I strongly urge FDA to base any decision on sound science and consider thoroughly the negative effects a complete ban of SRMs in animal feed will have before implementing this rule. The results of the expanded BSE surveillance program should also be included in the basis for any decision regarding SRM removal. If implementation of this rule is deemed necessary, appropriate steps should be taken to ensure SRM disposal does not create adverse or financial hardships for states or our cattle, pet food and meat industries. Please do not hesitate to contact me if I can provide further information.

Sincerely,



Susan Combs
Commissioner

SC/mle

cc: The Honorable Ann M. Veneman, USDA Secretary
Texas Congressional Delegation