



14 January 2003

Ref: Y100-500

Dockets Management Branch (HFA-305),
Food and Drug Administration,
5630 Fishers Lane, rm 1061,
Rockville, MD 20852.
United States of America

Dear Sir/Madam,

**Proposed Rules Federal Register 67572 Vol. 67, No. 215 [Docket No. 02N-0273]:
Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in
Ruminant Feed**

The New Zealand Food Safety Authority and the Biosecurity Authority of the New Zealand Ministry of Agriculture and Forestry wish to make submissions on the advanced notice of proposed rulemaking [ANPRM] Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed.

Like the United States, New Zealand is a country free from bovine spongiform encephalopathy. Unlike the United States, our country is also free from the related diseases scrapie of sheep and goats and chronic wasting disease of cervids. To maintain this fortunate health status of our livestock populations, we have considered whether measures similar to those discussed in Docket No. 02N-0273 would be appropriate to our own situation. The comments we offer, therefore, are based on assessments made, over the past two years, of the value of similar measures.

We note that your Administration is soliciting information and comments on five aspects of the BSE feed regulation. We will offer comment on each in turn.

1. Excluding Brain and Spinal Cord from Rendered Animal Products

While recognising that certain tissues, such as brain, spinal cord, gut, and eyes, should be considered "high risk" **in those countries where BSE occurs** or is likely to occur, their exclusion in BSE-free countries is unwarranted.

The BSE risk in the United States is extremely small. This already-small risk has already been significantly reduced through enhanced surveillance for the disease, import restrictions and the bans on the feeding of ruminant-origin meat and bone meal to ruminants. In countries of the European Union, where BSE is endemic, exclusion of these so-called specified risk materials or SRMs is a rational and proportionate risk mitigation measure. The exclusion of these SRMs in the United States would be a disproportionate measure that would impose unnecessary costs for your industries and consumers.

With respect to the specific questions;

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- Should high risk materials, such as brain and spinal cord from ruminants 2 years of age and older, be excluded from all rendered products?

New Zealand's answer: No. This measure is unwarranted in the United States.

- How feasible would it be for the rendering industry to implement such an exclusion?

New Zealand is not in a position to offer an informed response to this question.

- What will be the adverse and positive impacts (economic, environmental, health, etc.) resulting from a brain and spinal cord exclusion?

New Zealand is not in a position to offer an informed response to this question.

2. Use of Poultry Litter in Cattle Feed

Poultry litter is not used as a feed ingredient for cattle in New Zealand. However, when investigating the use of poultry litter as a fertiliser or soil conditioner, we came to the conclusion that the proportion of ruminant protein, in the form of spilled feed and undigested ration in the faeces, is likely to be significant. For that reason, the use of poultry litter in ruminant rations would be prohibited in New Zealand, even though BSE is not present in this country.

With respect to the specific questions;

- How extensive is the use of poultry litter in cattle feed in the United States?

New Zealand is not in a position to offer an informed response to this question.

- What is the level of feed spillage in poultry litter?

Our estimates are imprecise, but we considered that the proportion of ruminant protein, in the form of spilled feed and undigested ration in the faeces, is likely to be significant.

- What are the methods used to process poultry litter before inclusion in animal feed?

New Zealand is not in a position to offer an informed response to this question.

- What will be the adverse and positive impacts (economic, environmental, health, etc.) resulting from banning poultry litter in ruminant feed?

New Zealand is not in a position to offer an informed response to this question.

3. Use of Pet Food in Ruminant Feed

- Should pet food for retail sale be labelled with the statement "Do not feed to cattle or other ruminants."?

New Zealand considered a similar measure but rejected it as unnecessary.

- What would be the adverse and positive impacts (economic, environmental, health, etc.) of such a labelling requirement?

New Zealand is not in a position to offer an informed response to this question.

4. Preventing Cross-Contamination

As in the US, New Zealand requires that those firms handling both prohibited and non-prohibited material have a system in place and a written plan to prevent cross-contamination.

- Are there practical ways, other than dedicated facilities, for firms to demonstrate that the level of carry-over could not transmit BSE to cattle or other ruminants? If so, what is the safe level of carry-over in a feed mill.

We doubt that it is practical for firms to demonstrate that the level of carry-over could not transmit BSE. We understand that the European experience has been that BSE may be transmitted with very small amounts of contamination.

- What is the scientific rationale used to establish this safe level?

New Zealand is not in a position to offer an informed response to this question.

- What steps are firms currently taking to prevent cross-contamination of prohibited protein into ruminant feed, and what are the costs of those steps?

New Zealand is not in a position to offer an informed comment on the US situation.

5. Elimination of the Plate Waste Exemption

In New Zealand, the Ruminant Protein Regulations prohibit the feeding of ruminant protein (other than milk protein) to ruminants. This prohibition covers ruminant protein in table waste.

- To what extent is plate waste used in ruminant feed?

New Zealand is not in a position to offer an informed comment on the US situation.

- What is the composition of plate waste, and what are its sources?

New Zealand is not in a position to offer an informed comment on the US situation.

- How is plate waste processed before inclusion in ruminant feed?

New Zealand is not in a position to offer an informed comment on the US situation. However, we doubt that any methods currently available would be sufficient to eliminate a BSE risk, should one exist.

- What would be the adverse and positive impacts (economic, environmental, health, etc) from excluding plate waste from ruminant feed?

New Zealand is not in a position to offer an informed comment on the US situation.

Thank you for the opportunity to comment on the advanced notice of proposed rulemaking [ANPRM] Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed.

Yours faithfully,



Andrew McKenzie
Executive Director