Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Tommy Irvin
Commissioner

December 19, 2005

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

Re: Docket No. 2002N-0273
Federal Register/Vol. 70, No. 193/October 6, 2005
Substances Prohibited From Use in Animal Food or Feed

Dear Sir or Madam:

I would like to offer the following comments about the FDA proposal to remove brain and spinal cord from cattle 30 months of age and older, and to remove cattle not inspected and passed for human consumption (including cattle not inspected and passed for human consumption by the appropriate regulatory authority, nonambulatory disabled cattle and fallen cattle) from all animal feed.

As Commissioner of Agriculture for over thirty-five years, I have made both food safety and animal health top priorities in my administration. My track record is proven and I have a long history of leading cutting-edge consumer protection and animal health programs.

With that said, however, I must register my concerns about your proposals. First I must question the rationale of restricting additional animal tissues from animal feed on the heels of a highly successful national testing program that revealed only one indigenous case of Bovine Spongiform Encephalopathy (BSE) out of a population of almost 550,000 high risk cattle. Secondly, the Harvard Risk Assessment published in 2001 and 2003 reported that BSE is not likely to be introduced or become established in the U.S. In addition and perhaps most importantly for this discussion, the Harvard experts reported that if the disease were to occur spontaneously in cattle, as some have suggested, it would result in a mere one to two cases per year with little spread. Both the Harvard data and the results of the rigorous USDA testing program are testaments that the current national programs are working.

Independent renderers currently provide a service to Georgia's beef and dairy industry by recycling offal, dead livestock and downer animals into animal feed. Renderers have told me personally that the FDA proposed rules would require them to make costly

investments of equipment, labor and process controls. Considering the decreased value of by-products from dead animals since the 1997 restrictions on feeding of ruminant proteins, the economic sustainability is simply not there. Georgia renderers will have no economic incentive to continue servicing our farmers and small meat plants, resulting in few, if any, viable disposal options. I question whether FDA has adequately considered the overwhelming burden the proposed rule will have on our small farmers and small businesses. The proposed rule will force the alternative disposal of thousands of entire carcasses per year, not simply the few pounds of brain and spinal cord per animal as FDA has estimated. Landfills are not a viable option for disposing of offal or daily mortality from the farm.

Lastly, I have a concern that the premier animal disease surveillance system that Georgia has worked diligently to achieve will be compromised without having access to dead and downer animals destined for rendering. These animals have served as the primary reservoir for Georgia's BSE testing program, in addition to other foreign and endemic animal disease surveillance. There is no viable alternative for surveying the collective cattle population and our ability to rapidly detect animal diseases will be jeopardized.

In summary, I do not believe that the FDA has demonstrated a scientific or economic justification for additional regulations. The U.S. has firewalls in place that work to prevent the transmission or amplification of BSE. No further regulations are necessary.

Sincerely,

Tommy Irvin