



SUSAN COMBS, COMMISSIONER

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December 20, 2005

Division of Docket Management (HFA 305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

RE: Docket Number 2002N-0273 (RIN 0910-AF46), Substances prohibited from Use in Animal Food or Feed

Dear Sir or Madam:

Thank you for the opportunity to provide comments on the proposal regarding substances prohibited from use in animal food or feed.

While the new proposed rules address some of my previous concerns, I still believe that some issues need to be adequately answered. In particular, the environmental issue of disposal remains unresolved. Additionally, the negative impact to the rendering industry may result in a loss of this valuable industry and increased amounts of waste for disposal.

Although the current recommendation provides for less prohibited materials than the 2004 proposal, we will still need to have appropriate avenues to dispose of the prohibited materials. The proposal states there will be an estimated 64.3 million pounds of cattle materials prohibited in animal feed (CMPAF) for disposal and suggests land filling as one of the primary options. This amount of waste will not be equally distributed across the country but concentrated in specific regions and states. There is currently not the infrastructure nor environmental regulations in place to accommodate this pending problem. The Food and Drug Administration must coordinate with other local, state and federal agencies to address this lack of infrastructure.

Disposal of animal material is currently being conducted efficiently and without cost to states or the federal government through private enterprise. Seventy-nine percent of renderers are small businesses, which the proposal acknowledges are likely to experience the most substantial negative impacts. Burden will be placed upon renderers as a result of the reduction in volume rendered, additional costs of removing prohibited materials, implementing new recordkeeping requirements, and disposing of additional materials. Increased costs will be passed along to ranchers who can ill afford to absorb these added production costs.

If this important sector of our agriculture industry is forced out of business, this beneficial disposal will not occur and all of the waste traditionally used by renderers will need an alternate means of disposal. This will create additional environmental and economic problems for both states and the federal government that will have the ultimate responsibility of disposal.

Before the adoption of this rule proceeds, appropriate steps must be taken to ensure CMPAF disposal does not create adverse environmental or financial hardships for states or our cattle and meat industries.

Please do not hesitate to contact me if I can provide further information.

Sincerely,

Susan Combs
Commissioner

SC/clb

*Making Texas the nation's
leader in agriculture, while
promoting excellence in
children's nutrition, rural
economic development and
providing efficient and
extraordinary service.*