



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Tommy Irvin
Commissioner

MEMORANDUM

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

From: Lee M. Myers, DVM, MPH, Dipl. ACVPM
State Veterinarian and Assistant Commissioner
Georgia Department of Agriculture
Capitol Square
Atlanta, GA 30334-4201

Date: December 20, 2005

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

I would like to offer comments regarding the FDA proposed rule to remove additional animal tissues from all animal feed, specifically brain and spinal cord from cattle 30 months of age and older, and cattle not inspected and passed for human consumption (includes cattle not inspected and passed for human consumption by the appropriate regulatory authority, nonambulatory disabled cattle and fallen cattle).

The current FDA regulation, published as a final rule in 1997, (Substances Prohibited From Use in Animal Feed; Animal Proteins Prohibited in Ruminant Feed) prohibiting the use of certain proteins in ruminant feed established at Sec. 589.2000 (21 CFR 589.2000), contains the stated objective:

“To prevent the establishment and amplification of the agent(s) of Bovine Spongiform Encephalopathy (BSE) in the U.S. cattle herd through feed and thereby help minimize any risks from such agent(s) to animal or human health.”

As you know, compliance with this rule by the affected industries is unprecedented at over 98%.

The Harvard Risk Assessment (published in 2001 and 2003) states: “Our analysis finds that the U.S. is highly resistant to an introduction of BSE or a similar disease. BSE is extremely unlikely to become established in the U.S. Similarly, if the disease does indeed occur spontaneously in cattle, as some have suggested, it would result in one to two cases per year with little spread”.

The U.S. Department of Agriculture initiated a sampling program for BSE in 1990. Over the next 14 years, some 80,000 bovine brainstems were analyzed with an additional 550,000 samples analyzed since June 2004. All have been negative with the exception of one indigenous case of BSE, diagnosed in June of 2005.

The above facts present tangible and scientific evidence that the current programs are successful. There is no justification for additional regulations.



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Georgia has a total bovine (beef and dairy) population of approximately two million head resulting in some 80 million pounds of dead animals per year, assuming a 4% annual mortality rate. Many of the dead stock currently pass through the rendering system, providing significant opportunity for animal disease surveillance and efficient disposal.

Our Department also licenses 169 slaughter and processing plants, most of which currently utilize rendering for disposal of inedible materials. Many of the landfills throughout the state have alerted our Department that they will not accept dead livestock or inedible material from food processing plants. Additionally, porous soils, high water tables, and limited land mass restrict environmentally responsible burial in many areas. If the FDA proposed rule is adopted as a final rule, there will be significantly limited disposal options for these biological wastes resulting in potentially serious environmental consequences.

Georgia has nine licensed rendering facilities. Representatives from the largest rendering companies have told me personally that the FDA proposed rule, if adopted, will force them to no longer accept offal from red meat slaughtering/processing facilities or dead or downer cattle.

The United States Animal Health Association (USAHA), of which I am President Elect, expressed similar concerns at the last annual meeting in November, 2005. The USAHA general membership adopted a resolution which states:

“The USAHA urges the Food and Drug Administration (FDA), Center for Veterinary Medicine (CVM) to more thoroughly evaluate the unintended consequences of changes in the Ruminant Feed Rule so that reducing a very small risk from Bovine Spongiform Encephalopathy (BSE) does not lead to a carcass disposal crisis in many areas of the United States.”

The resulting problem does not impact only bovine. Georgia is the largest poultry producing state in the nation. Representatives from large poultry renderers tell me that if the FDA proposed rule is adopted as a final rule, their customer base will soon mandate that poultry mortality be removed from their rendering process. This will amplify environmental issues and animal disease transmission risks. Removing rendering as a viable option invites inappropriate disposal methods with little to no control over these materials.

In summary, I urge FDA to not adopt the proposed rule as a final rule. The U.S. has existing firewalls and protections to prevent the transmission or amplification of BSE. No further regulations are scientifically, economically, or environmentally justified.