

Dec-13-05 08:51am From:Neugebauer DC

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T-374 P.002/003

F-343

18th DISTRICT, TEXAS

Room 429

CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4319  
PHONE: (202) 225-4226  
FAX: (202) 225-0816www.randy.house.gov  
randy@mail.house.gov

## Congress of the United States

### House of Representatives

111 UNIVERSITY AVENUE  
SUITE 220  
LUBBOCK, TX 79401  
(806) 763-16111910 SCURRY STREET  
SUITE B  
BIG SPRING, TX 75720  
(409) 264-0722600 CHESTNUT  
SUITE 813  
ARLINGTON, TX 76010  
(214) 675-8778

December 6, 2005

Dr. Andrew Von Eschenbach  
Acting Commissioner  
Food and Drug Administration  
5600 Fishers Lane Rm 1555  
Rockville, Maryland 20857

Dear Dr. Von Eschenbach:

Thank you for the opportunity to comment on the Food and Drug Administration's (FDA) proposed rule prohibiting certain cattle materials from all animal feeds (Docket No. 2002N-0273). Before changing feed regulations, I ask the FDA to fully consider BSE prevalence and the risk reduction provided by current regulations and weigh the economic impact on industries affected by the proposed rule with the potential for additional risk reduction.

Cattle production represents a significant portion of the Texas agriculture economy, and part of the cattle industry includes disposal of dead and downed animals. Renderers and processors of cattle by-products such as non-ruminant feed and pet food manufacturers would face much of the impact of this proposed rule.

These industries currently provide for safe processing and use of cattle materials in products not intended for ruminants. Under the proposed rule, however, these industries would be required to safely dispose of large amounts of risk materials and will need to purchase new equipment for removal of brains and spinal cords, adding large new costs. In addition, this proposed rule may cause some renderers to no longer pick up cattle, leading to inappropriate disposal of dead animals.

The current ban on mammalian protein in ruminant feeds has been credited with greatly reducing the risk of spreading infection among cattle, according to the Harvard Center for Risk Analysis report. Effective enforcement of the current feed ban is key to maximizing the reduction of risk. However, I am concerned that extending the ban to all animal feeds and pet foods contributes little to enforcement of the current feed ban and further risk reduction.

If full enforcement of the current effective feed ban is the concern, I encourage FDA to review whether additional compliance and enforcement measures would be an effective solution. Before taking the blanket action of banning these materials from all feeds and pet foods, please closely consider whether more limited actions would have similar effects and fewer costs.

Through its enhanced surveillance testing program, USDA has tested more than 530,000 high-risk cattle for BSE since June of 2004, with only one animal testing positive. In addition, USDA had continued to test cattle not in the high-risk group, and has found no further positive animals. These tests indicate a very low level of BSE in the United States.

02N-0273

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Dec-13-05 09:53am From-Neugebauer DC

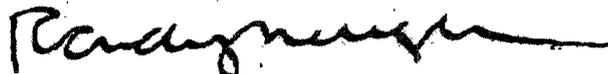
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T-374 P.003/003 F-343

Dr. Andrew Von Eschenbach  
December 6, 2005  
Page 2

Thank you for the efforts your agency, in conjunction with USDA, has made to reduce the incidence of BSE in U.S. cattle and to protect human and animal health. As your agency continues to evaluate further actions, I ask that you continue to rely on the most thorough science and risk analysis available.

Sincerely,



Randy Neugebauer

RN/krb