JON S. CORZINE
NEW JERSEY

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
BUDGET
INTELLIGENCE
ENERGY AND NATURAL RESOURCES

United States Senate

WASHINGTON, DC 20510–3004

502 SENATE HART OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224–4744

ONE GATEWAY CENTER
11TH FLOOR
NEWARK, NJ 07102
(973) 645–3030

208 WHITE HORSE PIKE
SUITE 18–19
BARRINGTON, NJ 08007
(856) 757–5353

May 4, 2005

Dr. Lester Crawford
Acting Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

Dear Dr. Crawford

I have been contacted by a company located in Somerville, New Jersey, Nitta Casings Inc. (NCI) regarding a proposed rule by the Food and Drug Administration (FDA) that expands the level of testing required for certain products derived from cattle. NCI is concerned about the effect that this rule may have on their operations. They have written my office with a suggested draft letter describing these concerns. I am writing to forward this letter to your office and ask for your comment.

Sincerely,

JON S. CORZINE
United States Senator

2005-2929

Dr. Lester Crawford
Acting Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

Dear Dr. Crawford:

I thank you for the U.S. Food and Drug Administration's (FDA) recent efforts to construct an interim final rule to ban "prohibited cattle materials" from human food and cosmetics. 69 Fed. Reg. 42256 (July 14, 2004). I am hopeful that this rule will further protect the food supply from bovine spongiform encephalopathy (BSE) and help to harmonize the agency's regulations with those of the U.S. Department of Agriculture (USDA).

As the FDA makes progress toward the issuance of the final amendments to this rule, I respectfully ask that you give strong consideration the comments submitted by Nitta Casings Inc. (NCI). NCI, located in Somerville, NJ, is an employer of over 200 manufacturing and administrative professionals. As a producer of food-grade collagen casing for various meat processing industries located domestically and internationally, NCI has come to be increasingly concerned with the potential impact of the interim final rule.

In short, it is critical for NCI that its principal raw material, hide-derived collagen from bovine animals, is not considered a "prohibited cattle material." According to NCI, under one possible interpretation of the interim final rule, any cattle material that has not passed both ante-mortem and post-mortem inspection by USDA's Food Safety Inspection Service is a prohibited cattle material. This would mean that collagen, gelatin, and any other products made from cattle hides would be prohibited in human food and cosmetics due to the absence of traceability and post-mortem inspection requirements for hides at federally inspected slaughter facilities

If hide-derived collagen is recognized as a prohibited cattle material, NCI estimates that it would lose three-quarters of its total sales. NCI believes that such a loss would necessitate closure of its New Jersey production facility. Additionally, NCI and its lone domestic competitor estimate that businesses that sell food products made with collagen casings and films would stand to lose retail sales of more than $2 billion. FDA appears to have omitted the impact to these industries entirely in its regulatory impact analysis.

I urge the FDA to consider the resolution put forward by NCI in its comments and amend the interim final rule to clarify that the term "prohibited cattle materials" is not intended to encompass materials made from the hides of cattle that have passed ante-mortem inspection. Specifically, the definition of "inspected and passed" should be modified to make clear that only ante-mortem inspection is required in the case of cattle hides and materials derived from hides.

I trust that a resolution to this matter can be achieved considering the general consensus in the scientific community that cattle hides and bovine skin collagen are internationally recognized as safe commodities and that the Office International des Epizooties (OIE) makes no mention of post-mortem inspection as a safeguard against BSE.

I look forward to your attention to this matter.