



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Rockville MD 20857

1646 5 JUN 20 A9:47

The Honorable Lisa Murkowski  
United States Senate  
Washington, D.C. 20510-0203

JUN 17 2005

Dear Senator Murkowski:

Thank you for the letter of October 14, 2004, on behalf of your constituent, Mr. Warren Urda of Anchorage, Alaska. Mr. Urda wrote expressing his concerns about the Food and Drug Administration's (FDA or the Agency) rules concerning what substances can be used in cattle feed. We apologize for our delay in responding.

We appreciate Mr. Urda's interest in FDA's efforts to ensure the best possible safeguards to protect the public from possible exposure to bovine spongiform encephalopathy (BSE), including safeguards against the spread of BSE among ruminants. FDA is committed to protecting the American public from possible exposure to the infectious agent that causes BSE. The Agency is currently working on a proposal to ban certain cattle origin materials from animal feed to strengthen safeguards against the spread of BSE in ruminant animals in the United States. As requested, we have forwarded your constituent's letter to FDA's Dockets Management Branch for inclusion in the record for this issue (Docket No. 2004N-0264).

We would like to take this opportunity to provide you with some brief background information. Since the threat of BSE was first recognized, the steps taken by FDA and the U.S. Department of Agriculture (USDA), with the cooperation and support of the states, have been effective in protecting American consumers from exposure to BSE. USDA put import controls on live cattle and certain ruminant products in place more than 15 years ago. In 1997, FDA finalized its animal feed ban, which has been the critical safeguard to stop the spread of BSE through the U.S. cattle population by prohibiting the feeding of most mammalian protein to cattle and other ruminant animals.

While the regulatory measures currently in place have been effective, our goal is to make a strong system even stronger by putting into effect the most comprehensive, science-based improvements possible. After the discovery of a BSE-positive cow in Washington State in December 2003, the Department of Health and Human Services and FDA announced in January 2004 the intention to implement additional measures to further strengthen existing safeguards against BSE.

2004N-0264

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On February 4, 2004, an International Review Team (IRT), convened by USDA, released its report on measures related to BSE in the U.S. The report's recommendations included a somewhat different set of measures for reducing the risks associated with animal feed than the measures FDA announced in January 2004. Although FDA believed its previously announced measures would serve to reduce the already small risk of BSE spread through animal feed, the measures recommended by the IRT, if implemented, could make some of the previously announced measures unnecessary. FDA decided that additional information was needed to determine the best course of action in light of the IRT recommendations. We decided, therefore, to publish an advance notice of proposed rulemaking (ANPRM) on the recommendations of the IRT, as well as on other measures under consideration to protect the animal feed supply. On July 14, 2004, FDA, along with USDA's Animal and Plant Health Inspection Service and Food Safety and Inspection Service, published in the *Federal Register* an ANPRM that includes several additional actions the Federal government is considering.

In the July 14, 2004, ANPRM, FDA announced that it had tentatively concluded it should propose to remove specified risk materials (SRMs) from all animal feed. In connection with this tentative conclusion, FDA requested additional information on a number of questions, such as: which materials should be designated as SRMs that are prohibited from all animal feed, what would be the economic and environmental impacts of prohibiting SRMs from use in all animal feed, and what methods could be used to verify that a feed did not contain SRMs. FDA received many comments on these and other issues in response to the 2004 ANPRM.

Regarding human food and cosmetics, on July 14, 2004, FDA also published an interim final rule that prohibited the use of certain cattle material in human food and cosmetics. Prohibited cattle materials included specified risk materials, small intestine of all cattle, material from non-ambulatory disabled cattle, material from cattle not inspected and passed for human consumption, and mechanically separated beef. FDA also published a proposed rule with record keeping and records maintenance requirements related to the use of cattle material in human food and cosmetics.

Thank you again for contacting us about this matter. If you have further questions, please let us know.

Sincerely,

  
for Patrick Ronan  
Assistant Commissioner  
for Legislation

LISA MURKOWSKI  
ALASKA  
MAJORITY DEPUTY WHIP

COMMITTEES:  
ENERGY AND NATURAL RESOURCES  
CHAIRMAN, SUBCOMMITTEE ON  
WATER AND POWER  
ENVIRONMENT AND PUBLIC WORKS  
VETERANS' AFFAIRS  
INDIAN AFFAIRS

## United States Senate

WASHINGTON, DC 20510-0203

(202) 224-6665  
(202) 224-5301 FAX

October 14, 2004

510 L STREET, SUITE 550  
ANCHORAGE, AK 99501-1956  
(907) 271-3735

101 12TH AVENUE, BOX 7  
FAIRBANKS, AK 99701-6278  
(907) 456-0233

P.O. BOX 21647  
JUNEAU, AK 99802-1647  
(907) 586-7400

130 TRADING BAY ROAD, SUITE 350  
KENAI, AK 99611-7716  
(907) 283-5808

540 WATER STREET, SUITE 101  
KETCHIKAN, AK 99901-6378  
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307  
WASILLA, AK 99654-7142  
(907) 376-7665

Mr. Amit Facdez  
Associate Commissioner  
Office of Legislative Affairs  
Food and Drug Administration  
5600 Fisher's Lane  
Room 14-89  
Rockville, Maryland 20857

Dear Mr. Facdez:

Please find enclosed a copy of an email I recently received from one of my constituents, Mr. Warren Urda. Mr. Urda has some concerns regarding the delay in tightening the rules concerning the ingredients in ruminant feed. I would appreciate your review of his email and any assistance you might be able to provide Mr. Urda in resolving his concerns.

Please send your reply to my Washington, D.C. office. For administrative purposes, please reference Mr. Urda and the date of his email to me in your response. Thank you in advance for your careful attention to this matter.

Sincerely,



Lisa Murkowski  
United States Senator

Enclosure

email1, (Murkowski)

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From: Nobody [nobody@www.senate.gov]  
Sent: Wednesday, July 28, 2004 5:36 PM  
To: email1, (Murkowski)  
Subject: www\_email

Sender's IP address = 66.45.103.125

<APP>SCCMAIL

<PREFIX>MR</PREFIX>

<FIRST>Warren</FIRST>

<LAST>Urda</LAST>

<ADDR1>13521 Seachant Cir</ADDR1>

<ADDR2></ADDR2>

<CITY>Anchorage</CITY>

<STATE>AK</STATE>

<ZIP>99516</ZIP>

<HPHONE></HPHONE>

<WPHONE></WPHONE>

<EMAIL>urdaw@gci.net</EMAIL>

<TOPIC>Other</TOPIC>

<TR\_NUMPARTY>I'm writing to express my unhappiness with the slow pace of the FDA's tightening of rules governing what material can be in cattle feed. Immediate action is needed to ensure that we reduce the risk that cattle feed might transmit mad cow disease.

At a January press conference, your predecessor, Mark McClellan, stated that FDA would be closing loopholes in FDA's ban on feeding high-risk material to cattle. Even then, FDA knew that poultry floor waste, plate waste, and cows' blood were risky materials that could spread this deadly brain wasting disease. Food safety groups praised FDA's quick action in announcing that it would ban these materials from cattle feed.

For six months we waited for the FDA to announce final rules banning these materials from cattle feed. Now, you've announced that instead of issuing final rules, you're going to begin asking for public comment on the possibility of taking action later on. Six months of delay have been long enough. More delay only means more risk, and that's unacceptable.

Take action now! Ban poultry floor waste, plate waste and cows' blood from animal feed immediately. Take steps to require separate machinery at feed facilities for the handling of cattle protein and other types of protein to prevent cross contamination. Act as quickly as possible to ban feeding of all remains of poultry and swine to cattle. If the federal government is going to continue to refuse to test all older cattle to find mad cow disease before it reaches the human food supply, the least it can do is eliminate material from the feed supply that is known to spread the disease.

I understand that FDA is accepting comments on its feed proposals. Please include my comments. I am also sending a copy of this message to my congressional representatives.  
</TR\_NUMPARTY> </APP>

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