September 13, 2004

Docket Clerk
U. S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, SW
Room 102 Cotton Annex
Washington, DC 20250

04-021ANPR
04-021ANPR-72
Stephen C. Watkins

RE: Comments on Advanced Notice of Proposed Rulemaking; Federal Measures to Mitigate BSE Risks; Docket No. 04-021ANPR

On behalf of the Center for Science in the Public Interest (CSPI), we appreciate the opportunity to submit written comments on the advanced notice of proposed rulemaking (ANPRM) relating to federal measures to mitigate risks from bovine spongiform encephalopathy (BSE) in the United States. CSPI is a nonprofit health advocacy and education organization focused on food safety, nutrition and alcohol issues. CSPI is supported by the nearly 900,000 subscribers to its *Nutrition Action Healthletter* and by foundation grants. We accept no government or industry funding.

Despite the discovery of a BSE-positive cow in the United States in December, 2003, the United States Department of Agriculture (USDA) has not yet established an advisory committee or standing subcommittee devoted solely to BSE. In its report, the International Review Team (IRT) states that effective implementation of all measures to mitigate BSE risks on the national level requires â€œa shared commitment and action on the part of national and state governments, producers, consumers, private industry, and veterinary professionals.â€ (1) Additionally, they suggest that a â€œBSE task force, which includes governmental and non-governmental stakeholders, is established under the leadership of the USDA in order to assure that policies are developed and implemented in a consistent, scientifically valid manner.â€ (2) We urge the USDA to establish such a committee under the conditions that the committee includes representatives from a wide array of domestic and international agencies, including consumer interest organizations, is independent, and is not industry-dominated.

In establishing a specialized advisory committee concentrating solely on BSE, the USDA should include consumer interest organizations such as CSPI, Public Citizen, Consumers Union, and Consumer Federation of America (CFA). Inclusion of consumer interest representatives is common practice for the USDA National Advisory Committee on Meat and Poultry Inspection as well

2004N-0264

C138

as various FDA advisory committees, and these groups have played an integral role in advising the federal agencies on many important food safety issues in the past. Consumer organizations have significant expertise in many areas, including public health, communication, and law. Additionally, inclusion of consumer interest representatives in the new BSE advisory committee would also provide an important connection to the general public, facilitating a more transparent advisory process and the achievement of greater consumer confidence in USDAâ€™s response to the discovery of a BSE-positive cow in the United States. As restoring consumer confidence in the safety of American beef is a goal of the USDA, allowing consumer groups to participate in the advisory process is highly recommended.

In developing the new committee, the USDA should draw expertise from the several committees or working groups that currently exist and address BSE to some extent. These include the Secretary of Agricultureâ€™s Advisory Committee on Foreign Animal and Poultry Diseases (SACFAPD)(3), of which the IRT was convened as a subcommittee, the Food and Drug Administrationâ€™s Transmissible Spongiform Encephalopathy Advisory Committee (TSEAC)(4), and the USDAâ€™s internal Transmissible Spongiform Encephalopathy (TSE) Working Group, which includes representatives from the Food Safety and Inspection Service (FSIS), Agricultural Research Service (ARS), the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), Food and Drug Administration (FDA), and the Department of Defense (DoD)(5). Additionally, any new committee should contain representatives from state health departments and veterinary offices. Adequate representation by experts working at the state level is imperative if the committee is to develop policies that can be implemented consistently throughout the entire country.

The new USDA BSE committee should also include representatives from international organizations, such as the Office of International Epizootics (OIE), World Health Organization (WHO), and the Pan American Health Organization (PAHO). International representation is important because many other countries have had BSE in their herds for longer than the U.S. and consequently have greater expertise with systems to contain the disease. As representatives of the USDA and Health and Human Services agencies are already participating in international BSE working groups and exchanging technical information with these organizations (6), it would be sensible to include these potentially important interactions in the USDAâ€™s BSE committee. Additionally, due to the integrated nature of the cattle industries of the U.S., Canada, and Mexico, experts from Canada and Mexico should be included in the USDAâ€™s BSE committee as well.

We also request that USDA ensure that the new committee work independently

from political or agricultural marketing pressures. If the committee is to effectively mitigate the health impacts and spread of BSE in the U.S., its members must feel free to make policy recommendations regardless of the implications these may have on the political arena or marketing of U.S. beef products. For the committee to be independent, we urge that industry representation in the committee be limited to a level at which the committee does not become dominated by industry interests.

Conclusion

In developing a new advisory committee devoted to BSE, CSPI urges the USDA to include representatives from consumer interest organizations and to draw expertise from the many existing domestic and international committees and working groups already addressing ways of mitigating the risks from BSE. We also urge the USDA to limit the influence of industry, and ensure that the committee is structured effectively to work independently from political or marketing pressures from within the USDA. Respectfully submitted,
Stephen Watkins, Research Associate, Program on Food Safety
Caroline Smith DeWaal, Director, Program on Food Safety

(1) USDA, Foreign Animal and Poultry Disease Advisory Committee, Subcommittee on the United Statesâ€™ Response to the Detection of a Case of Bovine Spongiform Encephalopathy, Report on Measures Relating to Bovine Spongiform Encephalopathy (BSE) in the United States (Feb. 2, 2004), at p. 3 [hereafter IRT Report].
(2) IRT Report, at p. 3.
(3) List of current SACFAPD members available at <http://aphisweb.aphis.usda.gov/lpa/issues/bse/bse_SACFAPD_04-05.doc>.
(4) Roster and charter of TSEAC available at <http://www.fda.gov/cber/advisory/tse/tsemain.htm>.
(5) 69 Fed. Reg. at 42,294.
(6) 69 Fed. Reg. at 42,294.

Stephen C. Watkins
Center for Science in the Public Interest
1875 Connecticut Avenue, NW Suite 300
Washington, DC 20009
202/ 777-8364
fax: 202/ 265-4954