**FRANK R. LAUTENBERG**
NEW JERSEY

COMMITTEES:
COMMERCE, SCIENCE, AND TRANSPORTATION
ENVIRONMENT AND PUBLIC WORKS
GOVERNMENTAL AFFAIRS

# United States Senate

WASHINGTON, DC 20510

July 25, 2005

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 fully support the intent of the rule to further protect the food supply from bovine spongiform encephalopathy (BSE); however, I do have concerns with its perhaps unintended impacts on a group of industries that makes products from hides.

One interpretation of the interim final rule may result in any cattle material that has not passed both antemortem and postmortem inspection by the United States Department of Agriculture (USDA) to be considered "prohibited cattle material." Because hides are removed from cattle before the postmortem exam and cannot be traced back to the animals, all food and cosmetic products derived from hides including collagen and gelatin would be prohibited under this interpretation. Materials from hides, however, are not on the list of specified risk materials, such as brain and spinal fluids, developed by the Office International des Epizooties (OIE) and listed in the FDA's interim final rule.

Several companies in the U.S., including one in New Jersey, specialize in making products from hides. These companies could lose up to three-quarters of their total sales if hide-derived collagen is identified as a prohibited cattle material. Businesses that sell their products could lose significant retail sales.

I fully support the FDA's pursuit of the safest measures to guard against BSE; however, I encourage the FDA to ensure that rules are as consistent as possible with OIE's standards unless compelling scientific evidence exists to suggest otherwise. I ask that the FDA clarify whether the intent of the rule is to consider hide-derived collagen a prohibited material. If so, I ask that the FDA provide a justification for this consideration and I suggest that the FDA work with other relevant agencies to investigate the possibility of altering slaughterhouse procedure to create traceability of hides. If hides were to remain with cattle until after the animal passes a postmortem exam, their safeness would be ensured.

Sincerely,

Frank R. Lautenberg

2005 - 4967

ONE GATEWAY CENTER, 23RD FLOOR
NEWARK, NJ 07102
(973) 639-8700 FAX: (973) 639-8723

HART SENATE OFFICE BUILDING, SUITE 324
WASHINGTON, DC 20510
(202) 224-3224 FAX: (202) 228-4054

2 RIVERSIDE DRIVE
ONE PORT CENTER, SUITE 505
CAMDEN, NJ 08101
(856) 338-8922 FAX: (856) 338-8936