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August 10, 2004

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

**Re: Docket No. 2004N-0264
Federal Measures to Mitigate BSE Risks
Considerations for Further Action**

To Whom It May Concern:

Caviness Beef Packers, Ltd. is a 42-year old, family owned and operated, cow slaughter and processing business in the Texas Panhandle. Throughout our history, we have promoted and maintained a commitment to manufacture wholesome beef products. We recognize our responsibilities to the consumers and public health, as well as to the agricultural community. Consequently, we would like to submit comments with regard to this Advance Notice of Proposed Rulemaking.

The current proposal to exclude all SRM from all animal feed, including pet food, is one with far reaching effects. While this measure would satisfy concerns raised by the International Review Team in their report to the Secretary of Agriculture, it does not appear to fully consider the economic effect associated with its implementation, nor does it address the alternate uses or disposal of the SRM. It is important to consider the value of the reduced risk of BSE along with the associated costs to the consumer and industry in order to achieve it. To implement such a ban of SRM from all animal feed without fully understanding the effects of such an action would not be prudent or responsible.

Historically we have seen a successful and cooperative effort among the members of the beef industry, the USDA, and the FDA in dealing with the threat of BSE in the United States. In the recent past, we, as a group, have successfully implemented the following controls as part of an overall plan:

- Ruminant Feed Ban - August, 1997. This ban, based on scientific studies, is considered to be a major safeguard in combating BSE in the United States. It is reported by the FDA that as of July 17, 2004, 99% of the rendering and feed manufacturing facilities were in compliance with the regulations.
- Creation of the International Review Team - January, 2004. The Secretary of Agriculture timely assembled a group of respected scholars to study the threat of BSE. This afforded all parties the opportunity to benefit from the team's knowledge.

2004N-0264

CAVINESS BEEF PACKERS, LTD.

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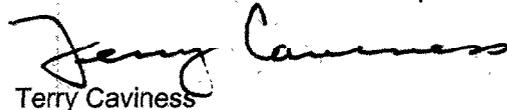
- SRM Removal From Edible Product – January, 2004.
- USDA Enhanced Surveillance Program – June 1, 2004. This program of monitoring the existence, if any, of BSE in the U.S. cattle population is supported by the IRT in their report. Under this program, the USDA has determined that the sampling of 268,000 animals would detect BSE at the rate of one positive in 10 million adult cattle with a 99% confidence level.

An abrupt change in direction which would ban all SRM from all animal feed, including pet food, without even a second confirmed BSE case cannot be considered a sound decision. We must continue with the current plan until factual evidence supports a necessary change.

While we feel that we have initiated an effective, integrated plan for controlling BSE in the United States, we realize that we must continue to monitor the threat of BSE, and consider appropriate additional, but integrated safeguards. Meanwhile, we need to be mindful of our mission of supplying the public with affordable, wholesome beef.

In conclusion, we vigorously oppose the current proposed ban of feeding ruminant feed to non-ruminant animals.

Respectfully submitted,



Terry Caviness
President