

Dairy Farmers of America, Inc.

December 16, 2005

Division of Documents Management (HFA-305)
Docket No 2002N-0273
Food and Drug Administration
5630 Fishers Lane, rm 1061
Rockville, MD 20852

Dear Sir or Madam:

On behalf of the dairy farmer members that comprise the membership of Dairy Farmers of America inc (DFA), I am submitting comments to Docket No 2002N-273 regarding a proposal to amend the FDA regulation regarding "Substances Prohibited From Use in Animal Food or Feed DFA is a farmer owned food company involved in marketing the milk from over 21,000 farms with members in all of the states comprising the continental U.S.

As background establishing DFA's organizational policy position for comments on this matter, the DFA grassroots, dairy farmer elected, delegate body at it's March 2005 meeting adopted resolution (35.16), supporting the Secretary of Agriculture and USDA for their actions in handling the BSE situation, supporting continued timely random testing of slaughtered animals for BSE, and supporting development of future policies based on sound scientific facts. In a separate resolution (35.5), the DFA delegates expressed opposition to any unreasonable restraints applied to rendering and waste handling facilities with support for state governments in their attempts to ensure adequate disposal facilities for non-ambulatory and dead animals

DFA commends FDA in proceeding to take the next step in strengthening existing safeguards designed to help prevent the spread of BSE in U.S. cattle. It should be noted however that in over one-half million cattle tested to date, under the enhanced BSE testing regimen, only 1 native born animal has been confirmed BSE positive and that animal was born prior to the 1997 feed ban. In light of the above, it seems that this next step should be taken carefully so as to not diminish the enhanced surveillance program and place livestock producers in an untenable situation with respect to disposal of non-ambulatory and dead stock from their farms.

DFA members have already reported to us that rendering companies and those companies that remove non-ambulatory/dead stock from their farms will either increase charges for their services to an uneconomical level or eliminate these services in total in the absence of a plan to utilize and/or dispose of the prohibited Specified Risk Material (SRM) before this revised regulation would be implemented. There are very valid concerns about environmental impacts associated with disposal of all non-ambulatory/dead stock at the farm and the elimination of these animals from the disease monitoring and surveillance programs seriously weakens our current successful strategy for the enhanced surveillance for BSE infection.

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DFA is aware that the U.S. Animal Health Association (USAHA) at their recent annual meeting adopted a resolution urging the Secretary of Agriculture to create a National Specified Risk Material Disposal Task Force to develop a national plan in conjunction with all federal, state and industry stakeholders to deal with utilization and/or disposal of SRM's prohibited from entering the animal feed supply if this regulation is amended. DFA is in full support of this USAHA action.

DFA, as the largest member of the National Milk Producers Federation (NMPF), is also aware that NMPF will be submitting comments with regard to this proposed revision of this regulation. DFA wants to be on record in full support of the comments submitted by NMPF.

In conclusion, given the reportedly minimal reduction in risk of transmitting BSE through adoption of these revisions compared with the negative impact to the surveillance programs, increased environmental issues associated with disposal of animals on farms, and harmful economic impact to the livestock production and rendering businesses, DFA strongly suggests that FDA delay implementation of these revisions until sufficient opportunity has been afforded to establish a national SRM and dead stock disposal plan.

DFA appreciates the opportunity to provide comments on this matter and stands ready to assist and participate in any way possible in development of the national plan suggested to allow this next step in the process of strengthening the existing safeguards in place to prevent the spread of BSE in U.S. cattle to be accomplished in the most successful way.

Sincerely,

A handwritten signature in black ink, appearing to read "James F. Carroll". The signature is written in a cursive, flowing style.

James F. Carroll
VP Quality Assurance & Regulatory Affairs for Fluid Operations
Dairy Farmers of America, Inc.