



DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY
DENNIS C WOLFF

December 19, 2005

Honorable Mike Johanns, Secretary
United States Department of Agriculture
1400 Independence Avenue, Suite 200A
Washington, DC 20250

Dear Secretary Johanns:

With the discovery of BSE in the state of Washington, the regulatory landscape has undergone major changes in order to assure the public and our trading partners that the United States is doing everything possible to safeguard the country from this disease. Pennsylvania has fully supported the challenging and difficult decisions you have had to make in the face of this threat and we are prepared to operate in the new post-Bovine Spongiform Encephalopathy (BSE) paradigm. Timely BSE testing of non-ambulatory, disabled cattle remains the backbone of surveillance for BSE. Although surveillance in this high-risk group is now particularly challenging, it is a high priority shared by both the USDA and the Pennsylvania Department of Agriculture.

The Food and Drug Administration (FDA) has proposed in the *Federal Register* of October 4, 2005, additional safeguards to prevent the transmission of the agent of BSE. The FDA proposal will prohibit certain high risk materials from entering the animal feed supply, including the brains and spinal cords of cattle 30 months of age and older, brains and spinal cords of cattle of any age not inspected and passed for human consumption, and the entire carcass of cattle not inspected and passed for human consumption if the brains and spinal cords have not been removed. In addition, tallow that is derived from these prohibited materials cannot contain greater than 0.15 percent insoluble impurities and all mechanically separated beef is prohibited if derived from these materials.

The Pennsylvania Department of Agriculture supports additional safeguards such as those contained in FDA's proposed rule; however, we are very concerned about the ultimate economic impact of this proposal on the rendering and livestock industries in Pennsylvania. Also, we feel many of the assumptions and estimates of costs and impacts of this proposed rule on the livestock and rendering industries are not accurate or scientifically factual.

The FDA has estimated that disposing of only the brains and spinal cords from cattle over 30 months of age would create approximately 64 million pounds of waste per year that the renderers would have to burn or bury at an estimated cost of approximately \$14 million. Based on data obtained from just Pennsylvania renderers and livestock producers, these estimates are staggeringly low. According to Pennsylvania's

rendering industry, such disposal costs will be passed on to producers in the form of increased charges for pickup and removal of dead and downer livestock. In addition, the rendering industry will no longer have meat and bone meal outlets for 4-D animals when it is not feasible or economical to remove brains and spinal cords. Concerns have been expressed that such an economic disincentive could lead to further discontinuance of on-farm, dead pick-up service in many parts of the nation, and especially in livestock-intense states such as Pennsylvania. In Pennsylvania alone, one renderer has indicated that if this rule goes into effect as presently proposed, it will force his company to drop its downer and dead cattle rendering segment of the business, thus forcing Pennsylvania farmers to find alternative disposal means for 35,000 cattle (26,700,000 pounds) per year. Landfilling of all the dead and downer stock cattle, poultry and other livestock is not feasible in Pennsylvania. Farmers are apprehensive that composting large cattle is often very difficult, and they don't have the time or the ability to bury large livestock on the farm, especially considering the environmental impacts this may create.

On behalf of the livestock and rendering industries in Pennsylvania, I would urge you to reconsider the financial and environmental impacts this rule, as written, will have on Pennsylvania agriculture. Specifically, I would ask that you retool the proposed regulations in a way that:

- Minimizes the economic impact upon cattle producers and the rendering industry;
- Maintains economical, on-farm, dead stock recovery by the rendering industry and enhances animal disease surveillance by the United States Department of Agriculture (USDA) and states such as Pennsylvania;
- Develops value added markets or alternative and financially/environmentally supported disposal methods for non-ambulatory and dead stock which cannot be utilized in the feed supply and develops safe utilization and disposal options which maximize public health and environmental concerns.

Thank you for giving these requests all due consideration as we pursue close state and federal cooperation to better reach our mutual surveillance goals for BSE. I think we can all agree that as rules are adopted to better safeguard the American food supply from animal diseases, we need to make sure those rules are feasible and workable for American agriculture and related industries.

Sincerely,



Dennis C Wolff

cc: Pennsylvania Congressional Delegation