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February 5, 2002

01-027N
01-027N-3
Gene Bauston

FSIS Docket Room
Rm 102
300 12th Street SW
Washington, DC 20250-3700

RE: FSIS current thinking on BSE [Docket No. 01-027N]

Dear Madam or Sir:

I am writing on behalf of Farm Sanctuary, a national non-profit organization that works to stop irresponsible agricultural practices.

While we commend the USDA for its continuing work to address the danger posed by Bovine Spongiform Encephalopathy ("BSE"), we write today to express concern regarding the options put forth in the FSIS "Thinking Paper" on BSE. We believe that the USDA must take a more comprehensive approach to the BSE threat downed animals pose to the US food supply. For purposes of clarity, we present our comments in the order each option is presented in the document entitled "FSIS current thinking on BSE" [hereafter "the thinking paper."]

Measures that could be implemented to minimize human exposure to materials that could potentially contain the BSE agent.

Option 1: *Designate brain and spinal cord from cattle aged 24 months and older and* ***downer cattle*** *regardless of age as SRMs and prohibit their use in human food. . .The restrictions on SRMs may not apply if the cattle (live or dead) have been tested for BSE using a test protocol that has been approved by APHIS and the diagnostic result does not indicate that the cattle have BSE.*

We agree with the decision to consider the BSE risk posed by particular populations of cattle. Likewise, we agree with your recognition of downer cattle as a high-risk population. Evidence has shown, and common sense tells us, that animals unable to stand or walk are much more likely to be diseased than animals that are able to stand unassisted.

We agree that high-risk parts of high-risk cows should not be processed for human consumption. However, we think that the severity of the BSE threat warrants a more complete defense against it. In your analysis of the downer cow problem, you explain that "[a]lthough the muscle tissue from BSE-infected

downer cattle would not contain BSE agent, other tissues, identified above, could and the muscle tissue could be cross-contaminated at slaughter and processing." Removal of certain parts does not adequately assure BSE contamination of remaining parts has been prevented. In addition, it is entirely possible that we have not yet identified all of the materials that contain the BSE-agent. Therefore, to ensure the human food supply remains safe from BSE, it is essential that the entire high-risk animal, not merely certain body parts, be kept out.

Another reason why a ban on certain parts from high-risk cattle presents a problematic solution is the difficulty in implementation of such a ban. You state that "[t]argeting certain materials from these cattle is also intended to reduce the regulatory burden that would be associated with imposing certain requirements on those businesses that slaughter and process cattle." However, the banning of certain parts from certain animals would certainly be more difficult to achieve, and to monitor, than a ban on specific animals in their entirety. It would be relatively simple to prevent a downed animal from entering the processing line. It is very easy to identify animals, which cannot stand, and there is no risk that such an animal would "inadvertently" slip past inspectors. However, once an animal has moved into the processing line, it would be far more difficult to ensure that certain parts of that animal are not used for human food. The solution proposed by the thinking paper, which allows for the use of downed animals, minus certain parts, would be very difficult to implement and monitor. This difficulty creates the additional risk that some "high risk parts" will be missed, and inadvertently processed for human consumption.

Option 2: *Prohibit the use of the vertebral column from* ***downer cows*** *regardless of age (and possibly other populations of cattle, including all aged 24 months or older) as a source of meat in meat recovery systems that use pressure to separate beef meat or beef products from bone.*

We agree that the vertebral column of downer cows presents a high BSE risk and should not be processed for human consumption. However, rather than prohibit the use of this particular body part from downer cows, would it not be easier and safer to eliminate downer cows from the processing line altogether? There is an obvious difficulty in implementing a body-part specific ban that is solved by eliminating the problem at the beginning, rather than mid-way through, the processing line.

Option 3: *Prohibit the use of cheek meat from cattle aged 24 months or older and* ***downer cattle*** *regardless of age for human food if the meat is not removed before the skull is fragmented or split.*

As with the first and second options listed above, this prohibition is indicative of a piecemeal approach to the BSE threat posed by downer cows that would be difficult in practice to implement. The thinking paper lists several accidental ways skull fragmentation can occur during other processing activity, including immobilization and horn removal. Rather than waiting to see whether a dangerous cow's skull is accidentally fragmented during processing, why not eliminate the risk entirely by not processing dangerous cattle for human consumption?

CONCLUSION

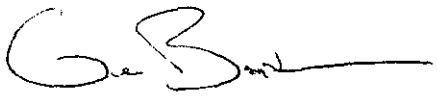
Although the thinking paper purports to address the BSE threat by focusing on the areas of highest risk, the approach ultimately fails to meet its objectives. The FSIS approach would require the removal of certain parts from certain cows where the certain cows fail to pass a certain test that has not yet been developed. A more effective and practicable solution is to prohibit the use of high-risk cattle for human

food.

Prohibiting the use of non-ambulatory "downer" cattle is a common sense solution that many industry leaders have already adopted, for public safety reasons, humane concerns, and industry image. The National Cattleman's Beef Association Quality Assurance Marketing Code of Ethics, February 2000, states in part, "I will only participate in the marketing of cattle that continue to be mobile. . ." An October, 2000 statement from by United States Animal Health Association reads in part "[m]arketing of livestock compromised by disease or injury further degrades the welfare of the animal, damages the prestige of livestock-production industry, and potentially endangers public health. Opinion within the industry, supported by economic, food-borne disease, animal welfare, and other research, is that non-ambulatory livestock should not enter or endure market channels."

While the FSIS BSE thinking paper repeatedly highlights the fact that downer cattle pose one of the greatest threats for BSE entry into the human food supply, the FSIS thinking paper ultimately concludes this threat should be "minimized" in a piecemeal fashion rather than eliminated. This proposed solution begs the question: Why only minimize the most substantial remaining risk of BSE entry into to the US human food supply when that risk can be eliminated by banning the use of downer cows for human food?

Sincerely,



Gene Bauston, Director
Farm Sanctuary, Inc.