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David Eisenberg

FSIS Docket Room
Room 102
300- 12th Street SW
Washington, D.C. 20250-3700

RE: FSIS Request for Comments on BSE Measures That Could be Implemented To Minimize Human Exposure to Materials That Could Potentially Contain the Bovine Encepahalopathy Agent; Federal Register 17 January 2002.

To Whom It May Concern;

The European Union at this time has banned the use of ruminant meat and bone meal in all formula feeds because it is concerned this ingredient can either be willfully added to ruminant feeds or because it might reach such feeds as the result of "cross-contamination" from poultry feeds or other feeds where its use may be considered safe. I understand the Harvard Risk Assessment has also considered it critical ruminant meat and bone meal not reach ruminant feeds.

The cost of the European ban is between $750,000,000 and $1.5 billion/year as between 2.5 and 5 metric tonnes of meat and bone meal is being incinerated at a cost or $100/tonne whereas the meat and bone meal would have a positive value of $200/tonne if it was allowed in non-ruminant feed.

As a result, the European Union is considering permitting meat and bone meal in non-ruminant feed but only if it contains a "marker" so regulatory authorities can analyze large numbers of ruminant feed samples for the presence of the "marker". Currently, the European renders are considering many alternatives including several potential "markers" developed by my company.

I would suggest the FSIS also consider mandating a "marker" in meat and bone meal and invite the Renderers Association and other interested parties to make suggestions as to what should be used with appropriate data supporting safety and efficacy. I include with this letter an unpublished study performed by the Irish government on "Microtracer F-Nickel".

In addition to the FSIS requiring a "marker" in meat and bone meal, it should demand the FDA Center for Veterinary Medicine require that all feed manufacturers be registered with the Agency (not a current requirement) and that as part of the registration every manufacturer provide at least annually meaningful data evidencing their ability to mix their feed and also to control "cross contamination" to non-target feeds. Such "validation" requirements in force in the European Union for mixing and developing regarding "cross contamination". Relying only on procedures with no data to support them is inadequate.

The FDA may lack statutory authority to require such data and such requirements when proposed by FDA-CVM have been successfully opposed by the AFIA (American Feed Industry Association). In 1991 when the FDA-CVM proposed mixer testing requiremeents for the 25% of the feedmills still registered with it, the AFIA filed a Petition for Stay of Action arguing it was the FDA's burden to prove feedmills were operating dangerously, not the feedmills obligation to prove they were operating safely. A public responsibility exists in this area and even if the industry opposes such requirements, they should be promptly implemented.

I have also enclosed with this letter certain publications referencing Microtracer use in assuring feed quality and also I refer you to my website:

Please let me know if I can respond further.

Thank you.

MICRO-TRACERS,INC.

David A. Eisenberg
President
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