488

Roger Johnson
Agriculture Commissioner
www.agdepartment.com

North Dakota Department of Agriculture

Phone (701) 328-2231
Toll Free (800) 242-7535
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

April 7, 2004

03-025IF
03-025IF-488
Andrea Grondahl

United States Department of Agriculture
FSIS Docket Clerk
Docket #03-025IF
Room 102, Cotton Annex
300 12th and C Street, SW
Washington, DC 20250-3700

The interim final rule on *Prohibition of the Use of Specified Risk Materials for human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle* was published in the *Federal Register* on January 12, 2004 by the Food Safety and Inspection Service. As requested, I am submitting comments on the rule on behalf of the State of North Dakota Meat Inspection Program.

The North Dakota Meat Inspection Program supports most of the measures taken to strengthen the safety of the meat supply and to limit the potential exposure of humans to the causative agents of bovine spongiform encephalopathy (BSE). However, we offer comments for consideration prior to the issuance of the final rule.

SECTION 309.2

We are aware of comments or opinions that are in disagreement with the ban on non-ambulatory disabled livestock and realize that these arguments may have some justification. Non-ambulatory disabled cattle constitute a small percentage of the overall number of cattle slaughtered in the United States. Nevertheless, the destruction and loss of some of these cattle may be a needless waste. If the ban is to become permanent, it needs to be based on science rather than emotion.

If the ban is reconsidered and it is determined that non-ambulatory cattle will once again be allowed to enter the human food supply, additional safeguards must be in place. We ask that you consider the following;

As stated in the background section of the interim rule, "non-ambulatory cattle are among the animals that have a greater incidence of BSE than other cattle". Therefore, until there is more information available on the actual prevalence of BSE in the United States this group of animals requires special attention and restrictions. It is questionable whether this actually needs to be a

blanket ban on all non-ambulatory cattle or if consideration should be given to the age of the animal and to the reason it became non-ambulatory.

The background section of the interim rule also states that, "Data on the age distribution of clinical cases of BSE in the field reported in the United Kingdom indicate that clinical BSE disease has rarely been reported in cattle younger than 30 months of age". Cattle in this age group that are non-ambulatory, especially if it is due to a broken appendage or birthing complication, are not within the group of animals that have a greater incidence of BSE. Therefore, consideration should be given to exempting these animals from the ban, provided that, a "test and hold" protocol is followed as described below.

A rapid test, which produces results within twenty four to forty eight hours, has been approved by USDA. This test will be used by the Animal and Plant Health Inspection Service (APHIS) in conducting surveillance for BSE. Allowing meat establishments and producers to slaughter non-ambulatory diseased cattle with the condition that they must test for BSE and hold the carcass until negative results are obtained has the potential to create benefits for both industry and regulators. Industry would be able to salvage animals that would otherwise be wasted and regulators would have increased access for testing cattle that are among the animals that have a greater incidence of BSE.

SECTION 309.3

The interim rule does not address shipment of cattle carcasses, 30 months of age and older, without the removal of Specified Risk Materials (SRMs) before shipment. We are aware that, following promulgation of the interim final rule, the Food Safety and Inspection Service (FSIS) issued their field inspection personnel five (5) FSIS Notices that interpret the provisions of the interim final rule. One of the internal documents, FSIS Notice 9-04, dated January 23, 2004, on page 5, question 5, implies that an official establishment may ship out carcasses which contain SRMs.

In our judgment, in order to avoid potential exposure to the BSE prion, carcasses containing SRMs must not be allowed to leave any official slaughter establishment. We disagree with FSIS' current policy that allows official slaughter establishments to ship carcasses with SRMs to

official processing establishments under an assumption that those processing plants will remove SRMs. Further, such a policy raises the issue of significance of the inspection mark ("Inspected and Passed") on carcasses with SRMs. Since SRMs are inedible, a carcass containing inedible parts must not carry inspection marks. Otherwise, the public's confidence in marks of inspection, as symbols of meat safety in the U.S., may deteriorate. Therefore, we propose a regulatory provision that will prohibit the shipment of bovine carcasses containing SRMs to another establishment.

We hope the above comments will be given due consideration in order to prevent potential human exposure to agents that cause BSE as well as limit other potential threats to public health.

Sincerely,

Andrea Grondahl

Andrea Grondahl, DVM
State Meat Inspection Director