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NATIONAL MEAT ASSOCIATION
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FSIS Docket Clerk
Docket No. (03-025IF)
USDA, FSIS
Room 102, Cotton Annex
300 12th and C Street, SW
Washington DC 20250-3700

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Rosemary Mucklow,
Ken Matracchio,
Julie Ramsey

Re: Docket No. 03-025IF
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Gentlemen:

National Meat Association (NMA), organized in 1946, represents the interests of meat packers and processors throughout the United States. Approximately 300 general member companies, including beef slaughterers and beef grinders have a substantial interest in the Interim Final Rule. On behalf of NMA members we respectfully submit the following comments in response to the Food Safety and Inspection Service's (FSIS) request regarding the *Federal Register* Interim Final Rule entitled "Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle".

NMA recognizes and supports FSIS's publication and implementation of the Interim final rule and has been pleased to cooperate fully with USDA on its implementation. USDA's swift and prompt action, taken in an abundance of caution in consideration to minimize human exposure to materials that may pose a risk, is the admirable and appropriate regulatory response. NMA also concurs with the Interim Final rule comment that, " BSE infectivity has never been demonstrated in the muscle tissue of cattle experimentally or naturally infected with the disease at any stage of the disease." In response to the interim final rule, we take this opportunity to present comments on Specific Risk Materials (SRMs), the production of meat by Advance Meat Recovery (AMR) machinery and BSE surveillance in the following respective order.

I. Specified Risk Materials (SRMs)

1) The interim final rule prescribes that SRMs are not fit for human food and that official establishments reassess their HACCP plans with regards to removing and handling SRMs. Specific SRMs are identified as the tonsils and Distal Ileum (DI), inclusive of the

entire small intestines, in cattle of all ages. Since the interim final rule mandates that a plant's HACCP system determine any food safety concerns related to the handling of SRMs, procedures that are developed to harvest the Proximal Ileum in accordance with HACCP principles are compatible with the interim final rule's intent. Therefore NMA recommends that plants wishing to develop such procedures within the context of a HACCP plan be allowed to do so.

2) SRMs for cattle 30 months of age and older are the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae and the wings of the scrum) and dorsal root ganglia.

a) In response to concerns related to Japan's claims of cattle younger than 30 months of age testing positive for BSE. Technically, there has not been an officially confirmed case of a BSE positive in cattle younger than 30 months of age. The BSE tests performed in Japan indicating BSE in cattle younger than 30 months of age were never carried to confirmation by histological immunoassay. Furthermore NMA concurs with FSIS's conclusion that those cases are believed to be most likely caused by ruminant to ruminant feeding at high doses. This situation clearly is not applicable to the United States since the United States has banned ruminant to ruminant feed since 1997.

b) On the issue of whether or not hand deboned meat derived from the vertebral column is acceptable, NMA recommends that FSIS make this determination based upon the individual design of a plant's HACCP plan. Plants should be allowed the opportunity to address the food safety concerns within the framework of a risk assessment system that provides for the assignment of critical control points to address each risk.

c) The interim final rule mandates age determination by dentition or documentation. However the current dentition standards used to determine the age of cattle are an out-dated and inaccurate means of determining cattle age. Guidelines state that an erupted set of permanent second incisors indicates that the animal is 30 months of age. However, based on a comparison of cattle with documentation establishing their age the eruption of permanent second incisors has been observed on cattle as young as 24 months of age. These dentition standards which were established more than 50 years ago do not reflect the advancements in animal genetics that may account for early maturity nor do they reflect the development of new hybrid breeds over the last 50 years. NMA strongly recommends that the dentition methods take into consideration current breeding

trends and requests that a high priority be granted to the modernization of this standard. NMA also strongly recommends that FSIS not defer to the dentition standards as a means of verifying supportable documentation such as breeding or birth records. A final rule should restate the pre-eminence of documented birth records over approximation of age protocols.

d) FSIS has indicated that it will develop and distribute guidelines addressing controls for the handling and disposal of SRMs. In the interim FSIS has indicated that that the use of Canadian guidance material addressing the SRM issue will be regarded as generally acceptable. Owing to the regulatory requirements of the Federal Meat Inspection Act which require that hand implements be sanitized on the kill floor between each carcass, NMA strongly recommends and urges that FSIS develop compliance guidelines specifically for the United States meat industry.

3) The Interim Final Rule amends *ante mortem* inspection regulations to require that non-ambulatory disabled cattle presented for slaughter be condemned. Non-ambulatory is defined as livestock that cannot rise from a recumbent position or cannot walk, including, but not limited to, those with broken appendages, severed tendons and ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions. Currently this requirement does not make any allowances for healthy young animals that may have sustained an injury during transportation or off-loading at the official establishment. NMA believes that this amendment to the *ante mortem* inspection regulation is too broad in scope, as it does not address the age or health status of the non-ambulatory cattle. NMA suggests that FSIS also consider alternatives to the condemnation of these regulatory suspect cattle. For example, affording the plant an opportunity to subject cattle that have been injured during transportation to BSE test and hold procedures to be conducted by an authorized APHIS laboratory. In any event, such livestock, identified as "suspect" because of their condition are subjected to critical post mortem inspection and release by an assigned FSIS veterinarian.

***Food safety is served by availing these animals to *am* and *pm* inspection by a professional schooled in veterinary medicine and empowered by the USDA to make a decision as to whether the meat is fit to enter the human food chain.

4) Interim Final Rule established stringent prohibitions with regards to the utilization of any SRM material for human consumption. However, testing as a matter of determining the acceptability of materials that were considered edible prior to the publication of the

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Interim Final Rule should be determined on risk analysis and scientific principle. Individual plants should have the ability to develop procedures that consist of verification testing methods and protocols that comply with HACCP principles.

II. Meat Produced by Advance Meat/Bone Separation Machinery (AMR)

1) The interim final rule revised regulatory standards for meat produced from AMR systems. Specifically the rule prohibits product derived from skulls or vertebrae column bone from cattle 30 months of age and older. In addition, skulls and vertebral bones from cattle younger than 30 months of age cannot contain tissues of spinal cord, brain or trigeminal ganglia. Furthermore finished product which exceeds the bone solid performance standard of 130.0mg calcium per 100g of product or the bone marrow standard of 3.5mg of iron per 100g of product will be deemed misbranded. The rule also mandates that finished product be tested for the presence of Central Nervous System (CNS) tissue and Dorsal Root Ganglia (DRG) whose presence would render the product unfit for human consumption and assign it to inedible rendering.

a) Unfortunately neither of these finished product-testing standards provide direction that would guide a processor of AMR products with regard to disposition should product fail to meet the aforementioned regulatory criteria. NMA recommends that guidance be provided to producers of AMR products to assist them in the eventuality should the products they produce fail to meet the regulatory compliance standard for meat. NMA also requests that the raw material sources also be considered in product disposition decisions, for example source materials from cattle less than 30 months of age.

b) With regard to CNS and DRG testing methods FSIS has indicated that is has no preference for testing methodology so long as it is effective. However the caveat FSIS places on the testing methodology is that it be as sensitive as the histological test currently performed by FSIS. The histological test performed by FSIS is extremely complicated and requires a high level of expertise on the part of the technician performing the test. NMA believes that FSIS's expectation for a rapid test to perform on a sensitivity level commensurate with its histological testing methodology is unrealistic. NMA would point out that several rapid tests have demonstrated a workable correlation with the histological test methodology and should be considered acceptable for AMR process verification. NMA therefore suggests that industry submission of correlation data

and sampling protocol be considered by FSIS in making a determination for product acceptability.

c) Regarding FSIS's requests for comment on the practice of allowing product derived from cattle less than 30 months of age that may contain CNS tissue to be allowed in edible channels. The interim final rule is in part based on the premise that certain SRM materials from cattle 30 months and older represent a risk and therefore are prohibited from entering into commerce for human consumption. Based on this premise NMA believes it is unreasonable to conclude that the presence of CNS material in product derived from cattle less than 30 months of age should be excluded from edible rendering.

d) Furthermore, since neither CNS nor DRG is associated with long bone processes of cattle 30 months and older, NMA sees no justification for further action on the part of FSIS in addressing a product failure to a meat performance standard for bone marrow other than misbranding.

III. Bovine Spongiform Encephalopathy (BSE) Surveillance Program

1) Although several issues upon which FSIS has requested comment have been clarified or modified over the last several months NMA wishes to provide general comments for consideration as follows:

a) The interim final rule does not outline what actions FSIS will take in the event of a positive BSE finding. Based on the last occurrence of a BSE positive cow, FSIS will most likely hold the entire day's production or recall any product that was shipped out. It is imperative that actions FSIS will take for a BSE positive be set forth for industry consideration and comment prior to the implementation of the current APHIS surveillance program scheduled to begin in June 1, 2004.

b) NMA supports BSE surveillance testing of high-risk cattle specifically non-ambulatory cattle. Although non-ambulatory cattle are not eligible for the application of the mark of inspection their exclusion from inspected slaughter facilities where they can be humanely slaughtered and available for the surveillance program runs contrary to achieving the goals of the surveillance program. APHIS has indicated that it will rely on the acquisition of non-ambulatory samples from farmers and ranchers. However there is no incentive for farmers or ranchers to voluntarily subject their animals to a testing

program that offers only risk and no compensation. In addition there are no provisions to address media exposure or the nature of press releases should an animal test positive. Unless issues of humane handling and slaughter and the promise of anonymity and compensation can be adequately addressed, high risk animals will not be made available for the testing program.

Summary

In conclusion, NMA recognizes and applauds the mutual cooperation and rapid response displayed by FSIS, APHIS, and the United States Beef Industry which ultimately ensured that the United States food supply remains the safest in the world. We also applaud the farsighted efforts of Secretary Veneman in convening an international subcommittee charged with assessing the scope and thoroughness of the USDA investigation into this incident and determining whether or not there were any outstanding public or animal health concerns yet to be addressed. Lastly NMA appreciates the subcommittee's efforts as their assessment provided assurances that OIE standards were complied with and their support of industry recommendations to increase surveillance testing in accordance with international standards made it become a reality.

We thank you for this opportunity to comment on the interim final rule. We hope you will take our comments into consideration.

Sincerely,

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Julie Ramsey
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