

September 13, 2004

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, S.W.
Room 102 Cotton Annex
Washington, DC 20250

Docket Number: 2004N-0264

Dear Sir or Madam:

On behalf of Public Citizen, I welcome this opportunity to comment on questions posed by the Food Safety and Inspection Service in the above captioned docket regarding proposed regulations on bovine spongiform encephalopathy (BSE).

1. Would there be value in establishing a specialized advisory committee or standing subcommittee on BSE?

We believe that there would be value in establishing such a committee, provided that the committee includes representatives from consumer, animal welfare, family farming, and CJD victims groups. Additionally, we feel that it is important for such a committee to be convened outside of APHIS, so that it is not limited to an animal health perspective, but deals with BSE in a more inclusive way. Such a committee should be adequately staffed so that the committee could receive needed access to agency decision makers.

32. Sanitation and Cross Contamination -- What measures are necessary to prevent cross contamination between carcasses?

We are concerned about the potential for cross contamination between carcasses from the saw used to split carcasses, as there have been reports of spinal cord material becoming airborne in this process as well as spinal cord material coming into contact with the saw.

Another concern is the process of Advanced Meat Recovery which is still permitted for animals under the age of 30 months. Current regulations treat the presence of spinal cord or nervous system material in AMR product as a labeling problem, which is inadequate -- the presence of these potentially infective materials not only endangers consumers who consume it but also creates the potential for cross contamination of downstream equipment and product. AMR should be banned for all ages of cattle.

33. Sanitation and Cross Contamination -- In establishments that predominantly slaughter cattle 30 months of age and older, are additional sanitation requirements necessary to prevent eligible portions of carcasses from being contaminated with SRMs?

The same measures should be taken to prevent cross contamination in all plants, regardless of the age of the animals being slaughtered. Assuming that animals under the age of 30 months are free of BSE is not acceptable.

34-36. Equivalence

With regard to questions 34 through 36 which address the issue of equivalency and granting special status to so-called "BSE-free nations," we call your attention to testimony by Dr. Elsa Murano, Under Secretary for Food Safety, on March 18, 2004, before the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Subcommittee of the U.S. House of Representatives. In that testimony she made the following statements:

"All the countries have to abide by an equivalence to the regulations that we have. So they must abide by the BSE regulations that we put out on January 12. In fact, they have. I have gotten letters from all of the countries that export to the United States saying that yes, indeed, they will not export to us meat from downer animals, for example, because we ban downers here, and that products will not contain these SRMs that we banned here -- the same thing over there. Our equivalent system at FSIS requires that exporting countries do the same things that we do here." (page 97)

"I will tell you that it's very important to us to follow the letter of the law, and when we declare something like specified risk materials as inedible product, which we have, it's going to be very difficult to allow those same products from another country, because once you declare something inedible and hold the domestic plants accountable for that, I don't know how it can be edible if it's declared inedible here. They are abiding by it right now and we're in the process of some of these countries appealing to see if there are some exceptions that can be made. At this moment, sitting right here, we will find it very difficult to change." (page 110)

We agree with Under Secretary Murano's assessment, so we would oppose any changes to the current policy involving imported meat products.

Sincerely,

Wenonah Hauter
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