January 31, 2003

Dockets Management Branch
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re: Docket No. 02N-0273 – Substances Prohibited From Use In Animal Food Or Feed; Animal Proteins Prohibited In Ruminant Feed; Advanced Notice of Proposed Rulemaking

Dear Sir/Madam:

The Virginia Poultry Federation (VPF) appreciates the opportunity to comment on the subject docket.

The VPF is a nonprofit trade association, founded in 1925, that represents the commercial poultry and egg industry in Virginia. Members include integrated poultry processing companies, individual poultry and egg farms, and a variety of businesses that provide goods and services to the poultry industry.

The poultry and egg industry employs more than 12,000 people and supports the livelihood of more than 1,300 family farms. In 2001, Virginia ranked 4th in turkey production (24 million produced); 8th in broiler production (271.5 million produced); and 30th in table egg production (766 million produced).

The VPF believes that the current animal feed regulations, if strictly enforced, are more than adequate to protect U.S. cattle and citizens from BSE. The Harvard Risk Analysis reflects the efficacy of the rule and demonstrates the extremely low risk of BSE in this country. With compliance already excellent, we believe that ensuring full enforcement of the current rules should be the ongoing focus of the federal government.

Whereas additional regulations would not add measurably to the benefits of the current rule, they would add dramatically to the cost of compliance. Excluding brain and spinal cord from rendered animal products would place additional costs on the rendering industry, which would ultimately increase the cost of poultry feed manufacturing. With 70 percent of poultry production comprising feed, such costs would have a significant adverse economic impact on the poultry industry.

Although not proposed in the FDA docket, some have suggested that ruminant byproducts be completely restricted from poultry feed. Such a restriction would cost

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poultry companies millions of dollars, and also have tremendously adverse impacts on the cattle industry, which must otherwise dispose of these byproducts.

Prohibiting the use of poultry litter in cattle feed would have a negative economic impact on poultry and cattle farmers. Poultry farmers face increasing challenges to dispose of poultry litter due to new environmental regulations. As environmental regulations limit the amount of litter that can be land-applied as fertilizer, some concentrated poultry production areas are experiencing a surplus of poultry litter. In places where supply exceeds demand for litter, the economic value of fertilizer-litter to poultry growers diminishes and in some cases becomes negative. If FDA were to restrict litter as a feedstuff, the trend of devaluation and the economic consequences for poultry farmers would substantially worsen.

In addition, cattle farmers would lose access to an economic ration, especially when drought or other factors limit the supply of hay and other feedstuffs.

Dr. Joseph P. Fontenot of the Department of Animal and Poultry Sciences at Virginia Polytechnic Institute and State University presented comments at the FDA public hearing in Kansas City, Missouri, on October 30, 2001. I hereto attach a copy of Dr. Fontenot's comments. Dr. Fontenot, who has researched feeding litter for many decades, concludes that poultry litter can be used as a feedstuff for cattle if processed properly to eliminate pathogens. He stresses the lack of evidence that BSE would survive the chicken intestinal tract, and contends that feeding litter can be safely done.

He also stresses the economic importance of litter as a feedstuff to both the poultry and the cattle farmer. Eliminating this option would be economically costly to both. Decades of scientific research and practical application have proven this to be a safe and effective agricultural practice. Thank you for the opportunity to comment.

Sincerely,

Hobey Bauhan
President

Attachment

ATTACHMENT

UTILIZATION OF POULTRY LITTER AS FEED FOR BEEF CATTLE[a]

Joseph P. Fontenot
John W. Hancock Jr. Professor
Department of Animal and Poultry Sciences
Virginia Polytechnic Institute and State University
Blacksburg, Virginia 24061

My comments will be concerning nutritional value of poultry litter and safety aspects of feeding poultry litter to beef cattle. I have conducted research on feeding poultry litter since 1963. I am well informed concerning the research conducted by other scientists also. I am an animal nutritionist.

Poultry litter includes excreta, bedding, wasted feed and feathers. Bedding may consist of wood shavings, sawdust, straw, peanut hulls or other fibrous materials. Most of the poultry litter is from broiler production. The litter may be from one crop of broilers or accumulated over several crops of birds. The litter usually contains 20 to 25% moisture.

Poultry litter is fed mainly to beef cows and stocker cattle. Little, if any, is fed to fattening cattle. Substantiated amounts are fed in important broiler-producing states. In Virginia, it is estimated that 20 to 25% of the litter is fed. In the U.S. 5.6 million tons of litter dry matter are produced per year. If 20% of the litter is fed, over one million tons are fed per year.

Research on feeding poultry litter has been conducted since the 1950's. We started research at Virginia Tech in 1963. We have studied nutritional value, performance of cattle fed litter, animal health aspects, quality of animal products, and residues in animal products.

Broiler litter contains 25 to 50% crude protein and 55 to 60% TDN, dry matter basis, and is rich in essential minerals. Thus, the nutritional value is similar to or higher than good quality legume hay. Performance in beef cattle fed broiler litter has been similar to cattle fed conventional feeds.

An important aspect is the effect of feeding animal wastes on quality of animal products. In different experiments it has been found that feeding broiler litter did not adversely affect carcass quality. Furthermore, feeding the litter did not affect taste of the meat.

Processing of poultry litter is necessary for destruction of potential pathogens, improvement of handling and storage characteristics, and maintenance or enhancement of palatability. The main processes which have been used are ensiling and deep stacking. Dehydration, with or without pelleting, is also a satisfactory process if the cost is not too high.

No documented toxic effect of cattle fed poultry litter has been reported. Copper toxicity has been documented in sheep fed broiler litter. However, the problem would

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[a] Presented at FDA Public Hearing, Kansas City, MO, October 30, 2001, on animal feeding regulation "Animal Proteins Prohibited in Ruminant Feed"--Code of Federal Regulations, Title 21, Part 589.2000.

not be severe in cattle since they are not as sensitive to high dietary copper. In fact, we conducted an experiment in beef females fed diets containing high levels of litter with high copper levels during the winter feeding period for 7 years. No signs of copper toxicity were seen. Liver copper was increased in the spring in cows fed poultry litter, but the levels decreased in the fall after the grazing season.

Poultry litter is a potential source of pathogenic microorganisms. However, a recent report in which 86 samples of poultry litter obtained in Georgia were tested for pathogenic microorganisms indicated that even prior to processing, the presence of pathogens is not a serious problem. No *Salmonella* or *E. coli* 0157/H7 was isolated from any of the 86 samples. Nevertheless, poultry litter should be processed prior to feeding.

Incidents of botulism caused by *Clostridium botulinium* have been reported in cattle fed poultry litter in some countries. This problem, in all cases, was caused by the presence of poultry carcasses in the litter. However, no such problems have occurred in the U.S. Good management, including exclusion of dead birds from the litter, and appropriate processing will prevent this problem. There are no reports showing agent(s) causing BSE in poultry litter.

With modest withdrawal periods, no objectional residues in meat have occurred from cattle fed poultry litter. Mycotoxins pose no greater problem in poultry litter than in conventional feedstuffs. No evidence has been obtained of pesticide residues in animal tissues from animals fed poultry litter. No residues of heavy metals were detected in the meat and liver from cattle fed poultry litter after a 1-day withdrawal. Medicinal drugs may be found in litter if the drugs were included in the diet of chicks. However, after a 5-day withdrawal, there were no residues of the drugs.

Most states follow the Association of American Feed Control Officials (AAFCO) model regulation for processed animal wastes. In other states the regulations are similar to the AAFCO regulation. The salient points of the AAFCO regulation are: 1) the waste must be processed so it will be free of pathogenic organisms, 2) if the waste does not contain drug residues, no withdrawal period is required and the waste can be fed to any class of animals, 3) if the waste contains drug residues, a 15-d withdrawal is required prior to slaughtering animals.

The question concerning BSE in feeding poultry litter was addressed by the FDA in July, 1998 (2) Code of Federal Regulations (CFR) 589.2000) in Guidance for Industry #76. The agency (FDA) responded as follows to the question: Can chicken litter be fed to cattle if the poultry might have been fed prohibited material? The answer: "Yes. The FDA has no evidence that the agent that causes BSE would survive the chicken intestinal tract. FDA expects the states to require recycled animal waste to conform to the definitions promulgated by the Association of American Feed Control Officials (AAFCO) as published in its official publication and as described in its 'Model Regulations for Processed Animal Waste Products as Animal Feed Ingredients.' Under the AAFCO Model Regulation, in order for this product to be used in a commercial feed, it must be registered/licensed within a State, and be assayed periodically for *Salmonella* and *E. coli* bacteria, heavy metals, pesticides, drugs, parasitic larva or ova, and mycotoxins."

The question may be asked, "Why do beef cattle producers feed poultry?" As stated above, if processed appropriately, feeding poultry litter is a safe practice. Usually, it is economical to feed poultry litter. Using present prices for conventional feeds,

poultry litter is worth about $100 per ton, based on its nutritional value. Usually, the price of poultry litter is $10 per ton. Even after transporting the litter 200 miles, the total price of the litter, including transportation, is about $30 per ton. Another advantage of feeding poultry litter is that it is a good substitute for hay, especially during periods of hay shortage due to drought.

Feeding poultry litter has benefits for the poultry industry. An environmental problem is over-application of poultry litter to the soil, possibly resulting in high levels of nitrogen and phosphorus in the water supply.

In conclusion, poultry litter can be used as a feedstuff for cattle if processed properly to eliminate pathogens. Performance of animals fed the waste is similar to that of control animals if the nutrient levels are equalized. With good management and appropriate withdrawal, feeding litter does not result in harmful residues in animal products. The higher value of poultry litter as a feedstuff than fertilizer justifies transportation of the waste outside of areas where the waste is produced.