

Lonice C. Barrett, Commissioner

Noel Holcomb, Director

Georgia Department of Natural Resources
Wildlife Resources Division

Game Management Section

2070 U.S. Highway 278, S.E., Social Circle, Georgia 30025

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December 1, 2003

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane; Room 1061
Rockville, MD 20852

Dear Sirs:

The Georgia Department of Natural Resources (GADNR) has reviewed the Interim Final Rule to Prevent Transmission of Monkeypox as requested in your November 4, 2003 transmittal. In response, GADNR provides the following comments.

In regard to 42 CFR 71.56, as added by the rule and to be enforced by the CDC, GADNR offers no comment. GADNR supports restrictions on importation of African rodents for those reasons noted in the interim final rule.

In regard to 21 CFR 1240.63, as added by the rule and to be enforced by the FDA, GADNR generally supports the restrictions through January 20, 2004 and beyond as stipulated. Possession of the specified species is illegal and those commercial activities restricted in the interim final rule are already made illegal under state law. GADNR requests clarification on one issue under this new rule. The rule states that 21 CFR 1240.63(a)(2) allows [you to] "Transport a listed animal to a veterinarian or animal control official for veterinary care, quarantine, or destruction purposes; and..." however, the rule does not define what the animal control official may legally do with the animal or who shall be considered an 'animal control official'. In addition, the rule identifies reasons that warrant exemption from the prohibitions such as scientific or education purposes but does not indicate regulatory necessity. GADNR would like assurance that we may continue those regulatory actions necessary to enforce state law including confiscation, seizure and transport of those specified species of animals.

GADNR appreciates the opportunity to provide input on the proposed interim final rule. Please provide clarification on the issue above to Scott Frazier in our Special Permit Unit at the address above.

Sincerely,



H. Todd Holbrook
Chief, Game Management

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