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FSIS Docket Clerk
Room 102 Cotton Annex
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03-025IF
03-025IF-575
Mark Dhruv
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Re: Docket No. 03-038IF
Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle

In response to the request for comments on the Federal Register notice: "Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle" we would like to submit a few comments regarding the issues of risk associated with the potential pathways of BSE into our natural environment, food supply, and the economic impacts concerning the designation of "downer" cattle. It is felt that the policy amendment action is being done rather hastily and at the cost of fundamental aspects of industry, health and consumer interests. Areas of concern seem to be briefly recognized and vaguely addressed.

Reassessment of "Downer" designation

Since the discovery of a BSE infected cow on December 23, 2004, in Washington State, the federal government has instituted a series of interim laws that may not create the most beneficial outcome to alleviating the threat of BSE from entering the human or animal food source. In particular, the U.S. Department of Agriculture (USDA) has opted to concentrate on testing all cattle that are determined to be "downers" and will test as many as 268,000 over the next 12 to 18 months. It is the categorical inclusion of all non-ambulatory cattle that are to be considered as "downers" that may inappropriately bias the representative population of potentially BSE infected cattle. According to a University of California, Davis Veterinary Medicine Extension study, more than half of non-ambulatory cattle are a result of loading injuries or cows injured during calving. Despite their otherwise apparent health, these cattle are among approximately 200,000 cattle per year that are designated, as "downers" and are will be tested for BSE.

BSE is a disease that has an incubation period of up to eight years, thus any cow that is infected with BSE may not show symptoms for that time period. By concentrating virtually three quarters of all testing on cattle that are determined to be downers, a majority of potentially infected cattle will not have the opportunity to be randomly selected for BSE testing. To better even out this biased sample size, cattle that appear outwardly as healthy and ambulatory prior to loading for transport to the slaughterhouses should be tagged as such, if these cattle are injured in the unloading process they should not automatically be assume to be infected cattle to be lumped into the "downer" category. This would significantly reduce the number of cattle unnecessarily tested for BSE and leave a larger sample of randomly selected cattle for testing. This eliminates an unnecessary wastage of cattle that would otherwise provide the rancher the expected income

of a healthy cow. By concentrating the testing of "downer" cattle on those animals which exhibit a sickness due to infection rather than an injury of non-infectious means, more effort would be given to randomly test a broader range of healthy cattle from the general population, thereby reducing the perceived risk of BSE entering the food supply.

The cow that tested positive for BSE on December 23rd of 2003 was healthy and fully capable of walking. According to the veterinarian on site at the time this cow was unloaded at the slaughterhouse, there was no sign of sickness and its testing was a chance event. Due to this evidence, an effort by the USDA should be made to broaden testing over a wider range of healthy cattle as well as truly "downers". The USDA sensitivity level for the surveillance plan (one in 10 million with 99% certainty) assumes that all infected animals belong to the high-risk population. This has been proven false with the Washington state case.

Because an infected animal may be in the normal population, a more rigorous set of assumptions must be developed to estimate for the entire population. The enhanced effort therefore does not present sufficient evidence suggesting the presence or lack thereof BSE in our national herd.

The NCBA has released a statement applauding the one-time increased testing for BSE that should be revised and reduced after comprehensive testing reflects the risk of our national herd. This request is not focused on the health of the consumer and is an economic concern. It is the job of the government to ensure the health and safety of its citizens and not to reduce production costs of an industry at the expense of that safety. The industry should hold consumer health as well as profitability in the highest regards. Testing of up to 10 million cattle per year is economically feasible. If similar testing methods already employed in Europe were used in the United States, the overall cost per year would be between $300-$500 million dollars a year to an industry that consumers annual spend $50 billion in. This is not an extensive burden to the industry and could even be disseminated to the consumer at a cost of between 6 and ten cents per pound of beef. Furthermore, the USDA should not feel the pressure to subsidize the nearly 200,000 cattle per year that are sent to rendering plants each year because they are considered unsuitable for human consumption. The industry currently sends 400,00 cattle each year to the plants due to death without looking for retributions. It is also true that with increased testing of animals, the condemned number of cattle would dramatically decrease each year. Vast numbers of cattle deemed unusable for human consumption are healthy animals, which were injured during transportation and pose no threat to the food supply.

Additionally, ranchers would be more likely to transport all their cattle for slaughter rather than disposing of injured cattle themselves to avoid the disposal fee imposed on "downer cows". This could guarantee that all cattle would be contributed to the sample pool for testing rather than being unaccounted for and improperly disposed while still on the ranch. It would also benefit the rancher since every cow determined to be a "downer" costs the rancher a disposal fee. It is estimated that rendering costs are $500 dollars per head, a number that could cause farmers to dispose of their animals by other means if they are unable to be sold at a slaughterhouse. By reducing the number of condemned cattle per year, farmers would be more likely to follow the regulated pathways of disposing sick and dying animals.

Potential of BSE entering our environment

Farmers dispose of dying animals by rendering plants, burning them, or burying them on their property. It is estimated that a great deal more are buried than are brought to rendering plants each year presumably sue to the cost. This practice causes a great health risk to the nation. First, it is never known if the dying animal was infected with BSE, dying from natural causes, or infected with some other debilitating disease. It has been determined by NIH that once all of the brain matter that is infected with BSE is completely decayed, highly resistant, BSE-spreading prions will remain for at least three years. The prions can then contaminate soils and ground water, which has the potential to infect vegetation, cattle and humans. The preferred approach and associated cost to the farmer and the government for controlling risks associated with disposal of nonambulatory and/or dead lives stock burier on farm lands, to protect the U.S. population from this potential source of infection it is appropriate to transport these carcasses to federal regulated facilities capable of disposing of this material in a proper fashion. BSE has the ability to survive in the soil, and after incineration, which allows potential ecological infestation along with potential ground water impacts. The above solution would eliminate any possibility of the above-mentioned ecological impacts. The overall result will be to decrease potential contamination to other farm animals and other ecological species surrounding the farm. Also, potential water sources will not be a contaminated. Farmers along with the Federal Government should increase their research into new technologies that will be capable of a quick analysis in early animal development of BSE without the necessity of slaying the cattle before determination.

The overall result will be to increase the farmer's economic future by showing the American public that his product is worthy of purchase, which will in turn increase the demand! Due to survival of the BSE carcasses in soil, disposal of cattle should be (incinerated) at no less than 1000 Celsius. The industry should pickup the major portion of this tab because it is the main benefactor of the product, the government should pickup the next portion of this tab because it is the government's obligation to the citizens of the U.S. to insure safe agricultural standards. Lastly, the consumer should pickup the last portion realizing this is the cost for having safe produce. The final disposal of the ash after incineration of the dead livestock needs to be considered, because this material may still be infectious. It is very important to be cautious of how this matter will be handled. Putting such material in doubled walled sealed containers should be considered. If the above strategy works in keeping out future BSE cattle from the U.S, the landfill / disposal cost should also be kept low due to low demand.

Risk associated with BSE testing

Some cows that test negative for BSE could still harbor the illness. This produces a false negative effect within the human population, where we may believe that the meat is good for human consumption but it's really not. The tests appear to identify BSE only in the very late stages of the disease's incubation, which means infected animals may still end up as hamburger. Scientist think it takes roughly five years for an initial infection to cause visible symptoms in a cow, including reduced milk production, loss of weight and jumpy behavior. But even at the 30-month stage the disease has begun to spread to the cow's nervous system, and anyone eating beef from such an animal faces a risk of getting infected. That's why Britain bans any cows older than 30 months from entering the human food chain. Other European countries are less cautious:

They allow the older cows to be eaten, provided that one of the three approved tests shows the animals to be BSE-free.

The most widely used test is made by Prionics and involves looking for the accumulation of prions in a slice of a cow's brain. One of the main problems with the available test is that they (2 test) aren't guaranteed to pick out cows in the early infection stage of BSE. The EU is evaluating five additional BSE tests, but like the three it has already approved, they are all expensive, time-consuming and require the death of the animal being tested. Again, farmers along with the Federal Government and foreign countries affected by BSE should increase their research into new technologies that will be capable of a quick analysis in early animal development of BSE without the necessity of slaying the cattle before determination. By doing so, this will also impact the false positive impacts to loss revenue due to disposal of good produce, along with decrease anxiety on the U.S. consumer population.

A blood test would also help countries ensure that their blood banks aren't contaminated with toxic prions that cause the human version of mad-cow disease, known as new variant Creutzfeldt-Jakob disease. The cattle form of the disease has been detected in the U.S., but the human form has not. Americans who have lived (for at least six months since 1980) in Britain and some other countries that are known to have cattle that contain the disease are banned from donating blood. This should continue until a breakthrough has been made concerning this disease to protect our blood banks.

In an effort to better safeguard the citizens of the United States against the importation of BSE-infected cattle, these recommendations would surely enhance the efforts already in place. There has been some consensus within the beef industry that it would support whatever steps the government deems necessary to resume consumer confidence in beef and its by-products. By imposing stricter protocols when it comes to testing for BSE and ensuring that as many cattle are properly and randomly tested would no doubt be worth the costs in preventing a breakdown of such a massive industry. The possibility of letting a BSE infected cow enter our food source as a result of weak testing protocols would surely cost the government, the industry and the citizens of the United States damages beyond our comprehension.

Sincerely,

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