



National Milk Producers Federation

National Milk Producers Federation • 2101 Wilson Blvd., Arlington, VA 22201 • 703-243-6111 FAX 703-841-9328

Agri-Mark, Inc.
Arkansas Dairy Cooperative Association
Associated Milk Producers, Inc.
California Dairies, Inc.
Cass-Clay Creamery, Inc.
Continental Dairy Products, Inc.
Cooperative Milk Producers Assn.
Dairy Farmers of America, Inc.
Dairymen's Marketing Cooperative, Inc.
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First District Association
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Northwest Dairy Association
Prairie Farms Dairy, Inc.
St. Albans Cooperative Creamery, Inc.
Scioto County Co-op Milk Producers' Assn.
Select Milk Producers, Inc.
Southeast Milk, Inc.
Swiss Valley Farms, Co.
Tillamook County Creamery Assn.
United Dairymen of Arizona
Upstate Farms Cooperative Inc.
Zia Milk Producers

May 7, 2004

FSIS Docket Clerk
Docket #03-025IF
Room 102, Cotton Annex
300 12th and C Street, SW
Washington, DC 20250-3700

607

Re: Docket No. 03-025IF, Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle; Interim final rule and request for comments

RECEIVED
FSIS DOCKET ROOM
04 MAY - 6 AM 10: 25

Dear Sir or Madam:

The following comments are being submitted on behalf of the National Milk Producers Federation (NMPF) to USDA's Interim Final Rule and Request for Comments entitled *Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle* (Docket No. 03-025IF). NMPF, headquartered in Arlington, VA, develops and carries out policies that advance the well-being of U.S. dairy producers and the cooperatives they collectively own. The members of NMPF's 32 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of 60,000 dairy producers on Capitol Hill and with government agencies. NMPF members have a vested interest in protecting the U.S. from any disease which may threaten our national dairy herd, including Bovine Spongiform Encephalopathy (BSE). Therefore, NMPF appreciates the opportunity to comment on the interim final rule related to the disposition of non-ambulatory disabled cattle.

NMPF is concerned that the new requirement to condemn all non-ambulatory disabled cattle presented for slaughter may have a severe economic impact on producers while not providing any real protection to consumers. NMPF recognizes that non-ambulatory cattle are among the animals that have a greater incidence of BSE than other cattle. NMPF also recognizes that clinical signs of BSE cannot always be observed in non-ambulatory cattle. NMPF does not agree, however, that all non-ambulatory

Jerry Kozak, President/Chief Executive Officer

Charles Beckendorf, Chairman

www.nmpf.org

cattle present a risk of introducing the BSE agent into the human food supply. As part of this interim final rule, FSIS has prohibited the use of specified risk material from the human food supply. NMPF believes that this action will have the greatest impact on ensuring that materials that may contain the BSE agent do not enter the human food supply.

The term "non-ambulatory disabled livestock" has been defined by USDA as "livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions." FSIS further states that this definition "includes livestock that are non-ambulatory due to acute injury in route to the slaughter facility, such as a broken leg, as well as livestock that are non-ambulatory due to an underlying pathological condition."

NMPF is concerned that the current USDA definition of non-ambulatory disabled livestock may be too broad. As such, it is unnecessarily prohibiting some animals from the human food supply. If these animals are condemned, rather than slaughtered, then producers will suffer an unnecessary economic loss.

While this definition may seem to be a simple one, the impact of such a broad definition is considerable. For example, it is not logical that an animal that was loaded onto a truck going to slaughter is considered acceptable for human consumption but suddenly loses that status if it is injured during transport. In addition, while some animals may be non-ambulatory, the meat from many of these animals may be perfectly acceptable for use as human food. Condemning animals suffering from a physical injury such as a broken leg does not seem to be supported by science with respect to BSE risk.

NMPF, therefore, takes this opportunity to recommend to FSIS that a protocol be approved that would permit a dairy producer to humanely market animals that become non-ambulatory, provided the injury is physical and the animal is not found to be diseased on ante-mortem inspection. Such a protocol would provide humane handling procedures for such "physically impaired non-ambulatory animals" to be marketed. If these animals pass ante-mortem inspection, they should be humanely euthanized, sampled for BSE by an approved Veterinary Medical Officer or the Veterinarian in Charge. The carcasses of these animals could also be segregated until BSE results are obtained before being approved by FSIS for human consumption.

The risk of BSE material entering the food supply is negligible because the specified risk materials are removed from the human food chain, as already required by FSIS. With the approval of several rapid BSE tests and a number of regional laboratories to conduct BSE testing by the Animal Plant Health Inspection Service (APHIS), FSIS now has the technology to gain rapid

turnaround time for sample results. Since the numbers of physically impaired non-ambulatory animals would not exceed 10 percent of the estimated number of dead animals on farms (251,532), sampling and testing should not become an excessive burden for FSIS inspectors.

In addition, adopting this protocol will greatly facilitate the ability of APHIS to collect BSE surveillance samples from non-ambulatory animals at slaughter. Such an economic incentive for the producer would encourage submission of samples from that population of animals that FSIS now defines as non-ambulatory, including animals that become physically impaired but are not diseased. NMPF believes the suggested exemption for animals that become physically impaired, pass ante-mortem inspection, and test negative for BSE will provide an important avenue of sampling for APHIS under the expanded BSE Surveillance Program, thus accommodating the interests of both FSIS and APHIS.

NMPF appreciates the opportunity to submit comments on this interim final rule. We are hopeful that FSIS will adopt a safe, humane protocol to permit dairy producers to salvage a significant portion of the lost value from animals that become physically impaired, but do not pose any BSE or human food safety risk. If we can be of additional assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Adams". The signature is fluid and cursive, with a prominent initial "J" and "A".

John B. Adams
Director, Animal Health and Farm Services