cdfa CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE
A. G. Kawamura, Secretary

May 6, 2004

615

03-025IF
03-025IF-615
CDFA

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

RE: Regulatory Information Number (RIN) 0583-AC87

California Comments on Docket No. 03-025IF

Prohibition of Use of Specified Risk Material for Human Foods and Requirements for the Disposition of Non- Ambulatory Disabled Cattle

The California Department of Food and Agriculture (CDFA) supports the proposal to remove high-risk materials from human food, and list the parts included in the ban. However, CDFA does not support a complete ban of non-ambulatory cattle from human consumption. We suggest a distinction be made, similar to that used in the European Union, between cattle that have died or been euthanized on the farm ("fallen stock"- not permitted for human consumption), and "emergency slaughter" of cattle following an acute injury ("casualty animals").

CDFA supports the following proposed amendments to the rule: -

Part 309

309.2 We recommend the proposed language be revised to distinguish between cattle that have a recent acute injury as opposed to diseased non-ambulatory cattle. We appreciate that non-ambulatory cattle are more likely to be affected by BSE. However, this does not apply to cattle that were clinically healthy and suffered an acute injury. We recommend that the emergency slaughter of acutely injured cattle be permitted on the farm for personal use. We also recommend that FSIS establish a protocol for acutely injured cattle arriving at a slaughter plant permitting the carcass to enter the human food chain if tested negative for BSE.

PART 310- Post-Mortem Inspection

310.22 Specified Risk Materials (SRM)

310.22 (a) (1) We recommend the spleen be included in the SRM based on the European Commission's Scientific Steering Committee determination that it has 0.3% of the infectivity in BSE animals. We support the classification of brain, spinal cord, dorsal root ganglia, trigeminal ganglia, tonsil, and distal ileum as SRM. We support the removal of tonsil and distal ileum from all cattle. We support the removal of the entire small intestine as an extra safeguard to ensure distal ileum is not overlooked.

CDFA recommends that FSIS develop procedures to ensure that the age of cattle can be verified, and to ensure that neural tissue does not contaminate meat during the slaughter and handling of the carcass.

The background information for the proposed rule emphasizes that the proposed SRM ban is consistent with Canada's rules. However, two differences seem to exist: Canada does not classify the vertebral column as SRM but rather as inedible, and the tonsil is classified as SRM only for cattle over thirty months. We note these slight differences but overall we agree there is consistency in the standards for both countries.

310.22 (d) (1) We recommend FSIS develop a validated procedure to ensure the removal, segregation, and disposition of SRMs to ensure these risk materials do not enter the human food chain.

California Comments on Docket Number 03-038IF

Meat Produced by Advance Meat/Bone Separation Machinery and Meat Recovery Systems

The California Department of Food and Agriculture (CDFA) has the following concerns about the use of Advanced Meat Recovery (AMR) Systems on bovine carcasses:

1. **Risk:** The 1998 Harvard study identified AMR as the most important process in which "low-risk tissue" such as muscle are contamination by "high risk tissues" including spinal cord, brain, and dorsal root ganglia.

2. **Compliance:** The presence of spinal cord and dorsal root ganglia in AMR products is a persistent problem. We are concerned that complete exclusion of neural tissue from AMR cannot be achieved with current techniques.

3. **Product Testing:** If the proposed AMR rule is approved, FSIS must establish sensitive validated tests that would assure that product contaminated with neural tissue would be readily detected and prevented from entering commerce.

4. **Determination of Cattle Age:** FSIS must establish methods to assure that the head and spinal column from cattle over 30 months is excluded from the AMR process. If this cannot be assured, the head and spinal column from all cattle should be banned from AMR.

5. **Disposal of Contaminated Product:** AMR product derived from cattle over thirty months of age and contaminated with neural tissue should not be permitted to enter edible rending. Rendering does not destroy the prion protein; allowing this method of use of contaminated product does not protect the consumer. Contaminated AMR product derived from cattle over thirty months of age should only be permitted to enter the inedible rendering process.

6. **Product Recall:** Currently, FSIS issues a voluntary recall of product if spinal cord is detected in the sample. Based on scientific risk of human exposure to BSE agent in AMR, a mandatory recall of contaminated product is warranted.

Based on these concerns, CDFA proposes AMR not be permitted on any bovine carcass, whole or part, if FSIS cannot ensure the product is free of neuronal tissue.

California Comments on Docket Number 01-033IF

Prohibition of the use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter

The California Department of Food and Agriculture (CDFA) supports the proposed rule to prohibit the use of stunning devices that inject air into the cranial cavity of cattle.

California Comments on Docket No. 03-025IF

Prohibition of Use of Specified Risk Material for Human Foods and Requirements for the Disposition of Non- Ambulatory Disabled Cattle

The California Department of Food and Agriculture (CDFA) supports the proposal to remove high-risk materials from human food, and list the parts included in the ban. However, CDFA does not support a complete ban of non-ambulatory cattle from human consumption. We suggest a distinction be made, similar to that used in the European Union, between cattle that have died or been euthanized on the farm ("fallen stock"- not permitted for human consumption), and "emergency slaughter" of cattle following an acute injury ("casualty animals").

CDFA supports the following proposed amendments to the rule: -

Part 309

309.2 We recommend the proposed language be revised to distinguish between cattle that have a recent acute injury as opposed to diseased non-ambulatory cattle. We appreciate that non-ambulatory cattle are more likely to be affected by BSE. However, this does not apply to cattle that were clinically healthy and suffered an acute injury. We recommend that the emergency slaughter of acutely injured cattle be permitted on the farm for personal use. We also recommend that FSIS establish a protocol for acutely injured cattle arriving at a slaughter plant permitting the carcass to enter the human food chain if tested negative for BSE.

PART 310- Post-Mortem Inspection

310.22 Specified Risk Materials (SRM)

310.22 (a) (1) We recommend the spleen be included in the SRM based on the European Commission's Scientific Steering Committee determination that it has 0.3% of the infectivity in BSE animals. We support the classification of brain, spinal cord, dorsal root ganglia, trigeminal ganglia, tonsil, and distal ileum as SRM. We support the removal of tonsil and distal ileum from all cattle. We support the removal of the entire small intestine as an extra safeguard to ensure distal ileum is not overlooked.

CDFA recommends that FSIS develop procedures to ensure that the age of cattle can be verified, and to ensure that neural tissue does not contaminate meat during the slaughter and handling of the carcass.

The background information for the proposed rule emphasizes that the proposed SRM ban is consistent with Canada's rules. However, two differences seem to exist: Canada does not classify the vertebral column as SRM but rather as inedible, and the tonsil is classified as SRM only for cattle over thirty months. We note these slight differences but overall we agree there is consistency in the standards for both countries.

310.22 (d) (1) We recommend FSIS develop a validated procedure to ensure the removal, segregation, and disposition of SRMs to ensure these risk materials do not enter the human food chain.