



EMBASSY OF AUSTRALIA
WASHINGTON DC

9 November, 2005

Docket number 03-025IFA

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

Dear Sir or Madam

**AUSTRALIAN GOVERNMENT SUBMISSION ON
DOCKET NUMBER 03-025IFA**

***PROHIBITION OF THE USE OF SPECIFIED RISK MATERIALS FOR HUMAN FOOD AND
REQUIREMENTS FOR THE DISPOSITION OF NON-AMBULATORY DISABLED CATTLE***

In January 2004 the Australian Government sought full derogation from the then new bovine spongiform encephalopathy (BSE) protection measures (Interim Final Rules) published by the United States (US) Food Safety and Inspection Service (FSIS) because we believe that Australia's BSE free status and our existing measures provided an equivalent level of protection from BSE to that provided by the Interim Final Rules. The Australian Government continues to seek full derogation from the application of these measures, including those that, due to a modification, have been recently published for a second time in the Federal Register in docket number 03-025IFA.

We applaud the US intention to adopt BSE measures that are consistent with World Organisation for Animal Health (OIE) guidelines and current scientific knowledge and we commend FSIS' decision to modify the regulatory approach to BSE. However, OIE recommends against the application of measures to trade in bovine products from countries that represent a negligible BSE risk. Australia meets all relevant OIE requirements for a negligible risk rating. Accordingly, it is our view that the application of the proposed BSE measures to Australia is not warranted on scientific grounds, nor is it consistent with current OIE guidelines. We note that the proposed measures do not appear to contain provision for regionalisation of the application and request that such consideration be included in the Final Rules or any further amendments to the Interim Final Rules. This would provide an appropriate avenue for recognition that Australian beef presents a

negligible health risk in relation to BSE and would provide a basis for exemption of Australia from the application of certain measures, detailed below.

It is our position that Australia's freedom from BSE, coupled with existing BSE risk management measures, provide highly effective safeguards that are sufficient to meet the health objectives apparently represented by the FSIS Interim Final Rules.

Australia's claimed freedom from BSE is supported by a sound base of scientific and technical evidence. The Australian Government's conservative approach to disease risk management during the past forty years has provided additional assurance of freedom from important animal diseases, including BSE. Relevant risk management measures adopted by Australia include:

1. In 1966, Australia banned meat and bone meal (MBM) imports from all countries except New Zealand (NZ). Note: NZ adopted similar policies.
2. In 1988 Australia banned further importation of live cattle from the UK and Ireland. Similar action has been taken in regards to other countries (ie those approved as sources of livestock).
3. The Australian Government traced all cattle imported from the UK and Ireland between 1980 and 1988. There were 131 cattle in all. Those cattle still alive were put into quarantine surveillance for life and cannot enter the animal or human food chain.
4. Biosecurity Australia's risk assessment ("*The likelihood that bovine spongiform encephalopathy (BSE) established in the Australian herd as a result of the importation of cattle from the UK and Europe (1980 to 1991)*") released in November 2001 concluded that the overall likelihood of BSE establishment was negligible.
5. Similar tracing and quarantine surveillance measures have been undertaken in relation to the small number of cattle imported from other countries that subsequently reported BSE.
6. BSE surveillance on clinically suspect cattle was implemented from 1990. A coordinated national surveillance program for BSE was implemented with effect from 1997 in accordance with the OIE Code.
7. In 1996, Australian livestock industries adopted a voluntary ban on feeding ruminant derived MBM to ruminants – this ban was legislated in 1997 and was refined in 1999 to ban the feeding of mammalian-derived materials to ruminants.
8. From 1998, the Australian Government has audited renderers and stock feed manufacturers to verify the effectiveness of the ruminant feed ban. A national audit program was implemented in 2002.
9. In 2000 the European Commission (EC) confirmed that in its view Australia is a Geographical BSE Risk level 1, meaning that it is highly unlikely that BSE exists in clinical or pre-clinical form in Australia.
10. In 2001 the feeding of all animal protein, including poultry and fish meals, to ruminants was banned (milk, tallow and gelatine may still be used in ruminant feed) in accordance with the OIE Code.
11. In 2003, Australia commenced the TSE Freedom Assurance Program (TSEFAP). This program ensures the coordination of all TSE-related activities and programs, including for surveillance, research, feed ban compliance and lifelong quarantine of imported cattle.

Australian agricultural authorities have worked closely with public health agencies since the early 1990s on policies and programs to keep BSE out of Australia. Currently, a National Health and Medical Research Council Committee — the Special Expert Committee on Transmissible Spongiform Encephalopathies — advises the government on BSE-related issues. Australia continues to review and update its BSE strategies in light of advice from this Committee and in response to scientific developments around the world.

In relation to the Interim Final Rule published in January 2004 and modified/republished in docket number 03-025IFA on 7 September 2005, Australia provides the following specific comments.

The US requirement that specified risk materials (SRMs) be excluded from the human food chain should not be applied to Australia. While SRMs may pose a greater risk than muscle cuts in countries potentially affected by BSE, Australia is BSE-free and SRMs derived from Australian cattle do not pose a human health risk. We recommend that SRMs derived from Australian cattle not be excluded from the human food chain on account of BSE. We note that the EC has recognised the strength of this argument in granting appropriate derogations to Australia. Trading partners other than the US have taken a similar position. We note that 9CFR§94.18 does not include Australia in the list of regions affected by BSE or as a region which has less restrictive import restrictions or inadequate surveillance for BSE.

The US requirement for exclusion from the human food chain of non-ambulatory disabled cattle is, similarly, not appropriate to Australia and we propose that this requirement not be applied to Australia. Australia has a comprehensive, legislated and audited system to deal with the issue of food safety risks and animal welfare problems potentially associated with non-ambulatory cattle.

Australia recognises the right of the US to determine its Appropriate Level Of Protection and to require that imported product be produced under conditions that meet the food safety objectives of the US. However, we argue that these food safety objectives can be fulfilled, in the case of Australian beef, by Australia's negligible risk status and BSE risk management measures. Accordingly, we request amendments to the US Interim Final Rules to allow for the recognition of regions as 'negligible BSE risk' in accordance with OIE guidelines. This would then allow for the exemption of Australian beef production and processing from the requirements outlined above (ie SRM removal and exclusion of non-ambulatory disabled cattle) on the basis that Australia is a region of negligible BSE risk, consistent with the relevant OIE standard.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Cupit', followed by the initials 'BVS.' in a smaller, more legible font.

Andrew Cupit
Veterinary Counsellor
Australian Embassy
Washington, D.C.