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FSIS Docket Clerk
Docket #03-038IF
Room 102, Cotton Annex
300 12th and C Street, SW
Washington, DC 20250-3700

03-038IF
03-038IF-2
Gene Bauston

RE: Docket #03-038IF, Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) Systems

To Whom It May Concern:

I am submitting these comments on behalf of Farm Sanctuary and its 100,000 members regarding USDA's interim final rule on Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) Systems.

The stated purpose of the rule is to prevent the occurrence of spinal cord and other central nervous system (CNS) tissues in meat and meat products derived from cattle and other livestock. To accomplish this, FSIS is amending the definition of "meat" to exclude portions of bone and all CNS-type tissues. Products produced using AMR must, therefore, not include significant amounts of bone or any amount of brain, trigeminal ganglia, spinal cord, or distal root ganglia. In addition, skulls and vertebral column bones of cattle 30 months of age and older cannot be used in AMR systems.

Farm Sanctuary supports these additional limits to the use of AMR systems. However, we recommend that the USDA go beyond the scope of the interim final rule and consider all products derived from AMR as unfit for human food. In commenting on the interim final rule on the use of Specified Risk Materials (SRMs), Farm Sanctuary argued that SRMs from animals of all ages should be prohibited from inclusion in the food supply. Because SRMs can not be consistently excluded from meat products produced by AMR systems, we believe that use of the technology should be banned altogether.

In the European Union and Japan, meat products from AMR systems are prohibited. The brain, spinal cord, and other CNS tissue from cattle of all ages are considered hazardous wastes. The primary concern with AMR technology is the possibility of contamination of meat with these high risk materials. In fact, the Harvard BSE Risk Assessment indicated that the most important means by which low-risk tissue can become contaminated by high-risk tissue is through use of AMR systems.

Surveys conducted by the USDA going back as far as 1997 have found detectable pieces of CNS tissue in meat processed by AMR systems. As noted in the *Federal Register* notice announcing the rule, a 2002 survey of 34 establishments producing meat products from AMR systems found that 25 (or 76 percent) of the operations had positive

laboratory results for CNS-associated tissues in their final products. The survey also found that approximately 35 percent of all samples tested contained CNS tissues. An additional study conducted from March to December 2003 documented positive test results in 6.8 percent of initial samples, and in 13.6 percent of follow-up samples taken from establishments with an initial positive finding.

AMR systems do not consistently exclude high-risk materials from the final product because removal of the spinal cord before the vertebral columns enter the AMR system does not always ensure that CNS-type materials will not be introduced. The Harvard study noted that if a carcass is mis-split when the spinal cord is removed, a portion of the spinal cord may remain encapsulated in the vertebral column. Furthermore, even when the spinal cord is completely removed from the vertebral column, distal root ganglia of cattle are firmly attached to the bones of the vertebral column and not removed along with the spinal cord. The Federal Register notice concludes, "Thus, removing the spinal cord from the vertebral column does not prevent the DRG from entering an AMR system and becoming incorporated into the final AMR product."

Although FSIS is proposing that the vertebral column be designated as a specified risk material and not be allowed to enter AMR systems, it is being done only for cattle 30 months of age and older. In commenting on the SRM rule, Farm Sanctuary argued that SRM from animals of all ages should be excluded from the food supply. The age at which cattle develop clinical BSE varies and, as noted by the *Federal Register* notice on SRM, the "lower ranges of this age distribution includes some cattle younger than 30 months of age." As mentioned in our comments, 2 of the 9 confirmed cases of BSE in Japan have occurred in animals under 30 months of age. Furthermore, the international panel convened by Agriculture Secretary Veneman to evaluate the nation's BSE safeguards recommended that the U.S. ban on SRM should be extended to cattle a year old or older. "A cutoff of 12 months represents a recognition of the fact that some cattle under 30 months of age may be slaughtered with infectivity present," the report notes.

The AMR technology is relatively new and, although many processors initially incorporated the system, use is now on the decline. According to the American Meat Institute, the number of processors using AMR technology has recently dropped from 35 to fewer than 30. AMR systems once produced several hundred million pounds of meat a year, but a survey in late 2002 found the number had decreased to 45 million.

In conclusion, Farm Sanctuary encourages the USDA to prohibit the use of AMR technology because its use poses a means of introducing tissues at high risk for BSE into the food supply. Thank you for allowing Farm Sanctuary the opportunity to comment on this matter.

Sincerely,

Gene Bauston, President
Farm Sanctuary