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July 26, 2004

The Honorable John Cornyn
United States Senate
Washington, D.C. 20510

04-021ANPR
04-021ANPR-15
Garth Merrick

Dear Senator Cornyn:

The FDA is considering implementing measures which would be detrimental to our industry in Texas as well as other states. The following is what I am most interested in getting across to someone who can possibly put a halt to this.

Docket #04-047-1

ANPR's proposed rule to prohibit SRM's from all animal food including pet food and prohibiting materials from non ambulatory cattle and dead stock from all animal feed creates the below listed consequences of disposal of pounds that previously could be manufactured into animal feed. These numbers are for Texas, primarily, but since our service area includes parts of Oklahoma, New Mexico and Kansas, those areas will have consequences as well. SRM's in cattle under 30 months of age have been estimated to be 20 pounds per head. In Texas there are four packing houses processing approximately 100,000 head per week times 20 pounds equals 2,000,000 times 52 weeks equals 104,000,000 of product that no one has discussed what to do with. Also, in Texas, there are approximately 18,000 head of cows over 30 months of age slaughtered weekly at four packing plants which have approximately 60 pounds per head of SRM material equals 1,080,000 per week equals 56,160,000 pounds per year. Our company services mostly Texas and parts of New Mexico, Oklahoma and Kansas. Last year we processed 255,000 head of dead stock not counting calves with an average weight of 600 pounds per carcass. The total weight comes to 153,000,000 pounds that makes its way into feed ingredients. If you total these three categories, they total over 300,000,000 pounds that no one is discussing what to do with. If you cannot render it for feed to be fed to chickens, swine or pet food, then you have destroyed a system that currently works. We are the original recyclers. These numbers are only for Texas; when you consider the other lower 47 states, the consequences are inconceivable as to what the health hazards could be if these products are not processed the way they are currently being done. There is not a cost to local, state or federal agencies now, but if

these proposed rules are adopted, then someone else will have to step in and I fear, they will not be as efficient or cost effective as what private industry is doing now. There are huge consequences to be reckoned with and these consequences have to do with an effective way to dispose of these billions of pounds which are currently processed in an environmentally friendly way.

If the system isn't broken, why not applaud the efforts that this American Industry is doing and not try to copy a failed system that other countries have implemented? If we cannot export our pet food or cattle, chicken, hogs, unless we adapt this strategy then so be it. We have to consider consequences and not just react to pressure of international companies and governments. What is best for America should be our government's priority. These proposals will cost thousands of jobs without accomplishing any good. There is not a justified danger now and there is no science to support such radical changes to feed rules that will potentially do much more harm than good. We must make decisions on the basis of scientific knowledge to insure we do not become a culture of alarmists. We have already tested over 65,000 "probable animals" in the U.S. and have yet to find one domestically born and raised case. We have just started on June 1, 2004, a new program to test an additional 20,000 head per month. It's not like we're not doing anything. Can you not see the benefit of giving this current testing campaign by the USDA time to prove itself? The "firewalls" in place which includes the ban on feeding ruminant proteins to cattle, have been shown to be very effective in curtailing any potential outbreaks of BSE. The Harvard Risk Analysis Center has stated that not only is the risk extremely small, but we are on the downside of any risk at all of seeing BSE as a problem in the United States.

If the consumer is ever going to have confidence in any aspect of public safety in the U.S., they have to have some confidence that our government agencies' actions are based on scientific evidence and not on emotional outpouring, speculation and scare tactics. U.S. business also has the right to expect action based on science. Where there is no reproducible evidence to support, no action needs to be taken. When you consider the amount of material that would be produced without a place to go and then the health dangers that would be created, there is absolutely no logical reason to make any changes to the feed rules as they now exist.

Sincerely,

Garth Merrick