

TAB 40



GRIFFIN INDUSTRIES, INC.

Dennis B. Griffin, Chairman

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October 30, 2001

Docket Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20832

Dear Sir or Madam:

I am submitting my testimony today in response to your agency's request for comments on substances prohibited from use in animal food or feed which was published in the Federal Register, October 5, 2001, Volume 66, Number 194.

I am speaking today on behalf of our family business, Griffin Industries, which has been in the rendering business for over 58 years. We are based in Northern Kentucky and serve many animal agriculture members throughout the Midwest, South and Southwest sections of the United States. Our company is in full compliance of the ruminant to ruminant food regulation, has HACCP programs in all processing facilities, and is participating in the Animal Protein Producer's Third Party Program which, with its increased plant and procedure inspections, helps bolster FDA's inspection program.

I wish to begin my comments by saying that BSE has not been detected in the United States. It has been over 15 years since the first known case of BSE was discovered in the United Kingdom with many thousands of confirmed cases throughout Europe. This disease has been primarily an European domiciled disease with a few cases in other sections of the world, but with ties with European suppliers.

We strongly support the existing actions taken by your agency in June of 1997 to build a firewall against BSE and see no reason to change or modify CFR, 589.2000. We as Americans have a good program in place and, with continued awareness and enforcement by your agency, will provide our consumers the continued confidence they need in U.S. meat products.

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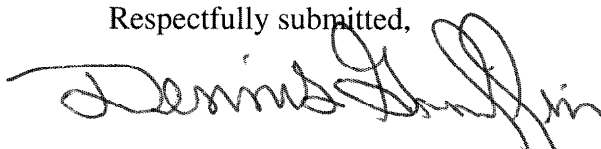
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The highest awareness level in food safety history has been created by actions such as the ruminant to ruminant feed ban, the ongoing testing of suspect animal brains which currently exceeds over 16,000 animals and the Industry Third Party Inspection Program that has the participation of over 98% of the protein producers. Being in this industry for over 40 years, I have never experienced such an effort by our industry and other allied industries to work this closely with your agency in the precautionary program against this **foreign disease**.

Since the discovery of the first BSE case in Europe in 1986, scientists still do not have clear evidence of the cause of BSE or the new version of **CDV** in humans or that BSE crosses animal species. There are new theories and hypotheses as to the cause of these diseases and, only with more scientific work, will the real cause of BSE emerge.

In closing, we support working with the current regulation and increased effort for enforcement. Changing the current rule sends the wrong message to consumers domestically as well as internationally that something is wrong with our current efforts, and this is **clearly** not the case. *"If it isn't broken, don't try to fix it!"* Remember—we have not discovered any BSE in the United States and, with 15 years behind us without any detection, further changes to our safety measures are unwarranted!

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis B. Griffin". The signature is fluid and cursive, with a large initial "D" and "G".

DENNIS B. GRIFFIN, CHAIRMAN
Griffin Industries, Inc.