TAB 44

AMERICAN MEAT INSTITUTE

Testimony of James H. Hodges
On behalf of the American Meat Institute
Before the Food and Drug Administration Public Hearing on Animal Feed Regulations
October 30, 2001

Good morning, my name is Jim Hodges. I represent the American Meat Institute (AMI), the nation's oldest and largest meatpacking and processing industry association. Our members slaughter and process over 90 percent of the nation's beef, pork, lamb, veal and turkey products and produce more than 60 percent of the rendered by-products that are manufactured for animal feeds in the United States.

AMI appreciates the opportunity to comment on the FDA animal feeding regulations that were put in place to help prevent the establishment and amplification of BSE in the U.S. cattle herd. AMI has and continues to support these scientifically based regulations that restrict the use of animal protein derived from mammalian tissues for use in ruminant feed. A careful analysis of the facts suggest no regulatory changes are warranted at this time.

I have three messages to leave with you today. First, we do not have BSE in this country. Second, we have taken prudent steps to prevent BSE from entering this country. And third, if BSE were to find its way into this country, we can diagnose it, isolate it and prevent it from reaching consumers in a swift and decisive way. Our risk of BSE in domestic cattle is not zero, nor can it ever be, but our risk today is the lowest it has ever been since the disease was first recognized as a threat to the U.S. cattle population. Any changes contemplated in the present regulations must take that into account.

Let me focus for a moment on my first message: We do not have BSE in this country. That fact bears repeating because it tends to get lost in the emotional reactions that often surround a public debate on ways to reduce the risks from BSE. Hysterical and speculative news reporting, that often accompanies that debate, further obscures the successful track record we have established.

The BSE crisis in Europe, and now Japan, has provided strong incentive for the U.S. government and U.S. beef industry to take aggressive action to prevent this devastating disease in U.S. cattle herds. In fact, we took action so early that some people now seem to question why we aren't announcing new major efforts today. The answer: we took swift, science-based actions early on that have protected our livestock and give us the coveted distinction of being a BSE-free nation.

The purpose of this hearing is to solicit information and views on FDA's animal feeding regulations, but that cannot be done in isolation. It is important to remember that BSE prevention in the U.S. involves multiple programs that can best be described as a "triple firewall" strategy. This includes: (1) a ban on the importation of cattle and beef products from countries with BSE, (2) a statistically sound and comprehensive animal surveillance program to continually monitor for the presence of the disease and (3) ruminant feeding restrictions to prevent the amplification and spread of the infective agent in the unlikely event BSE occurs in our domestic cattle.

Taken together, these efforts provide the best reasonable assurance that U.S. cattle will remain BSE-free and that U.S. consumers will not be exposed to any related health risks. That is not to say we should rest on our laurels. We must continually evaluate and improve our preventative control measures, if warranted and we must assure our regulatory agencies are provided the necessary resources to do their job.

AMI believes the present FDA animal feeding regulations are appropriate given the low level of risk that BSE will occur in the U.S. Our goal is not to change the regulation, but achieve 100 percent compliance with the existing regulation. AMI has worked with several trade associations to supplement FDA's compliance activities by establishing a program to certify that animals sold for slaughter have not been fed any feed containing protein derived from mammalian tissues that is prohibited by FDA regulations. The program was implemented earlier this year and our internal surveys indicated that a vast majority of the animals coming to slaughter are marketed under this certification program. A copy of the program details will be provided for the public record.

Finally, it is important to remember that BSE has been diagnosed only in Europe and Japan. More than 99 percent of the diagnosed BSE cases have occurred in Great Britain where the incidence rate has dropped dramatically after animal feeding restrictions were implemented. The U.S. has very different risk factors. Our livestock populations are very different, as are our rendering, feeding and production practices. In addition, these countries are in the midst of a crisis and crises warrant strong and dramatic actions. In contrast, we do not have a BSE crisis in the U.S. It is critical that our BSE prevention policies reflect that fact and that our policies are supported by the best available science.

Thank you again for the opportunity to present our views on this important topic. I will be happy to answer any question you may have.

AMERICAN MEAT INSTITUTE

March 1, 2001

MEMORANDUM FOR AMI GENERAL MEMBERS

FROM: J. PATRICK BOYLE

SUBJECT: BSE CERTIFICATIONS AND LETTERS

Today, AMI's Board of Directors met by conference call and was briefed by the AMI staff about the certification programs being developed by the Animal Protein Producers Institute (APPI), the National Renderers Association (NRA), and the American Feed Industry Association (AFIA) to address concerns regarding the prevention domestically of bovine spongiform encephalopathy (BSE). The Board previously had been provided draft "model" certification forms that packers and marketing agencies may consider using to ensure that animals sold for slaughter meet applicable Food and Drug Administration (FDA) regulations. Those forms were developed in conjunction with the Livestock Marketing Association (LMA), the National Meat Association (NMA), and the National Cattlemen's Beef Association (NCBA).

The Board this afternoon approved a motion recommending as a best business practice utilization of the attached model certificates for auction markets and livestock owners, as well the attached model cover letters to accompany those certificates, which beef packers can consider using for procuring cattle. Also included is a document that may be used as an attachment. The attachment lists prohibited materials that may not be used in ruminant feed and identifies material that is exempt from the FDA regulation. These documents will enable auction markets and livestock owners to certify that none of the animals sold for slaughter have been fed any feed containing certain mammalian derived protein or have illegal drug residues.

AMI member companies are free to utilize these model certificates, letters, and attachments, as appropriate, to help them and their suppliers take the steps necessary to ensure compliance with applicable FDA regulatory requirements. The AMI Board also has instructed the staff to work with not only the above-listed organizations, but also several other beef industry trade organizations to assist in achieving the widest possible dissemination of these model certificates to enhance the effectiveness of this collective effort.

If you have any questions about the Board's actions, the attached documents, this memorandum, or anything else regarding this matter, please contact me. Best regards.

cc: Chuck Schroeder, National Cattlemen's Beef Association
Jerry Kozak, National Milk Producers Association
Steve Krut, American Association of Meat Processors
Ed Frost, Livestock Marketing Association
Rosemary Mucklow, National Meat Association
Joe Harris, Southwest Meat Association
Bob Hibbert, Eastern Meatpackers Association
Marty Holmes, North American Meat Processors

LIVESTOCK OWNER COVER LETTER

Dear _____:

(Name of Company) is committed to providing its customers and consumers with products that are wholesome and safe. To do so we must adopt policies and procedures that ensure that standards are enforced. (Company name) strongly supports the regulatory provisions in place to prevent the domestic introduction of bovine spongiform encephalopathy (BSE). Similarly, we strongly advocate the careful and proper use of veterinary pharmaceutical products. Fortunately, the U.S. beef industry has acted responsibly in addressing each of these issues in the past.

To achieve our mutual goal of providing the most wholesome and highest quality beef products possible, we seek your cooperation in complying with the Food and Drug Administration's ban on the feeding of mammalian-derived protein materials to ruminant animals and in the proper use of veterinary drugs in cattle. Please review, sign, and return the enclosed Livestock Owner Certificate to (Name of Company) within (number) days. The absence of a certificate on file after that time will prevent (Name of Company) from purchasing cattle from you.

If you have any question about the certification, this letter, or anything else regarding this matter, please contact (Company contact person) at (phone, email, and address).

Respectfully,

LIVESTOCK OWNER CERTIFICATE

The undersigned certifies that, to the best of his/her/its knowledge, none of the livestock described herein are adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (*i.e.*, none of the cattle or other ruminants have been fed any feed containing protein derived from mammalian tissues, *e.g.* meat and bone meal, not in compliance with 21 CFR 589.2000 and none of the livestock have an illegal level of drug residues).

Date: _____

Seller: _____
Name (please print)

By: _____
Signature/Title

_____
Street Address

_____
City/State/Zip

LIVESTOCK MARKET COVER LETTER

Dear Livestock Market:

(Name of Company) is committed to providing its customers and consumers with products that are wholesome and safe. To do so we must adopt policies and procedures that ensure that standards are enforced. (Company name) strongly supports the regulatory provisions in place to prevent the domestic introduction of bovine spongiform encephalopathy (BSE). Similarly, we strongly advocate the careful and proper use of veterinary pharmaceutical products. Fortunately, the U.S. beef industry has acted responsibly in addressing each of these issues in the past.

To achieve our mutual goal of providing the most wholesome and highest quality beef products possible, we seek your cooperation in complying with the Food and Drug Administration's ban on the feeding of mammalian-derived protein materials to ruminant animals and in the proper use of veterinary drugs in cattle. Please review, sign, and return the enclosed Livestock Market Certificate to (Name of Company) within (number) days. The absence of a certificate on file after that time will prevent (Name of Company) from purchasing cattle at your facility.

Also enclosed is a model Livestock Owner Certificate for producers and other cattle sellers to complete and provide to you to ensure that they comply with the applicable regulatory requirements.

If you have any questions about the certification, this letter, or anything else regarding this matter, please contact (Company contact person) at (phone, email, and address).

LIVESTOCK MARKET CERTIFICATE

With respect to the cattle described on the attached invoice(s), the undersigned certifies that the persons presenting those cattle to this operation for sale have signed a certificate stating that, to the best of their knowledge, none of the livestock are adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (*i.e.*, none of the cattle or other ruminants have been fed any feed containing protein derived from mammalian tissues, *e.g.* meat and bone meal, not in compliance with 21 CFR 589.2000 and none of the livestock have an illegal level of drug residues).

Date: _____ Market: _____

_____
Name (please print)

By: _____
Signature and title

_____
Street address

_____
City/State/Zip Code

The Food and Drug Administration's Regulation Prohibiting Certain Animal Proteins from being used in Ruminant Feed.

The regulation is designed to prevent Bovine Spongiform Encephalopathy (BSE), sometimes referred to as "Mad Cow Disease," from occurring in the United States through animal feed. The regulation prohibits the use of certain proteins derived from mammalian tissue in feeding ruminant animals.

The following ingredients have been listed as prohibited material:

- Meat
- Meat By-Products
- Animal Liver
- Dried Meat Solubles
- Fleshings Hydrolysate
- Meat Meal
- Meat and Bone Meal
- Animal By-Product Meal
- Meat Meal Tankage
- Meat and Bone Meal Tankage
- Hydrolyzed Leather Meal
- Hydrolyzed Hair
- Glandular Meal and Extracted Glandular Meal
- Stock
- Animal Digest
- Cooked Bone Marrow
- Leather Hydrolysate
- Meat Protein Isolate
- Mechanically Separated Bone Marrow
- Unborn Calf Carcasses
- Bone Meal, Cooked
- Bone Meal, Steamed
- Dehydrated Garbage
- Dehydrated Food-Waste

However, certain products are exempt from the regulation. The following protein products derived from mammals are exempt and can be used in ruminant feed:

- Blood and blood products;
- Gelatin;
- Milk products (milk and milk proteins);
- Pure porcine (pork) or pure equine (horse) protein; and
- Inspected meat products, such as plate waste, which have been cooked and offered for human food and further heat processed for animal feed.

The following nonmammalian protein products are exempt and can be used in ruminant feed:

- Poultry;
- Marine (fish); and
- Vegetable.

The following are also exempt because they are not protein or tissue:

- Grease;
- Fat;
- Amino acids;
- Tallow;
- Oil; and
- Dicalcium phosphate.

All other mammalian protein, for example meat and bone meal, is "prohibited material" and may not be used in ruminant feed. If you receive and process this material, you must comply with the provisions of this regulation. Ruminant animals are any animals with a four-chambered stomach including cattle, sheep, goats, buffalo, elk, and deer.