



ASSOCIATION OF AMERICAN RAILROADS
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November 20, 2001

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Dockets Management Branch (HFA-305)
Animal Feed Rule Hearing,
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Comments of the Association of American Railroads;
Docket No. O1N-0423

Dear Sir or Madam:

Attached is a copy of the comments of the Association of American Railroads in Docket No. 01N-0423. Two additional copies are being submitted by mail.

Sincerely,

Daniel Saphire

Attachment

01N-0423

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301-827-6870
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Docket No. 01N-0423
FOOD AND DRUG ADMINISTRATION

Substances Prohibited From Use in Animal Food or Feed;
Animal Proteins Prohibited in Ruminant Feed;
Public Hearing; Request for Comments

Comments to the Association of American Railroads

The Association of American Railroads (AAR) submits these comments in response to the above-referenced notice in the Federal Register of October 5, 2001. AAR is an incorporated trade association representing major freight railroads of North America. AAR members operate approximately 76 percent of the rail industry's line haul mileage, produce 93 percent of its freight revenues, and employ 91 percent of rail employees. AAR is limiting its comments to question number 5 posed by FDA in its notice: whether FDA should require dedicated transportation of animal feed containing mammalian protein?

The railroad industry does not believe that a need has been demonstrated for FDA to mandate the use of dedicated equipment for the transportation of animal protein. In fact, those witnesses who did comment on this subject at the October 30 hearing stated that requiring dedicated equipment was unnecessary.

Two separate rail car fleets are used in animal feed service: cars owned or controlled by the shipper of the commodity, and cars provided by the railroad. Under current practice, shipper-provided cars generally are operated in dedicated customer service, with load to load planning directed by the shippers. Thus, any directive requiring dedicated service would likely have limited effect on this fleet.

The railroads also strive to keep the cars they provide to shippers in dedicated transportation service in order to satisfy customer needs, maintain the utilization of the cars at a level that ensures an adequate financial return, reduce the cost of switching cars, and minimize car cleaning. Nevertheless the ups and downs of the demand cycle for rail transportation call for permitting cars typically used in one service to be used to

meet requirements in other services following appropriate cleaning and inspection. This flexibility allows railroads to serve shippers efficiently and saves unnecessary costs for both parties. An FDA mandate restricting use of a rail car fleet to only one type of service would eliminate that flexibility, result in increased cost and greatly reduce car supply options that now benefit railroad customers, without any demonstrated offsetting safety benefit justifying the adverse consequences.

In fact, the safety and integrity of rail shipments already are being addressed through cooperative efforts between railroad and shipper. Railroads that transport animal food or feed have always worked closely with their customers to ensure the safe handling of these commodities. An important aspect of this cooperation entails shipper furnishing of correct identification of the product shipped and accurate orders for rail cars, as well as the proper loading and complete unloading of the rail car at destination. When railroads receive accurate information they can correctly match empty freight cars to the next order by a shipper in order to avoid improper comingling of commodities.

To improve information necessary to make proper use of rail equipment, railroads and rail customers have established new unique Standard Transportation Commodity Codes (STCC) that are used by customers when ordering and billing cars. The new STCCs more accurately identify the commodity that was shipped in a particular car and provides a further tool to avoid improper comingling.

The railroad industry is interested in working with other parties to identify a cost effective means to clean railroad cars that have transported commodities that contain protein derived from ruminants. A cleaning standard would be instrumental in furthering not only the safety of transportation, but also in maintaining the effective utilization of railroad freight cars that is necessary to an efficient transportation system.



ASSOCIATION
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RAILROADS

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Date Nov. 20, 2001

Page 1 of 134 Pages

To: Food + Drug Administration

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From: Daniel Sapphire

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MESSAGE:

Re: Docket No. OIN-0423

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