

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

5-04

1/12/04

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INTERIM GUIDANCE FOR NON-AMBULATORY DISABLED CATTLE AND AGE DETERMINATION

I. PURPOSE

This FSIS notice provides Veterinary Medical Officers (VMOs) guidance for implementing new regulatory requirements regarding non-ambulatory disabled cattle and procedures for determining by dentition whether cattle are 30 months of age and older.

II. BACKGROUND

FSIS issued three regulations and a notice in the Federal Register on January 12, 2004, in response to the diagnosis by USDA of a positive case of Bovine Spongiform Encephalopathy (BSE) in an adult Holstein cow in the State of Washington. These regulations and the notice will prevent human exposure to materials that scientific studies have demonstrated as containing the BSE agent in cattle infected with the disease. This FSIS notice provides VMOs guidance in implementing the policy contained in docket #03-025IF ("Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disable Cattle"), that non-ambulatory disabled cattle are unfit for human food. In addition, this FSIS notice provides VMOs guidance on distinguishing cattle 30 months of age and older from younger cattle. Although cattle of any age must have the tonsils and entire small intestine disposed of as inedible, cattle 30 months of age and older have additional specified risk materials (SRMs) that also may contain the BSE agent in cattle infected with the disease. These SRMs must be disposed of as inedible. Consequently, VMOs must verify that the carcasses and parts of cattle 30 months of age and older are properly identified and handled.

Among other requirements, the new regulations at 9 CFR 309.2(b) state that non-ambulatory disabled livestock, including cattle, are livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken

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appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions. The new regulation at 9 CFR 309.3(e) states that non-ambulatory disabled cattle shall be condemned. Consequently, these cattle, which may be on the premise housing the slaughter establishment, cannot enter the slaughter establishment.

Non-ambulatory disabled cattle are considered unfit for use as human food. This determination is derived from Title 1, Section 1(m)(3) of the Federal Meat Inspection Act. Specifically,

The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances: if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food

Non-ambulatory disabled cattle remain subject to the provisions of the Humane Slaughter Act, its implementing regulations, and FSIS Directive 6900.1, Revision 1.

III. VMOs RESPONSIBILITIES REGARDING NON-AMBULATORY DISABLED CATTLE

A. What actions do VMOs take when non-ambulatory disabled cattle are presented for slaughter?

1. The VMO is responsible for conducting ante-mortem inspection on all non-ambulatory disabled cattle, of any age, presented for slaughter. All non-ambulatory disabled cattle are to be U.S. condemned. VMOs also are to continue to condemn all cattle that are showing central nervous system (CNS) symptoms, even if the animal is ambulatory. Cattle condemned upon ante-mortem inspection cannot enter the slaughter establishment.

2. The VMO is to contact the Animal and Plant Health Inspection Service (APHIS) Area Veterinarian-in-Charge (AVIC) to allow APHIS the opportunity to collect BSE surveillance samples. APHIS is primarily interested in cattle that are 20 months of age and older and cattle showing signs of CNS disorder. Therefore, if cattle show signs of CNS disorder or are non-ambulatory disabled, and there is reason to believe that they are 20 months of age or older, VMOs are to make this known to the AVIC so the AVIC has an opportunity to collect a surveillance sample from the condemned animals.

a. If a sample is collected for the APHIS BSE Surveillance program from condemned cattle, VMOs are to ensure that all animal identification is maintained. The VMO should maintain control of the tested animal(s) until the establishment documents how the animal(s) will be properly disposed.

b. If the AVIC determines that it is not possible for APHIS personnel to get to the slaughter establishment, the AVIC will let the VMO know and the VMO is to proceed in verifying that the establishment properly disposes of the animal.

B. What do VMOs verify regarding condemnation?

1. VMOs are to verify that the establishment has properly disposed of animals in accordance with 9 CFR 309.13 and 9 CFR 314, and maintains the records required by 9 CFR 320. In the preamble to the new regulations contained in docket #03-025IF, FSIS recognizes activated charcoal as a proprietary substance approved by the Administrator that can be used for proper disposal in addition to the provisions at 9 CFR 314 for properly disposing of condemned carcasses.

2. At the request of the owner or operator, condemned cattle can be set apart and held for treatment (9 CFR 309.13(b)). Treatment is to be performed under the supervision of an FSIS program employee or designee of the District Manager. In addition, if cattle are to be released for a purpose other than slaughter (9 CFR 309.13(d)), the operator of the official establishment or the owner of the livestock must first obtain permission for the movement of such livestock from the local, State, or Federal livestock sanitary official having jurisdiction.

3. The VMO can inform the establishment that landfills are an acceptable option for disposal.

C. What form do the VMOs use to document condemnation?

VMOs are to complete condemnation certificates for cattle condemned on ante-mortem using FSIS Form 6000-13, Condemnation Certificates.

D. What do VMOs do if cattle are ambulatory at ante-mortem inspection and become non-ambulatory disabled prior to slaughter? What is the disposition of the animal?

If an otherwise normal healthy animal that has passed ante-mortem inspection and is on its way to the knock box and suffers an acute injury (e.g., if the animal falls or if an animal has a leg that gets trapped and broken), the VMO should verify that the animal suffered such an acute injury and allow the animal to proceed to slaughter and post-mortem inspection. FSIS would expect such situations to be extremely rare because cattle, when handled and moved under proper humane handling conditions, should not be injured while being moved in the pens. For cattle that become non-ambulatory disabled after ante-mortem inspection, if the VMO cannot determine that a specific, acute injury occurred that caused the animal to become non-ambulatory disabled, the animal is to be condemned and cannot enter the slaughter establishment.

E. What is the responsibility of the Consumer Safety Inspection/Inspector-in-Charge in an official slaughter establishment where the VMO is not located on premise?

If nonambulatory disabled cattle are presented for ante-mortem inspection, the CSI/IIC is to hold the animal until the VMO can arrive to perform ante-mortem on the animal and condemn it.

IV. VMO RESPONSIBILITIES FOR AGE DETERMINATION

A. VMOs are to examine establishment records that report the age of cattle because cattle 30 months of age and older contain additional SRMs beyond those for cattle of any age. The documentation may be in the form of:

1. a birth certificate,
2. cattle passport, or
3. some other form of identification that is presented with the animal when it arrives for slaughter

B. If VMOs conclude that the records are accurate and reliable, the records will be accepted as verification of the age of the cattle.

C. However, if VMOs examine the records and find significant reasons for questioning their validity, they are to verify the age of the cattle through dental examination.

D. VMOs are to consider cattle to be 30 months and older when the examination of the dentition of the animal shows that at least one of the second set of permanent incisors has erupted (see attachment). FSIS recognizes that the permanent incisors of cattle erupt from 24 through 30 months of age, but the Agency has determined that the described dentition procedure will be most protective of public health.

E. VMOs on patrol assignments are to correlate with inspection program personnel at slaughter establishments.

Direct questions to the Technical Service Center

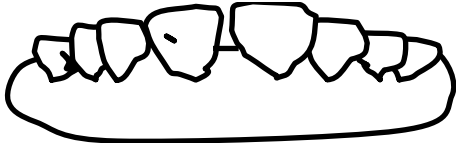
/s/ Philip S. Derfler

Assistant Administrator
Office of Policy and Program Development

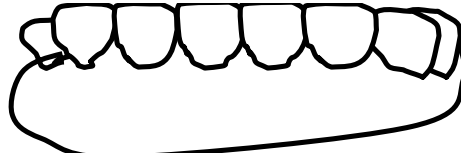
Attachment

The detention depicted below represents animals less than 30 months of age.

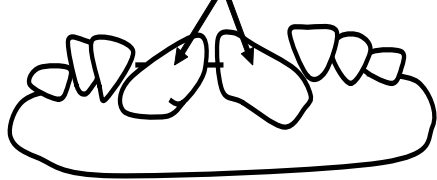
Full set of 8 temporary teeth on young calf.



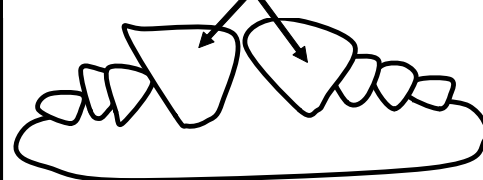
Full set of 8 temporary teeth, at about 15 months of age



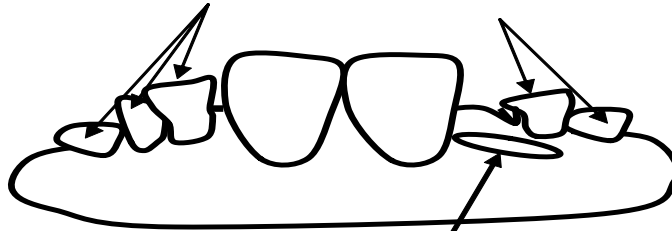
Erupting first set of permanent incisor.



Erupted first set of permanent incisor.



Temporary incisors



Erupting third permanent incisor, top of tooth **NOT** above gum line, animal less than 30 months of age.

The dentition depicted below represents animals 30 months of age or older.

