



January 5, 2004

Docket No. 03-080-1
Regulatory Analysis and Development
PPD, APHIS
Station 3C71
4700 River Road Unit 118
Riverdale, MD 20737-1238

Re: Docket No: 03-080-1: APHIS Proposed Rule, "*Bovine Spongiform Encephalopathy; Minimal Risk Regions and Importation of Commodities*"

To Whom It May Concern:

The American Meat Institute (AMI) appreciates the opportunity to comment on the above-referenced proposed rule. AMI is the national trade association representing the meat and poultry industry. Our members slaughter and process over 90 percent of the nation's beef, lamb and veal that are the primary products affected by the rule. Our members import most of the live cattle and sheep destined for slaughter, as well as substantial quantities of beef for further processing. The proposed rule would significantly affect trade between BSE minimal-risk regions and the United States and is of utmost importance to our members.

AMI supports the proposed rule to amend the Code of Federal Regulations to recognize a category of regions that present a minimal risk of introducing bovine spongiform encephalopathy (BSE) into the United States and to allow the importation of certain live ruminants and ruminant products from such regions under prescribed conditions. The proposal provides a framework for safeguards to protect the health of domestic livestock from the introduction of BSE and to ensure the safety of products imported for human consumption.

AMI supports the proposed definition of a BSE minimal-risk region. The definition embodies the principle of risk mitigation prior to the detection of BSE and prescribes basic safeguards to prevent widespread exposure and the establishment of the disease.

USDA has proposed that Canada be categorized as a BSE minimal-risk region prior to the diagnosis of a second case of BSE that is apparently of Canadian origin. AMI recommends that the investigation into this recent case of BSE be completed prior to determining the status of Canada as a BSE minimal-risk region. If the facts show Canada meets the definition of a BSE minimal-risk region as outlined in the proposed rule, AMI supports the Department's determination that Canada be allowed to export certain live cattle and beef products to the United States.

AMI is concerned, however, that the proposed rule creates substantial inconsistencies regarding the treatment of certain products and fails to recognize the substantial body of scientific evidence that would support modification of certain risk mitigation measures outlined in the proposal.

Focus on Risk Mitigation Instead of Animal Age

As an initial matter, the proposed rule establishes an age criteria for importation of less than 30 months for bovines and less than 12 months for ovines and caprines. AMI understands the rationale for using age to minimize the possibility that BSE would be introduced into the United States, but we question the establishment of criteria that conflict with international standards. The World Animal Health Organization (Office International des Epizooties or OIE) allows the movement of cattle of all ages and beef derived from cattle of all ages to be traded in international commerce under certain conditions. OIE standards permit the movement of cattle born after a ban on the feeding of ruminant protein has been effectively enforced. Beef and beef products can be traded without age restrictions if appropriate risk mitigation measures are applied during slaughter and fabrication. AMI suggests USDA consider a risk mitigation approach similar to those adopted by the OIE, thereby permitting the movement of older cattle and meat derived from older cattle under prescribed conditions.

Treat Live Animals and Meat and Meat By-Products From a Minimal Risk Region Consistently

The proposed rule allows the importation of certain live ruminants from minimal-risk regions but restricts the importation of certain products derived from an animal of the same status. For example, bovines less than 30 months of age can be imported into the United States for immediate slaughter. The proposed rule allows all parts of the imported animal, except for the intestine, to be processed into an unrestricted array of both edible and inedible products. On the other hand, if the same animal was processed in the exporting country, only meat, tongue, liver and certain tallow and gelatin can be exported to the United States. AMI recommends that only specific tissues that have been shown to harbor the BSE infective agent be excluded from importation into the United States and that the same tissues also be excluded from the human food supply if the animal is slaughtered in the United States.

Exclude from the Human Food Supply Only the Distal Ileum from Imported Bovines Under 30 Months of Age

The proposed rule would require that the intestines from bovines imported for immediate slaughter be removed and disposed of in a manner approved by the Administrator. Scientific evidence demonstrates that only the distal ileum of the small intestine has been shown to harbor the BSE agent in infected bovines less than 30 months of age. Removal of the entire intestines from the food supply is unwarranted. AMI recommends that only the distal ileum of imported animals be removed from the human food supply.

Permit the Distal Ileum To Be Processed into Meat and Bone Meal

The proposed rule would require the distal ileum to be disposed of in a manner approved by the Administrator. AMI recommends the rule be clarified to permit the distal ileum to be processed into meat and bone meal for feeding to non-ruminant animals. Existing feed regulations restrict the feeding of ruminant-derived meat and bone meal to ruminants. The removal of the distal ileum from meat and bone meal is not required, nor should it be, given the high level of compliance with the mandatory feed restrictions now in effect.

Provide Uniform Control for Movement and Tracking of Livestock Imported into the United States

The proposed rule would prescribe very restrictive control over the movement of livestock to slaughter and less restrictive control over movement of animals into feedlots. Animals destined for slaughter must move under government seal and the seal may be broken only at the slaughter establishment by a USDA representative. Such restrictions are not necessary when animals may move into feedlots in un-sealed conveyances. The industry is far more concerned about reliably tracking animals entering the production sector than those animals moving directly to slaughter. AMI recommends USDA publish specific criteria to define a designated feedlot and to describe procedures for maintaining traceability of the imported animal.

Clarify Rule to Be Consistent With the Existing FDA Feed Regulations

The proposed rule would provide that imported bovines must not have been known to have been fed ruminant protein, other than milk protein, during their lifetimes. The Food and Drug Administration (FDA) feed regulations provide other exemptions, including blood, blood products and gelatin. AMI recommends that the proposed rule be modified to include these additional exemptions. To do otherwise would create unnecessary confusion regarding the appropriate animal certification necessary to import animals from a minimal-risk region into the United States.

Allow Importation of Meat Food Products

The proposed rule would permit the importation of meat as defined in USDA's Food Safety and Inspection Service (FSIS) regulations from bovines less than 30 months of age. The proposal, however, would not permit the importation of meat food products as defined in the same regulations. It is entirely inconsistent to permit the importation of certain cuts of meat, yet prevent the importation of the same cuts of meat when they are included in various formulated processed meat products. AMI recommends the proposed rule be modified to specifically permit the importation of meat food products that are manufactured with products that would otherwise be permitted entry into the United States.

Provide Consistent Criteria for the Importation of Meat and Meat By-Products

The proposed rule prescribes an age criteria of less than 30 months for the importation of cattle and beef, yet other criteria have been adopted for tongues and liver. Tongues can be imported from animals born after an effective ban on feeding ruminant protein and liver can be imported from animals of any age. AMI recognizes that various risk mitigation strategies can be used to prevent the introduction of BSE into the United States, but we suggest that for clarity and consistency a common criterion be used.

Clarify Definition of Offal

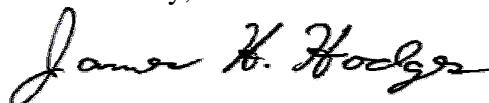
The proposed rule would add a definition of offal to the regulations. It appears the definition applies to cervids, but that is not clear. The definition also uses the words "consisting largely of the viscera and the trimmings." AMI recommends the word "trimmings" be removed from the definition because it could be construed to prohibit the importation of meat trimmings.

Limit Import Exclusions to Specified Risk Materials

The proposal specifically prohibits the importation of processed animal protein, offal, tankage, fat, certain tallow and serum. AMI recommends this section of the regulations be restructured to prohibit the importation of tissues that have been scientifically proven to potentially harbor the BSE infective agent. Products containing these specified risk materials should also be prohibited entry into the United States unless designated for industrial or scientific purposes. Other tissues that pose minimal risk such as fat and tallow should be permitted unrestricted entry.

AMI appreciates the opportunity to comment on this significant rule. We urge the Department to expeditiously finalize the rule.

Sincerely,



James H. Hodges
President, AMI Foundation

cc: J. Patrick Boyle