



November 24, 2003

The National Association of State Departments of Agriculture
1156 15th Street, N.W.
Washington, D.C. 20005

On behalf of the Association of American Feed Control Officials (AAFCO), I wish to comment on the National Association of State Departments of Agriculture's (NASDA) proposed change in policy regarding the existing rules to prevent the establishment and amplification of bovine spongiform encephalopathy (BSE) in the United States cattle herd. AAFCO is an international association with membership consisting largely of state feed control officials responsible for administration of state laws, rules, and portions of the Food, Drug and Cosmetic Act pertaining to the distribution of commercial feed and feed ingredients for livestock, poultry and other animals, including pets. All fifty states, Puerto Rico, Canada, Costa Rica, the United States Department of Agriculture, and the Food and Drug Administration are members of AAFCO.

Within your introductory section, there is a necessity to emphasize the public and human health concerns from BSE. It is scientific certainty that consumption of material from cattle infected with BSE has resulted in the deaths of over 120 people from variant Creutzfeldt-Jakob Disease (vCJD).

The following proposed action items are a great concern to AAFCO and its members:

Poultry Litter

A ban on the use of ruminant byproducts (prohibited proteins) in poultry feeds is not recommended by AAFCO at this time. A ban of this level should be supported by science. AAFCO is not aware of any current scientific information to indicate that the feeding of ruminant byproducts to poultry will increase the risk of establishment of BSE in cattle.

The practice of feeding poultry litter that may or may not contain prohibited animal proteins to cattle should be discontinued. Banning the inclusion of poultry litter in cattle or other ruminant feed will eliminate another potential source of incidental exposure of ruminant animals to prohibited protein from certain mammalian tissues due to the potential presence of spilled poultry feed in the litter which contains or may contain prohibited material. While consideration must be given to poultry litter that does not contain ruminant byproducts or prohibited material, it is imperative that any regulations developed to ban the inclusion of these materials are practical and enforceable.

AAFCO supports the elimination of the current exemption allowed by FDA. However, AAFCO believes that a partial ban of poultry litter feeding (e.g., allowing feeding of poultry litter, which does not contain ruminant byproducts or prohibited material) would be unenforceable and is not recommended.

Pet Foods

Requiring the BSE caution statement on pet food that contains or may contain prohibited protein would improve enforcement and compliance. The caution statement should be applied to all pet

and specialty pet foods, including wet and dry formulations. Employees of the feed manufacturing sector, retail and wholesale distribution sector and on-farm producers would be able to recognize that these products are clearly not intended for cattle or other ruminants. Employees of feed manufacturing establishments and animal producers have been educated to recognize the inclusion of prohibited protein in feed products on the basis of the labeled caution statement. Animal producers and purchasers of animal feed also need the label statement to recognize products which contain or may contain prohibited material and should not be fed to cattle or other ruminants. AAFCO supports eliminating the exemption of the required caution statement for retail pet foods that contain or may contain prohibited mammalian proteins.

Plate Waste Exemption

Banning the inclusion of plate waste in cattle or other ruminant feed will eliminate another potential source of exposure. While consideration must be given to plate waste that does not contain ruminant material, it is imperative that any regulations developed to ban the inclusion of this material are practical and enforceable.

Expansion of the Feed Ban

A total prohibition from using ruminant derived protein in ruminant animal feeds would prohibit the use of milk and other milk derived products from being fed to calves, lambs and kids. AAFCO believes that the intent and the objectives of the feed ban are best achieved when dedicated facilities, dedicated manufacturing equipment and dedicated conveyance and transportation equipment are utilized. When a facility making cattle or other ruminant feed does not handle prohibited material, the chance of commingling, contamination and accidental mixing or human errors is minimized.

AAFCO maintains that a strong, coordinated federal and state feed inspection program is necessary to prevent the spread and amplification of BSE and to maintain consumer confidence in the safety of our food supply. The enforcement and monitoring of FDA's Feed Ban (21 CFR part 589.2000) is primarily the responsibility of state feed programs many of which are within state's departments of Agriculture. Changes to the current regulations that protect the nation must be science based and enforceable. Please consider our comments and insight into this extremely important issue.

Sincerely,



Ben Jones
President, AAFCO
Office of the Texas State Chemist
P. O. Box 3160
College Station, TX 77845
(979) 845-1121
Fax (979) 845-1389
Email: ben-jones@tamu.edu

cc: Gus R. Douglas, Commissioner West Virginia Department of Agriculture
Jennifer Yezak Molen, Director of Legislative and Regulatory Affairs, NASDA