

Unanswered Questions about USDA and FDA Efforts on BSE

Surveillance Program

- Does USDA plan to increase the testing rate for BSE?
- How will the BSE surveillance program be representative if downers are not tested because they don't make it off the farm?
- How will the agency address the current lack of transparency in the testing system?
- Does the agency plan to incorporate rapid testing technology into the surveillance program?
- Who will be responsible for selecting cattle to be tested? Will government inspectors or vets have the authority to request certain cattle to be tested?
- A 2001 analysis by the Government Accountability Project and Public Citizen found that for the largest cattle-producing states, there is a 400- to 2,000-fold difference in testing rates for mad cow disease between those with the highest and lowest rates. Has the agency addressed this variation in testing rates as it has increased the number of tests conducted?

FSIS Regulations

- What other changes in slaughter procedures are being implemented to prevent risk material from entering the food supply? For example, one of the initial cuts made on a cattle carcass is to take an electric saw and cut the spine of the animal to split it in half. What precautions are going to be taken that none of that nervous system tissue gets into the meat that is destined for the human food chain?
- How will new rules on AMR and SRM be enforced? Specifically, what "verification" is required of the company? Will FSIS inspectors have full access to these verification records?
- Testing in every animal in Japan has led to the discovery of BSE in animals younger than 30 months. Why does USDA's ban on Specified Risk Material for human consumption only apply to animals over 30 months of age? Similarly, why is Advanced Meat Recovery of the vertebral column and skull still allowed for animals under 30 months of age?
- Why has the USDA not adopted technology to detect nervous system tissue?
- Current rules treat the presence of spinal cord and other nervous system materials as a labeling issue; if these materials are present, the agency can cite the company for a labeling violation because products containing these materials should not be labeled as "meat." Does USDA plan to regulate nervous system tissue an adulterant?

Downers

- Will APHIS offer rules about how producers should dispose of downer animals?
- Will rendering plants be allowed to take downers? If so, what kind of enforcement is planned to make sure there is no contamination of ruminant feed, or products for human consumption?
- Will producers be compensated for animals which can no longer go into the human food supply or to rendering?

- Will downers still be a targeted population for the BSE testing program? If so, where will the testing take place - on the farm? at rendering plants? Will government inspectors be present to ensure testing is done?

Feed Ban

- Does the FDA plan to close the loopholes in the current feed ban, which allow blood, poultry litter, and the feeding of ruminant protein to pigs and chickens which can then be fed back to ruminants?

- In January 2002, the U.S. General Accounting Office (GAO) concluded that the Food and Drug Administration (FDA) "has not acted promptly to compel firms to keep prohibited proteins out of cattle feed and to label animal feed that cannot be fed to cattle." According to the GAO, noncompliant firms had not been re-inspected in two years, firms with multiple infractions evaded any penalty and the FDA's inspection data were "severely flawed." Consequently, the GAO stated, "FDA does not know the full extent of industry compliance." As recently as July of this year, FDA was still issuing consent decrees against feed mills for non-compliance with the feed ban. Does the FDA plan to increase inspection activities to determine compliance with the feed ban?

School Lunch Program

- How does AMS enforce contract specifications that prohibit AMR and downers from product being sold to federal nutrition programs?

Recall System

- How much of the meat and bones from the 10,000 pounds that are subject to the recall have been actually recovered at this point?

- Does the agency plan to seek mandatory recall authority, or re-examine the agreements with states that limit the disclosure of retail locations which carry recalled product?

Standards for Imports

- Until the discovery of BSE in Alberta in May, the policy of the U.S. was to only allow imports from BSE free countries. But only a few months later, the USDA started allowing the import of certain products from Canada. In late 2003, they proposed a rule change to allow the import of live animals from Canada, under the rationale that Canada was a "minimal risk" country.

- Why did our ambassador to Canada make assurances to the Alberta premier in early December that the border would be reopened when there was still a comment period open here in the United States on this issue?

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