



INDUSTRY NEWS

By David Meeker, APPI President

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CURRENT ASSOCIATION ISSUES

NRA Meets With CVM Concerning Blood Meal

Mike Rempe, Swift & Company, Louis Russell, Ph.D. and Mel Vanden Berg, APC, Inc. and Ross Hamilton, Ph.D., Darling International, Inc. came to DC this week to join me in a meeting at FDA/CVM so we could outline our concerns about how microscopy and PCR testing are being used by state inspectors under contract with FDA. We presented these topics to Dr. Dan McChesney (Director of the Office of Surveillance and Compliance) and staff:

- Comments about open communication, transparent regulation and enforcement, and industry's desire to comply and do the right thing
- Importance of blood meal and blood derived products--processes, markets, uses, value
- Use of microscopy and PCR testing--our interpretation of CVM policy vs. our observations of what happens in the field
- Industry data on characteristics of blood meal
- Industry experience with recall inconsistencies and miscommunication

We wanted to know if FDA was changing the current policy on compliance with the Feed Rule with respect to blood which includes:

- Compliance is determined from records and not from microscopy and PCR testing.
- Blood and blood products are exempt—are not restricted proteins and positive PCR tests for bovine material are meaningless in most cases.
- Adequate clean-out flush-out procedures are allowed with written procedures, documented use of the procedures and with records available for inspection.

Our concern was the apparent use of the microscopy and PCR testing by some inspectors and the resulting inevitable false positives leading to the wrong conclusion that cross contamination has taken place even though documented procedures proved that contamination did not take place.

REGULATION

DHS Releases High Risk Chemical Facilities Regulations, Industry Concerned

The Department released an interim final rule this week that imposes comprehensive federal security regulations for high risk chemical facilities. The agency claims to have listened to

comments from state and local partners, Congress, private industry, and the public to develop consistent guidelines using a risk-based approach. The new rule gives the department authority to seek compliance through imposition of civil penalties of up to \$25,000 per day, and the ability to shut non-compliant facilities down. This is from a DHS news release:

The department will require owners of chemical facilities housing certain quantities of specified chemicals to complete a preliminary screening assessment that determines the level of risk associated with the facility. If a chemical facility preliminarily qualifies as high risk, its owners will be required to prepare and submit a security vulnerability assessment and site security plan. Submissions will be validated through audits and site inspections. The department will provide technical assistance to facility owners and operators as needed. Security standards will be required to achieve specific outcomes, such as securing the perimeter and critical targets, controlling access, deterring theft of potentially dangerous chemicals, and preventing internal sabotage.

Covered facilities contacted by the department will have 120 days from the publication of the regulation in the Federal Register to provide information for the risk assessment process. Other requirements follow that time period. Additional facilities will follow a similar timeframe after future Federal Register publications.

Some states have existing laws for regulating chemical facilities. Only state laws and requirements that conflict or interfere with these regulations, or the purpose for the regulations, will be preempted. Currently, the department has no reason to conclude that any existing state laws are applied in a way that would impede the federal rule.

Information, including the 226 page interim final rule can be found here:

http://www.dhs.gov/xprevprot/laws/gc_1166796969417.shtm

SPCC2 is Late, but Still Progressing

EPA is in the “deliberative data gathering stage” of developing what they call “SPCC2” or informally, the “Loose Ends Rule” which has the potential of differentiated requirements for farms and facilities handling animal fats or vegetable oils (AF/VO). EPA said they have heard us loud and clear on two points: 1) AF/VO are different than petroleum, and 2) integrity testing of tanks for AF/VO storage to standards required of petroleum is very burdensome, and they want to responsibly address the issues. EPA will release an entire new SPCC Proposed Rule dealing with farms and plants handling AF/VO. In the mean time, renderers are subject to the original SPCC rule which became effective August 16, 2002. EPA extended the deadline again in December. SPCC plans must now be written and implemented by July 1, 2009.

FDA Public Meeting on Animal Feed Safety System (AFSS)

The Food and Drug Administration (FDA) will convene a public meeting on the Animal Feed Safety System (AFSS) to present work-in-progress on a method for ranking feed contaminants according to the relative risks they pose to animal and public health. The public meeting will be held on Tuesday, May 22, 2007, from 9:00 a.m. to 4:30 p.m. at the Holiday Inn-Gaithersburg, 2 Montgomery Village Ave., Gaithersburg, MD. Information can be found here:

http://www.fda.gov/cvm/CVM_Updates/AFSSPM2007Update.htm

FDA announced in August 2003 its intention to make its animal feed safety program more risk-based and comprehensive. The modernized AFSS, which is expected to be completed in 2007, will incorporate risk-based, preventive control measures for ensuring the safety of animal feed. FDA with State assistance is developing a AFSS framework document that identifies the current major processes, guidance, regulations and policy documents that address feed safety and the documents that should be developed to make the Agency’s feed safety program comprehensive and risk-based.

OTHER ISSUES

Petfood Recall Probably Caused by Melamine Contamination

FDA laboratories have found a substance called melamine in samples of pet food and in the wheat gluten used as an ingredient in the pet food. Melamine is a small, nitrogen-containing molecule that has a number of industrial uses, including as an industrial binding agent, flame retardant and as part of a polymer in the manufacture of cooking utensils and plates. Melamine has additionally been used as a fertilizer in some parts of the world. It is not registered for use as a fertilizer in the U.S.

Creekstone Wins BSE Testing Case

A U.S. District Court judge ruled Friday that the federal government must allow meat packers to test cattle for BSE. He agrees with Creekstone's argument that USDA has no legal authority to regulate voluntary testing. Creekstone first asked USDA in February 2004 to license it to do its own testing. USDA denied the request and still has the right to appeal this latest determination. The judge had put his own ruling on hold until USDA can appeal. If USDA does not appeal by June 1, the ruling will take effect.

Burger King Shifts Policy on Animal Welfare

Burger King, the world's second largest hamburger chain, announced that it will begin buying eggs and pork from suppliers that use more animal friendly means of production. The company will also favor chicken suppliers that use gas, or "controlled-atmospheric stunning," rather than electric shocks to knock birds unconscious before slaughter. Its immediate goal is to purchase two percent of its eggs and ten percent of its pork from farms that don't cage their animals. Even though cage-free and crate-free pork cost more, the price of food at the chain's restaurants will remain the same, it said.

Corn Planting Intentions

Farmers plan to plant 90.454 million acres of corn this year. That is a huge increase of over 12 million acres (15.4%) relative to 2006 and would be the largest area planted to corn since 1944. The number includes sizable increases in the Dakotas and a number of southern states (planned cotton acres are down 3.1 million acres or 21%). The biggest decrease in other crops due to higher corn plantings is soybean acres. At 67.14 million acres, that's 8.4 million acres (11%) lower than in 2006. Wheat plantings are expected to cover 44.5 million acres, 3.9 million (9.7%) more than in 2006. USDA information can be found here:

http://www.nass.usda.gov/Newsroom/2007/03_30_2007.asp

USDA Current Research Information System (CRIS)

The Current Research Information System (CRIS) is USDA's documentation and reporting system for ongoing agricultural, food science, human nutrition, and forestry research. CRIS operates administratively under CSREES, but is a cooperative endeavor whereby information is collected on a project-by-project basis from many participant organizations, both federal and non-federal. Information is received from USDA agencies, State Agricultural Experiment Stations, the state land-grant colleges and universities, the institutions of 1890, state schools of forestry, cooperating schools of veterinary medicine, USDA grant recipients, and other cooperating institutions. The information is collected primarily via the Internet using CRIS Web forms. The CRIS database is at <http://cris.csrees.usda.gov/>