

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Ch. I

[Docket No. 01–068–1]

RIN 0579–AB43

### Risk Reduction Strategies for Potential BSE Pathways Involving Downer Cattle and Dead Stock of Cattle and Other Species

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** We are soliciting public comment to help us develop approaches to control the risk that dead stock and nonambulatory animals could serve as potential pathways for the spread of bovine spongiform encephalopathy, if that disease should ever be introduced into the United States.

**DATES:** We will consider all comments that we receive on or before March 24, 2003.

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–068–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1231. Please state that your comment refers to Docket No. 01–068–1. If you use e-mail, address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and “Docket No. 01–068–1” on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading

room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Lisa Ferguson, Emergency Programs, VS, APHIS, 4700 River Road, Unit 41, Riverdale, MD 20737–1237; (301) 734–8073.

#### SUPPLEMENTARY INFORMATION:

##### Background

We are soliciting comments to help us develop an approach to control risks associated with disposal of nonambulatory and dead livestock. These animals could serve as potential pathways for the spread of bovine spongiform encephalopathy (BSE), if that disease should ever be introduced into the United States.

It is well established that domestic and wild animals may contract diseases—especially viral and bacterial diseases—from animals that die on the farm and do not receive proper disposal. Direct exposure to improperly buried dead stock<sup>1</sup> and consumption of feed or grass contaminated by run-off that passed over such animals are some of the routes of potential exposure for these diseases.

Bovine spongiform encephalopathy (BSE) is a disease of cattle and is a member of a class called transmissible spongiform encephalopathies (TSE's). Other TSE's also cause various diseases in animals and humans. BSE was first documented in the United Kingdom in 1986 and has since spread to approximately 21 other countries in Europe, and to Israel and Japan. There has never been a case of BSE identified in the United States. However, other types of TSE diseases have affected U.S. livestock and wildlife, including scrapie

<sup>1</sup> Dead stock are livestock that die or are killed before being sent to slaughter; they are sometimes referred to as “on-farm dead.” When used in this notice in reference to cattle, this term refers to adult cattle over 24 months of age, since cattle that die at a younger age present a greatly reduced likelihood of harboring BSE infectivity.

in sheep and goats and chronic wasting disease (CWD) in both captive and free-ranging elk and deer.

In many ways, TSE diseases present a more difficult problem than other animal diseases with regard to controlling the spread of disease through dead stock. This is due to the nature of TSE diseases, the general lack of live-animal tests for them, and the extreme hardness of TSE agents. These issues are discussed in some detail below.

Surveillance programs in European countries where BSE exist have found that BSE is present in a higher percentage of nonambulatory and dead livestock than in the general cattle populations. An animal at the point of death from BSE is also generally in its most infectious state, with a high concentration of the BSE agent in certain tissues. Studies by the U.S. Department of Agriculture (USDA), independent researchers, and the Harvard Center for Risk Analysis (discussed below) concur that if BSE were introduced into the United States, dead stock that were rendered and allowed into the animal feed chain would pose a risk of spreading the disease. In January 2001, the Food and Agriculture Organization of the United Nations issued a press release urging countries to take steps to reduce BSE risks; one of the recommended practices was correct disposal of dead stock. Diseases other than BSE are also an issue in the disposal of dead stock.

The BSE agent is remarkably hardy and resistant to destruction by standard cooking practices, sterilization procedures, and rendering processes. Generally, the rendering processes used in the United States will reduce the infectivity of a TSE agent in the rendered material by a factor of 1 to 3 logs.<sup>2</sup> The continuous rendering processes most widely used in the United States reduce infectivity by 2 logs or less; batch processing, used for less than 5 percent of rendered animals, can reduce infectivity by 3 logs. Since some BSE agent survives rendering, if BSE were to be present in a rendered product that is used in cattle feed (in deliberate or accidental violation of the feed ban imposed by the U.S. Food and Drug Administration (FDA)) it could lead to the amplification and spread of

<sup>2</sup> A 1-log reduction is reduction by a factor of 10, 2 logs = 100, 3 logs = 1000, etc.