

automatically suspected of being affected with a disease or condition that may require condemnation of the animal, in whole or in part, and are identified as "U.S. Suspects." Such cattle must be examined by an FSIS veterinarian, and a record of the veterinarian's clinical findings must accompany the carcass to postmortem inspection if the animal is not condemned. Post mortem inspection on the carcasses of all cattle classified as "US Suspects," including downer cattle, must be performed by a veterinarian rather than a food inspector, and the results of this inspection must be recorded as well.

Downer cattle presented for slaughter that pass antemortem inspection may be slaughtered and, if passed on postmortem inspection, the meat and meat products from such cattle can be used for human food. However, surveillance for BSE in Europe has shown that downer cattle infected with BSE often cannot be found by looking for the typical clinical signs associated with BSE, because the signs of BSE often cannot be differentiated from the signs of the many other diseases and conditions affecting downer cattle. Thus, if BSE were present in the United States, downer cattle infected with BSE could potentially be offered for slaughter and, if the clinical signs of the disease were not detected, pass antemortem inspection. These cattle could then be slaughtered for human or animal food. Although the muscle tissue from BSE-infected downer cattle has not been found to contain the BSE agent, other tissues could contain the BSE agent and the muscle tissue could be cross-contaminated during slaughter and processing.

As noted above, FSIS is considering placing restrictions on specified risk materials from certain categories of slaughtered cattle, including downer cattle, to address this scenario. We are seeking suggestions on actions APHIS could take to prevent downer animals potentially affected by BSE (should it be introduced) from spreading the disease; *i.e.*, actions that could be taken on the farm or at other stages prior to slaughter. We are looking for actions we could take now, rather than actions to be taken if and when BSE is ever introduced. Commenters may wish to describe how risk factors should be considered when sending downer cattle to slaughter, *e.g.*, age, physical condition, source and type of cattle, etc.

Commenters should bear in mind that we currently rely on collecting samples from downer animals, at slaughter and other locations, as a key part of BSE surveillance. We would like

commenters to address how APHIS could continue to obtain samples for testing from downer cattle, since such cattle are an important part of our surveillance program for BSE.

#### Dead Stock

In addition to comments regarding downer animals, we seek comments regarding dead stock. Disposal methods for dead stock is the most important issue addressed by this advance notice of proposed rulemaking. Dead stock are a potential source of infection for many animal diseases, including BSE. Past experience with disease outbreaks in livestock has demonstrated the need for carcass disposal methods that are cost-effective, safe, fast, complete, and environmentally acceptable.

If an animal dies on the farm, or becomes so sick or injured that it must be destroyed on the farm, it immediately loses most or all of its economic value. It is prohibited from being sold for human food. It might be sold to be rendered, or to be processed as pet food, but in most cases the fee for picking up and transporting a dead animal exceeds the salvage value (*i.e.*, the payment for its value as rendered product or pet food). Thus, producers have a strong business reason for finding ways to dispose of dead stock as cheaply as possible.

This incentive to find cheap means of disposal for dead stock is directly in conflict with certain public interest needs. We will note, but not directly address in this advance notice of proposed rulemaking, that dead stock disposal can have significant impacts on environmental quality and on the capacity of existing solid waste management disposal systems (landfills, incinerators, etc.). We are also aware that there are varying costs associated with different methods of dead stock disposal, but we have not analyzed these costs because we have insufficient data, and we request commenters to submit data on these costs. The focus of this advance notice of proposed rulemaking is on how dead stock disposal relates to the public interest in controlling animal disease risks.

Many animal health programs depend on collecting good data about how livestock become sick and die. This data collection would obviously become even more important if BSE were introduced into the United States. When dead stock is treated as an economic burden and disposed of as cheaply as possible, this data collection suffers. The cheapest methods for dead stock disposal include ignoring the carcass (possible in some cattle range situations) or burying it on-site. Both of these

means are legal in some States, and in other States that have specific disposal requirements, the requirements are often loosely enforced. Some producers have disposed of dead stock creatively and illegally by abandoning it on public or private land in ravines, rivers, culverts, dumpsters, and other locations. In all of these situations, information about the animal and its possible cause of death is unlikely to make its way to State or Federal animal health authorities.

In addition to making it harder to collect animal health data, inappropriate disposal of dead stock increases the possibility that humans, livestock, or wildlife will come into contact with pathogens associated with the dead stock. Human and animal health concerns, along with environmental quality concerns, are the major reasons existing State laws on carcass disposal were enacted.

While State laws regarding dead stock disposal vary widely, most have the following features in common. They establish a time limit within which disposal must take place—usually 24 or 48 hours after death. They limit disposal methods to those authorized by law, and sometimes rank the methods in the order the State prefers they be used. Typically, this is the preferred order:

*Rendering at a licensed and approved rendering facility.* This method maximizes the government's ability to monitor and regulate dead stock disposal, by working with relatively few companies that pick up and render the dead stock. However, as discussed below, dead stock pickup by renderers has become less available in many areas and has become more expensive. (In the past renderers would pick up dead cattle for free, or pay the producer for the dead animals; now there is typically a fee of \$20 or more for this service, when it is available at all.) There are also TSE risk issues associated with rendering, and with the renderers' ability to segregate higher-risk materials and divert them to products that are not for use in humans or animals.

However, the existence of markets for use of rendered products for industrial purposes that present no risk of contact with animal or human products does provide a possible avenue for disposal of rendered products from animals that may be infected with a TSE. Such products may be diverted into production of paints, adhesives, or other products. Rendered fat products and meat and bone meal (MBM) may also be used as either a primary fuel or a fuel supplement for heat and power production (especially co-combustion in coal-fired plants), or as an ingredient in cement (MBM is currently used in