

February 3, 2009

Dr. Frank M. Torti
Acting Commissioner
The Food & Drug Administration
Parklawn Building
5600 Fishers Lane
Mail Code HF-1
Rockville, Maryland 20857

Dear Commissioner Torti:

The organizations signed below represent critical components of U.S. agricultural production, processing and rendering. Pursuant to the January, 2009, memoranda from White House Chief of Staff Rahm Emanuel and Office of Management & Budget Director Peter Orszag to key agency executives regarding President Barack Obama's management of the federal regulatory process early in his Administration, we are encouraged by the Administration's direction that federal rulemakings which have not yet taken effect are eligible for a 60-day extension of their implementation dates, as well as an additional 30 days of public comment.

Our organizations collectively and individually opposed and/or questioned the need for and the scope of *CFR 21, Part 589.2000* ("the Ruminant Feed Ban") as finalized last year. However, as we continue to work with FDA's Center for Veterinary Medicine (CVM) to ensure best-possible implementation of the Ruminant Feed Ban, some industry segments – primarily independent renderers – are modifying operations to comply with the new rules' process requirements in advance of scheduled implementation. As a result, some services, specifically general dead stock pickup, are being curtailed, and in some cases, ended. This development is adversely impacting farmers, ranchers, livestock auction markets, meat processors and others in our industry. These renderers are making difficult business decisions due to the negative economic impact of the rule, with some renderers ceasing dead stock pickup as early as December, 2008.

Many of our organizations are hearing from producers and veterinarians across the country that they no longer have viable options to dispose of dead livestock. This affects all species and communities across the U.S., exacerbating already existing challenges in the proper and legal disposal of the approximately three billion pounds of ruminant carcasses that result annually from typical production mortalities and natural weather variations. This development alone raises concerns about carcass and specified risk material (SRM) disposal and other obvious impacts of the final rule.

In order to provide you the most current data and evidence of the BSE Ruminant Feed Ban's impact on our operations, we urge you to delay implementation of the Ruminant Feed Ban's effective date for 60 days, and to reopen the comment period for an additional 30 days during which our affected industries and others may further comment on the impact of the requirements contained in the final BSE Ruminant Feed Ban.

Thank you for consideration of our views.

Sincerely,

**American Association of Meat Processors
American Farm Bureau Federation
American Feed Industry Association
American Sheep Industry Association
American Veal Association
Livestock Marketing Association
National Cattlemen's Beef Association
National Farmers Union
National Milk Producers Federation
National Pork Producers Council
National Renderers Association
U.S. Cattlemen's Beef Association**

cc: Dr. Bernadette Dunham, director, Center for Veterinary Medicine
Dr. Randy Lutter, associate commissioner for policy