

Position Brief

on

Inadequate SRM Removal Policies in USDA Final Rule

Prepared by R-CALF USA

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USDA asserts that the Final Rule will not result in increased human exposure to disease because all material that could contain infectious levels of the BSE agent will be kept out of the meat supply by requirements that “specified risk materials” (SRMs) be removed at slaughter before further processing of the carcass. SRMs are defined to be the brain, skull, eyes, trigeminal ganglia, spinal cord, portions of the vertebral column, and dorsal root ganglia in cattle 30 months of age and older, and the tonsils and small intestine in all cattle regardless of age. In contrast, O.I.E. guidelines for moderate-risk countries (including those, like Canada, that have not had a feed ban in place for at least 8 years) require that meat for export from such countries not contain the brain, eyes, spinal cord, distal ileum of the small intestine, or mechanically separated meat from the skull or spinal column from animals over 6 months of age.ⁱ

As of December 2004, BSE has been confirmed in 21 head of cattle under 30 months old, including 13 head of cattle that were 24 months of age or younger.ⁱⁱ There is uncertainty regarding the exact age under which BSE is detectable in infected cattle. USDA, in its negotiations with Japan, has conceded that the agency does not know the risk to human health associated with central nervous system (CNS) tissues from cattle that carry the BSE disease, but are too young for BSE to be detected using current testing methods. This admission strongly suggests that any exposure to beef from younger cattle originating in a country where BSE is known to exist presents an *unknown risk to consumers*. “Unknown” is not the same as “miniscule,” “negligible,” or “de minimis.” The Japan-United States BSE Working Group comprised of experts and working-level officials reported:

Japan and the U.S. agree that accumulated abnormal prion protein in younger animals is unlikely to be detected using current testing methods. Japan and the U.S. agree that at present any relationship of such undetectable levels of abnormal prion protein in CNS tissues to consumers’ risk is unclear.ⁱⁱⁱ

The Final Rule ignores this unknown risk to consumers and requires no mitigation measures other than the removal of the small intestine and tonsils from cattle less than 30 months old, thereby subjecting U.S. and international consumers to whatever risk scientists later determine is presented by the remaining CNS tissues of younger cattle.

Both the presumption that the BSE infectious agent resides only in SRMs, and the implicit assumption that SRMs can be removed from the carcass without exposing any of the remaining meat to contamination with the BSE infectious agent, are further unjustified if BSE can be

transmitted through blood. (Scientists in the UK believe that the human form of BSE has been spread through blood transfusions.)

Although EU countries have had years to adjust to a BSE epidemic, statistics indicate that current control systems are *not* sufficient to prevent SRMs from entering domestic or imported meat products. For example, Table 1 shows statistics on 139 detected cases of SRMs entering the UK in imported beef during 2004. USDA's description of the human health risks of the Final Rule should have included the probable failure rate of SRM import controls, but it did not. The Final Rule also did not justify treating Canadian and U.S. import control measures as more reliable than those in the UK. As a result, SRM restrictions may be viewed as a means of reducing the risk of contamination by SRMs, but not as a means of eliminating it.

Table 1: Finds of specified risk material in imported beef and sheep meat in the UK, 2004, 23 January 2004 – 31 December 2004

Date of discovery	Place of discovery	Finding	Abattoir(s)(unless stated)	Intervention coldstore (where applicable)
128) 23 January 2004 Intervention of beef Date of Slaughter: May 2001	Wholesale Meat Supply Ltd. Wood Street Great Harwood Blackburn	Spinal cord found in 3 forequarters of beef in a consignment of 318 quarters	Incarsa Carnicas Castellanas (Incarsa) Poligono De Villalonquejar Burgos Spain 10.00205/BU	Caserfri S.A. P.I. Montenuuevo Valdorros Burgos Spain 10.17790/BU
129) 5 February 2004 Intervention beef Date of Slaughter: May 2001	Wholesale Meat Supply Ltd. Wood Street Great Harwood Blackburn	Spinal cord found in 1 hindquarter of beef in a consignment of 211 quarters	Dehesa Grande S.A Crta. - Moronta, K.M. 13 Vitigudino Salamanca Spain 10.05832/SA	Caserfri S.A. P.I. Montenuuevo Valdorros Burgos Spain 10.17790/BU
130) 12 February 2004 Intervention beef Date of Slaughter: April 2001	Wholesale Meat Supply Ltd. Wood Street Great Harwood Blackburn	Spinal cord found in 1 hindquarter of beef in a consignment of 191 quarters	Montes De Toledo S. C. Ltda Ctra. Toledo-Piedrabuena KM 22 Pulgar Toledo Spain 10.08036/TO	Caserfri S.A. P.I. Montenuuevo Valdorros Burgos Spain 10.17790/BU
131) 23 February 2004 Intervention beef Date of Slaughter: May 2001	Wholesale Meat Supply Ltd. Wood Street Great Harwood Blackburn	Spinal cord found in 1 hindquarter of beef in a consignment of 191 quarters	Incarsa Carnicas Castellanas (Incarsa) Poligono De Villalonquejar Burgos Spain 10.00205/BU	Caserfri S.A. P.I. Montenuuevo Valdorros Burgos Spain 10.17790/BU
132) 23 February 2004 Intervention beef Date of Slaughter: June 2001	Wholesale Meat Supply Ltd. Wood Street Great Harwood Blackburn	Spinal cord found in 6 forequarters of beef in a consignment of 382 quarters	Arhus Slagtehus A/S Jaergardsgade 152-154 8000 Arhus C Denmark DK 034	Esbjerg Frysehus I/S Britannievej 10 6700 Esbjerg Denmark DK 110
133) 01 March 2004 Intervention beef Date of Slaughter: April 2001	Wholesale Meat Supply Ltd. Wood Street Great Harwood Blackburn	Spinal cord found in 2 hindquarter of beef in a consignment of 213 quarters	Matadero Frigorifico De Avila, S.L Pol.Ind, Las Hervencias Avila Spain 10.05708/AV Montes De Toledo S.C. Ltda Ctra. Toledo Piedrabuena KM.22 Pulgar Toledo Spain 10.08036/TO	Caserfri, S.A. P.I. Montenuuevo Valdorros Burgos Spain 10.17790/BU
134) 03 March 2004 Intervention beef Date of Slaughter: May 2001	Wholesale Meat Supply Ltd Wood Street Great Harwood Blackburn	Spinal cord found in 5 forequarters of beef in a consignment of 278 quarters	SOCOPA Z.I. Graces B.P. 166 22200 Graces France F22-067-01 EEC Societe Gallais Viande 19, Rue Charles de Gaulle 56300 La Scaun France F56-067-01	Souigel Rue Guynemer 22190 Plerin France F22-187-46 EEC

Slaughter: July 2001	Blackburn BB6 7UD	278 quarters	Cherles le Tellier 56300 Le Sourn France F56-246-05 EEC Sic De Vendee – SCOPA LA ROCHE Rte de Cholet 85015 La Roche sur Yon France F85-191-04 EEC	
135) 17 May 2004	Anglo Dutch Meats UK Arkwright Road Highfield Industrial estate Eastbourne East Sussex BN23 6QQ	Spinal cord in one forequarter out of a consignment of 238 fresh beef quarters	Zaklad Przemyslu Miesnego 'Biernacki' Ubojnia Zwierzat Rzecznych Golina ul. Dworcowa 47 d 63-200 Jarocin PL Poland	
136) 21 June 2004	Kesbury Ltd, Glastonbury,	SRM in 21 forequarters and 3 hindquarters of fresh beef	Skup Uboj zwierzat - Handel Miesem Waldermar Podniesinski, Poland	
137) 15 July 2004	Kesbury Ltd., Beckery Road, Glastonbury	SRM found in 2 quarters in a consignment of 268 fresh beef quarters	Sokolów S.A. Oddzial Zaklady Miesne Jaroslaw Filia Tarnów, Poland.	
138) 17 June 2004	London Central Markets, 24 Gee & Webb Ltd., Smithfields, London	SRM found in 7 whole goat carcasses out of a consignment of 30 carcasses.	BV Islam Centrum, Maren Kessel, Zuid, Netherlands	
139) 3 Nov 2004		Spinal cord in 6 hindquarters; 11 hindquarters with gross contamination; 181 hindquarters not health marked; 183 hindquarters in total detained.	Polish plant: Kabanos Kojis Miroslaw I Jaonna Koljs, Kowalceyk SOP.J, 34-480 Jablonka, UL., Spoldzielcow 1 Poland	
December 2004 – None				

One hundred and thirty nine SRM imports controls breaches involving EU Member States.

Source: <http://www.food.gov.uk/bse/facts/srmimports2004>

Not only has the EU demonstrated that current control systems are not sufficient to prevent SRMs from entering domestic or imported meat products, but the United States, as well, has less than a stellar record of enforcing strict prohibitions against allowing Central Nervous System (CNS) tissues from entering the U.S. food supply, thus providing further evidence that reliance upon SRM removal policies is insufficient to prevent the introduction of the BSE agent into the U.S. food supply. For example: Since 1995 the FSIS has prohibited spinal cord tissue in meat products. *See Revised Directive for Advanced Meat Recovery Systems, FSIS, December 2002.* However, in 2002, seven years after this prohibition, the FSIS conducted a survey of 34 facilities using Advance Meat Recovery (AMR) systems. The FSIS survey concluded that 29 percent of the finished products sampled contained prohibited spinal cord tissues. *See Analysis of 2002 FSIS Bovine AMR Product Survey Results, FSIS-USDA, February 2003.*

In addition, there is recent information (December 2004) from the union of U.S. food safety inspectors that USDA Food Safety and Inspection Service requirements for removal of SRMs in cattle over 30 months of age often are not being met at U.S. slaughter facilities.^{iv}

It is of little consolation that while great uncertainty overshadows the scientific basis for USDA's reliance on SRM removal as the panacea of consumer protection against BSE, there is also a known trail of non-compliance with USDA directives related to CNS tissues by the U.S. food processing industry.

Conclusion: There is great uncertainty about the human health risks associated with BSE; there is also a lack of evidence regarding the efficacy of currently practiced risk mitigation measures; and there is statistical evidence from the US and the UK that shows that requirements for SRM removal are not always completely met. Scientific research on BSE is rapidly evolving, with new discoveries announced frequently. Among the new discoveries, for example, is the July 2004 reported finding of prions (the agent that causes BSE) in tissues where prions were not known to exist, such as in the tongue muscle of hamsters.^v This calls into question the notion that the removal of SRMs provides complete protection from BSE-infected cattle.

ⁱ OIE Terrestrial Animal Health Code, 12th edition, 2004, Article 2.3.13.15 (5) and 2.3.13.18 (2).

ⁱⁱ Statistics – Youngest and oldest cases by year of onset – GB (Passive Surveillance Only), Department of Environment, Food and Rural Affairs, United Kingdom, as of October 1, 2004, available at: <http://www.defra.gov.uk/animalh/bse/statistics/bse/yng-old.html>.

ⁱⁱⁱ Final Report, Japan-United States BSE Working Group, July 22, 2004.

^{iv} Charles S. Painter, Chairman, National Joint Council of Food Inspection Locals, American Federation of Government Employees, Letter to Mr. William Smith, Assistant Administrator for Field Operations, USDA-Food Safety Inspection Service, December 8, 2004

^v See E. Mulcahy, J. Bartz, A. Kincaid, R. Bessen, Prion Infection of Skeletal Muscle Cells and Papillae in the Tongue, J. Journal of Virology, Vol. 78 No. 13, 6792 -6798 (July 2004)