

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

29-04

5-27-04

QUESTIONS AND ANSWERS FOR FSIS NOTICE 28-04 REGARDING ANTE-MORTEM CONDEMNED CATTLE

I. PURPOSE

This notice provides clarification to FSIS Notice 28-04, FSIS Sample Collection From Cattle Condemned During Ante-Mortem Inspection for the Bovine Spongiform Encephalopathy (BSE) Surveillance Program. The following issues are addressed:

1. Expectations regarding the Animal and Plant Health Inspection (APHIS) arrangements, through the APHIS Area Veterinarian-in-Charge (AVIC), with establishments for APHIS to test condemned cattle at a central location,
2. Additional questions FSIS Public Health Veterinarian (PHV) should seek answers to either at the awareness meeting or at the on-going weekly meetings,
3. Why FSIS Notice 28-04 stated FSIS would not collect brain samples from cattle condemned on ante-mortem inspection that the establishment elects to have treated pursuant to 9 CFR 309.13(b),
4. A corrected form number for reimbursement associated with FSIS sample collections, and
5. Miscellaneous questions.

Also, this notice issues a revised list of the laboratories where PHVs are to send samples.

DISTRIBUTION: Inspection Offices;
T/A Inspectors; Plant Mgt; TRA;
ABB; TSC; Import Offices

NOTICE EXPIRES: 6-1-05

OPI: OPPED

II. QUESTION AND ANSWERS FOR EACH ISSUE

A. Issue 1. Expectations regarding the APHIS arrangements with establishments to test condemned cattle at a central location

Question: What controls does FSIS expect the establishment to have in place in order for FSIS to recognize an APHIS arrangement to have FSIS condemned cattle transported off-site from the establishment to an APHIS central sample collection point?

Response: FSIS will recognize such arrangements if establishments provide procedures for ensuring that the PHV will be notified that the condemned cattle are delivered to the APHIS central sample collection point for brain sample collection. The notification by the establishment provides information that is required under the recordkeeping requirements in 9 CFR 320.1. **NOTE:** Condemned cattle will continue to be denatured in the presence of an inspector at the establishment, and the U.S. Condemnation tag will be removed by the FSIS PHV. The FSIS PHV will not be able to close out the files on these condemned cattle, however, until notified by the establishment that these condemned cattle were delivered to the APHIS central sample collection point.

In order for the FSIS PHV to recognize the arrangement answers to the following issues should be provided:

1. The process for denaturing the cattle in a manner that would not affect the collection of a brain sample,
2. How the FSIS condemnation tag numbers (the tag are removed only by FSIS) will remain associated with the condemned cattle (this does not mean physically attached),
3. Who will remove the cattle from the establishment and transport it to the APHIS central sample collection point. (The transporter of the condemned cattle is to be registered with FSIS in accordance with 320.5),
4. The location of the APHIS central sample collection point, including the address and a contact at the location,
5. How the APHIS sample collection representative is made aware that FSIS condemned cattle are being delivered to the APHIS central sample collection point, and
6. How the establishment will provide notification to the FSIS PHV that the condemned cattle were delivered to the APHIS central sample collection point.

Question 2: What will happen if an establishment that chooses to send condemned cattle to an APHIS central sample collection point fails to have or maintain appropriate procedures and documentation that demonstrates that the cattle were delivered and arrived at the APHIS central collection point?

Response: The failure of the establishment to ensure that condemned and denatured cattle are appropriately controlled, tracked, and delivered to the central collection point will result in the Agency no longer allowing condemned cattle to be removed from the premises for sampling and may be treated as a prohibited act, in violation of the Federal Meat Inspection Act, 21 U.S.C. 610, and the regulations that FSIS has adopted under 21 U.S.C. 603(a) and 9 CFR 314.9.

B. Issue 2. Questions that the (PHV) should ask the establishment management at the awareness meeting or at the on-going weekly meeting.

Answers to the following questions are necessary to better understand the establishment's identification and control procedures for dead cattle, non-ambulatory disabled cattle, and condemned ambulatory cattle:

For dead cattle

1. Does the establishment have arrangements with APHIS for off-site sample collection? (If yes see II. A. of this notice).
2. Will dead cattle be off-loaded at the official premises, or will they be transported to an APHIS central sample collection point?
3. If dead cattle are off-loaded in an establishment's holding pens, how will the cattle be segregated to provide for sample collection?
4. Has an appropriate area been designated for collecting the brain sample from condemned dead cattle?
5. Who will be removing the head of condemned cattle?
6. Has a procedure been established for containing the condemned cattle (and parts, including blood) during sample collection in order to prevent an insanitary condition?
7. Has a procedure been established to properly clean and sanitize the sampling area? **[NOTE:** Special cleaning and sanitization of pens and holding areas is not required; normal cleaning is sufficient.]
8. Will the sampled cattle (carcass and head) be held pending receipt of laboratory results, or, alternatively, how will the sampled cattle be disposed of? **[NOTE:** There is no requirement by FSIS to hold the sampled cattle after the brain sample has been collected. However, the establishment should contact the APHIS AVIC if there is a problem with the timely pick-up or removal of sampled cattle.]

For non-ambulatory disabled (live) cattle

1. Where will cattle be euthanized (e.g., in the establishment's holding pens or on the transport vehicle)? **[NOTE:** Condemned cattle must be euthanized at the establishment, under the supervision of FSIS, in order to ensure that the cattle are humanely handled. Condemned cattle cannot be removed from the establishment and euthanized at an APHIS central sample collection point. The establishment should ensure that the method of euthanization does not impact the quality of the brain sample (e.g., special low velocity 22 ammunition into the forehead of the condemned cattle would kill the animal, but would NOT damage the part of the brain for BSE sampling; a bigger shot would have the capacity to destroy more of the brain, possibly the brainstem, and would impact the quality of the brain sample).]

2. Are all provisions for handling dead cattle being followed?

For condemned ambulatory (live) cattle

Are all provisions for handling non-ambulatory disabled (live) cattle being followed?

C. Issue 3. Why FSIS Notice 28-04 stated that FSIS would not collect brain samples from cattle condemned on ante-mortem inspection that the establishment elects to have treated pursuant to 9 CFR 309.13(b).

Question: In the May 20, 2004 memorandum from the APHIS and FSIS Administrators regarding the BSE sampling of condemned cattle, there was no mention of an exemption from sampling for cattle being treated pursuant to 9 CFR 309.13(b). However, FSIS Notice 28-04, also dated May 20, 2004, does include the exemption (see Section V. A.). Which policy statement is applicable to FSIS?

Response: FSIS Notice 28-04 contains the procedures that FSIS inspection program personnel should follow. Although the memorandum from the Administrators did not specifically address this exemption, the exemption was already provided for in FSIS regulations and was not deemed necessary to include in the memorandum. A copy of the memorandum is attached.

D. Issue 4. Corrected form number for reimbursement associated with FSIS sample collections.

Question: What is the correct form number to be completed by FSIS in order to ensure that FSIS gets reimbursed by APHIS for brain sample collection?

Response: The corrected form number is FSIS Form 5000-11 (BSE Sampling Tracking Sheet). FSIS Notice 28-04 incorrectly listed the form number as FSIS Form 5000-9.

E. Issue 5. Miscellaneous questions.

Question 1: Do cattle have to be presented for ante-mortem inspection in order

to be subject to sample collection?

Response: All cattle that are off-loaded from transportation vehicles are considered to be presented for inspection and, therefore, are to be test under FSIS Notice 28-04, where applicable. Dead cattle that are off-loaded to facilitate the off-loading of live animals, but that will be re-loaded onto the transport vehicle, are not subject to sampling by FSIS.

Question 2: Is the PHV responsible for determining whether the sample is of acceptable quality, (i.e., whether autolysis has not occurred), before submitting a sample to the laboratory?

Response: The PHV is not responsible for making these determinations. All samples are to be taken and submitted to the laboratory.

Question 3: Can PHVs get rabies vaccinations?

Response: Yes, however rabies vaccinations are volunatry. Only PHVs who are actually involved with BSE sample collection will be eligible for reimbursement on the vaccination series. PHVs should make arrangements for the vaccinations with their private physician. PHVs should contact their Front-line supervisor for approval on reimbursement prior to beginning the three shot vaccination series.

Philip S. Derfler /s/

Assistant Administrator
Office of Policy, Program, and Employee Development

Designated Laboratories for BSE Sample Submission

State where sample was collected	Designated laboratory
Arizona, California, Nevada	CAHFS-Thurman Bldg. West Health Science Drive UC Davis Davis, CA 95616
Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Utah, Wyoming	Dr. Barbara Powers CO State University Vet Diagnostic Laboratory Ft. Collins CO 80523
Arkansas, Louisiana, New Mexico, Texas	Texas A & M TVMDL Pathology Department 1 Sippel Road College Station, TX 77843
Minnesota (or NVSL), Wisconsin	Dr. Phil Bochsler WVDL - TSE Laboratory 6101 Mineral Point Rd. Madison, WI 53705
Idaho, Montana, Oregon, Washington	Washington State University WADDL Animal Disease Diagnostic Laboratory Bazzler Bustad Hall Room 155-N Pullman WA 99164-7034
Alabama, Florida, Georgia, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia	Athens Diagnostic Laboratory College of Vet Med Doris Miller University of Georgia Athens, GA 30602
Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania (all Pennsylvania), Rhode Island, Vermont	Cornell University Animal Health Diagnostic Laboratory Department of Biomedical Sciences S2-124 Schurman Hall Ithaca, NY 14853
Alaska, Hawaii, Illinois, Indiana, Iowa, Kentucky, Minnesota (or WI), Ohio, Puerto Rico, West Virginia	USDA, APHIS, National Veterinary Services Laboratory (NVSL) Ames, IA