

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

FSIS NOTICE

4-04

1/09/04

AWARENESS MEETING REGARDING NEW REGULATIONS THAT PROHIBIT NON-AMBULATORY DISABLED CATTLE AND THE USE OF CERTAIN MATERIALS FROM CATTLE FOR HUMAN FOOD

FSIS will issue three regulations and a notice in the Federal Register on January 12, 2004, in response to the diagnosis by USDA of a positive case of BSE in an adult Holstein cow in the State of Washington. These regulations and the notice will minimize human exposure to materials that scientific studies have demonstrated as containing the BSE agent in cattle infected with the disease.

The regulations prohibit the slaughter of non-ambulatory disabled cattle and identify a list of materials, including Specified Risk Materials (SRMs), that may present a risk for transmitting Bovine Spongiform Encephalopathy (BSE) and are now inedible:

For all cattle:

- The tonsils are an SRM
- The small intestine -- the distal ileum is the SRM

For cattle 30 months of age and older:

- The head – skull, eyes, brain, and trigeminal ganglia are the SRMs
- The vertebral column – spinal cord and dorsal root ganglia (DRG) are the

SRMs

Upon receipt of this FSIS notice, at establishments that slaughter cattle or establishments that process bone-in parts of cattle carcasses, inspection program personnel are to inform plant management through an awareness meeting about the new regulations and policies, inform them that the regulations are available on the FSIS website at <http://www.fsis.usda.gov/oa/news/2004/bseregs.htm>, provide them a copy of applicable checklists (see attachments), and inform them that as of Monday **January 12, 2004**, regulatory requirements will be in effect that prohibit the slaughter of non-

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ambulatory disabled cattle and that require establishments to ensure the removal, segregation, and disposition of SRMs. Inspection program personnel are to inform plant management that if an establishment slaughters non-ambulatory disabled cattle or fails to ensure the removal, segregation, and disposition of SRMs, inspection program personnel will take a regulatory control action as set out in 9 CFR 500.2(a)(3), *conditions preclude FSIS from determining that product is not adulterated.*

At the first weekly scheduled PBIS meeting after receipt of this FSIS notice, inspection program personnel are to review the applicable checklist with the plant management to ensure that the establishment understands what is required under the new regulations. Because the new regulations and policies are for the most part food safety related for beef products, inspection program personnel also are to inform the establishment that it is to reassess its hazard analysis to determine what steps, if any, are necessary to ensure that its products are free of materials that present the risk of transmitting BSE infectivity. Also at this meeting, inspection program personnel are to inform plant management that by the time of the second weekly PBIS-scheduled meeting, inspection program personnel will begin to verify that the establishment has incorporated the appropriate procedures and controls into Hazard Analysis and Critical Control Point (HACCP) plans, Sanitation Standard Operating Procedures (Sanitation SOPs), or prerequisite programs as required by the new regulations. Inspection program personnel also are to inform plant management that if it does not address procedures and controls in its HACCP plans, Sanitation SOPs, or prerequisite programs, a Notice of Intended Enforcement Action will be issued.

In a **memorandum of interview**, inspection program personnel are to document who was present at the initial awareness meeting, the date and time of the meeting, what was discussed, and any documents that were shared with management. Inspection program personnel are to maintain a copy of the memorandum in the official government file and provide a copy to the plant management.

In the interim period prior to the second weekly scheduled PBIS meeting, while the establishment is reassessing the HACCP plan(s), if inspection program personnel identify noncompliance it will be documented as 06D01 using the “product based” trend indicator.

At the second weekly scheduled PBIS meeting, inspection program personnel are to verify that the establishment has addressed, in writing, the necessary procedures and controls within the HACCP plan, Sanitation SOPs, or prerequisite program.

After the second weekly scheduled PBIS meeting, inspection program personnel will verify that the requirements are being met utilizing the HACCP or the Sanitation SOPs procedure and document noncompliance accordingly.

/s/ Philip S. Derfler

Assistant Administrator
Office Policy and Program Development

Checklist for New Regulations Regarding Non-Ambulatory Disabled Cattle and Stunning

Is the establishment aware:

that non-ambulatory disabled livestock, including cattle, are now defined in 9 CFR 309.2(b) as livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions?

that the new regulations state that non-ambulatory disabled cattle are to be condemned and disposed of in accordance with 9 CFR 309.13?

that cattle, regardless of whether they are non-ambulatory disabled, can no longer be slaughtered under the emergency slaughter provisions of the regulations, in modified 9 CFR 311.27?

that captive bolt stunners that deliberately inject compressed air (air injection stunning) into the cranium at the end of the penetration cycle shall not be used to stun cattle (see 9 CFR 3313.15(b)(2)(ii))?

that the heads from cattle 30 months of age or older are to be condemned unless the establishment can ensure that the stunning does not result in brain leakage onto the head?

that cattle selected by APHIS for BSE Surveillance testing that are not non-ambulatory disabled are slaughtered but will be held and are not “inspected and passed” until the results of the test are received and are negative?

Has the establishment addressed:

- o What is being done to ensure that these cattle do not enter the establishment?
- o What is being done to ensure that these cattle are humanely handled and killed in a timely fashion, and removed from the premises to prevent insanitary conditions?

Checklist for New Regulations Regarding Specified Risk Materials (SRMs) in Slaughter Operations

Is the establishment aware:

that the regulations at 9 CFR 310.22(a) designate the following materials as SRMs and prohibit their use for human food:

(1) the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (DRG) of cattle 30 months of age and older, and

(2) the tonsils and the distal ileum (distal ileum is a SRM, but to ensure effective removal of the distal ileum, the establishment is required to remove the entire small intestine from all cattle)?

that if it does not segregate cattle 30 months of age and older from younger cattle it is to handle all cattle as if they were 30 months of age and older?

that it is recommended if old and young cattle are slaughtered and intended to be segregated, that the young cattle are slaughtered before old cattle or that the equipment used on the cattle 30 months of age and older is sanitized and there is no cross-contamination of carcasses less than 30 months of age.

Has the establishment addressed:

o How it will ensure appropriate segregation and disposal of the small intestine and tonsils of all cattle?

o How it will determine age of cattle, such as by records or dentition?

o How it will segregate cattle 30 months of age and older from cattle younger than 30 months.

o How it is removing, segregating, and disposing of SRMs to ensure that there is no cross-contamination with edible product? (**NOTE:** For example, the vertebral columns from cattle 30 months of age and older do not have to be removed during the slaughter operation. However, if they are not removed in the slaughter operation, procedures must be put in place to ensure that the vertebral columns are adequately identified as being from cattle 30 months of age and older and the documentation transfers with the vertebral columns until they are appropriately disposed of as inedible.)

Checklist for New Regulations Affecting Boning Operations for Bone-in Parts, Including Bones, of Cattle Carcasses

Is the establishment aware:

that the new regulations (9 CFR 310.22) prohibit the use of the skulls and vertebral columns from cattle 30 months of age and older (except for the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum)? (**NOTE:** Parts of carcasses 30 months of age and older can enter the boning operation, post-slaughter and post-chill, for the removal of the SRMs).

that if it does not have documentation about the age of the cattle from which vertebral columns are derived, it is to handle all skulls and vertebral columns as if they were from cattle 30 months of age and older?

that the traditional T-bone or porterhouse steaks and bone-in rib roasts can no longer come from cattle 30 months of age and older (i.e., a portion of the vertebral column bone defining these cuts of meat must now be removed, resulting in a semi-boneless cut of meat)?

Has the establishment addressed:

- o How it receives documentation from the slaughter operation regarding the age of cattle from which the skulls and vertebral columns are derived?
- o How it will segregate the skull and prohibited sections of the vertebral column from cattle 30 months of age and older (i.e., the bones that contain central nervous system-type tissues) from all other bones?

Checklist for New Regulations Affecting Beef Used in Advanced Meat Recovery (AMR) Systems

Is the establishment aware:

that the new regulations (9 CFR 318.24) prohibit the use of the skulls or vertebral columns (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum bones) of cattle 30 months of age or older from use in an AMR system?

that the new regulations (9 CFR 318.24) prohibit product derived from AMR systems from the bones of cattle of any age from containing any central nervous system-type tissues (i.e., brain and trigeminal ganglia from the skull, or spinal cord and DRG from the vertebral column)?

that the new regulations (9 CFR 319.5) prohibit the use of Mechanically Separated (Beef) and that these labels will be rescinded?

that there are additional new non-food safety related regulatory requirements (9 CFR 318.24) related to the production of AMR for bone solids (calcium) and bone marrow (iron)?

Has the establishment addressed:

○ how it segregates skulls and vertebral columns from cattle 30 months of age and older from skulls and vertebral columns from cattle younger than 30 months?

○ how it will prevent product derived from AMR systems from containing brain, trigeminal ganglia, spinal cord, or DRG?