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FSIS Docket Clerk
Food Safety and Inspection Service
United States Department of Agriculture
Room 102, Cotton Annex
300 12th Street, South West
Washington, DC 20250-3700

RE: Advanced Meat Recovery, Interim Final rule, FSIS Docket Number
03-0381F, 69 Fed. Reg. ppg. 1874-1885, January 12, 2004.

TO WHOM IT MAY CONCERN:

BACKGROUND

BFD Corporation is a small business enterprise providing Advanced Meat Recovery (AMR) Equipment to the American Meat Industry. Our systems have produced billions of pounds of lean, high quality and nutritious meat without a single food safety incident. This meat, prior to the advent of Advanced Meat Recovery in 1994, was lost to rendering due to the intensive and injury prone labor required in its removal. This new technology (AMR) is even more economically significant today than it was in 1994 or 1996 or 1999 to both consumer and industry.

The net result of AMR approval was lower priced ground meat products, due to the additional supply of American (AMR produced) lean meat coupled with a reduced reliance on foreign lean meat (cow) imports. Since the introduction of AMR, worker debilitating RMT injuries have experienced a continuing decline in both numbers and seriousness of injury; and both Packers and Producers have experienced higher yields per carcass where AMR is in use. (see Sparks Companies, Economic Analysis of Advanced Meat Recovery Systems 1999 & 2002)

The economic benefit to the American Consumer has been several billion dollars, as opposed to FSIS's self-serving statistical model reflecting but a single moment in time of negative impact as opposed to the big picture—of what this does to the American Consumer over the long term i.e., meaning less meat on the consumers table. It would be like

eliminating the American Cattle Herd this year and stating that it has no economic impact next year or the year after. FSIS lacks common Food Safety and Financial Sense—thus forcing the American Consumer to lose faith and force Industry into filing legal actions against the government—legal actions that can cost millions of dollars over many years duration and ultimately force business's, much like Supreme Beef in Texas, to go out of business.

The original rule was sound, practical and science based. It was easily understood and implemented without generating immense quantities of paper work. Whereas this Interim Final Rule violates the intent of the Paper Work Reduction Act of 1995 and abuses the intent of the Packers and Stockyards Act. Meat inspection has now been reduced by FSIS Washington DC based bureaucrats to paper work review and Non Food Safety personalized objectives.

Recently two FSIS Plant Vets and a Technician identified a cow displaying neurological signs of BSE. They withheld the animal from processing and were going to take tissue samples for testing (they were doing everything by the book protecting our meat supply)—but were over ridden by management—who denied permission to test for BSE; thus further demonstrating an Agency out of control.

Since 1996 FSIS has attempted and/or implemented piece meal regulatory actions to inhibit the use of AMR Systems. These actions were first proposed in 1996 by Influential Activists primarily composed of Ex FSIS Appointees and Employees working with their former peers to achieve personalized objectives (elimination of the AMR Process) under the guise of Food Safety.

Should FSIS be successful in eliminating the AMR process under the false pretense of Food Safety, the cost to America's Consumers of U.S. produced ground meat will be in the billions of dollars.

BFD Corporation and their respective partners in the Meat Industry from Producer to Retailer are being severely and irreparably harmed economically by FSIS political activism.

The arrogant and abusive exercise of power by FSIS (remember Supreme in Texas and Hudson Foods in Nebraska) has induced fear of retribution within the industry. Fear so great that Industry Scientists and Executives are fearful of speaking out candidly and truthfully in opposition to this Emergency Interim Final Rule and the associated Economic Analysis supported by FSIS pseudo science and voo doo economics. They are fearful of additional harassment.

The latest FSIS action, incorporating their self serving Non-Food Safety Performance Standards under Emergency Food Safety Rule Making was arbitrarily devious and illustrates FSIS pre-disposition to continue implementing additional piece meal hurdles based on flawed science and odious economics to achieve their personalized objective; thus wreaking uncalled for

economic harm on the consuming public, the cattlemen, the processor and ultimately endangering and physically harming labor.

The 1995 FSIS survey referenced on page 1877 of this Interim Final Rule incorrectly lists numerous machines as AMR systems when in fact they were not. This has been identified to FSIS on several occasions and yet they continue to utilize faulty conclusions in their rush to justify their prejudicial actions.

Most importantly, the majority of these wordsmiths do not know what an AMR System is, nor do they know how it works, nor do they care to know, (they rely on anecdotal Activist Tales) they have limited or no plant floor experience and yet are charged with writing rules to regulate a process they can't identify.

Furthermore, the incorporated Non Food Safety Performance Standards methodology designed by the Activists and FSIS special interests defeats the purpose of comment; as any and all industry related comment will be purposely rejected, ignored or lay unread by policy makers as they (FSIS) have done with all previously submitted industry comments; thus, achieving their true objective via sleight of hand Emergency Food Safety Rule Making for Non-Food Safety Issues.

FSIS wields immense power, and with power comes responsibility. FSIS has a responsibility to the "entire" constituency as opposed to the favored.

USDA FSIS has the resources and obligation to work with & assist industry in achieving enhanced Food Safety. FSIS has the responsibility to assure the American Consumer and our International Trading Partners that meat produced & processed in the United States coupled with and supported by sound peer reviewed science based inspection processes is the world's safest, highest quality meat; as opposed to bureaucratic self induced feel good reactionary management recently evidenced in San Angelo, Tx. USDA FSIS has severely harmed the American Meat Industry by it's continued victimization of it.

FSIS has the responsibility to provide clear easily understandable sound science based guidance as opposed to implementing flawed self justifying smoke and mirror science and economics formulated by skilled legalists with marching orders.

These actions of FSIS are irresponsible and violate good government practices. This should be addressed by Congressional Inquiry. On April 30, 2004 President Bush stated, "it's in our best interests that we make decisions based on sound science". Yet, USDA-FSIS continues to employ counterfeit self justifying science in opposition to the President's stated directive.

The real gains in Meat Safety have been developed and achieved by the Meat Industry setting priorities and investing therein—not USDA-FSIS. The meat industries demonstrated highest priority is Food Safety...based upon sound peer reviewed science. Secondly, to provide a continuous supply of nutritious meat at an economical price---that tastes good....produced in a worker safe environment generating jobs and profits.

The Meat Industry from producer to processor has made vast strides and spent hundreds of millions of dollars to ensure the American Public of a continuous supply of safe nutritious meat.

It must be understood that industry families from producer to processor eat the same meat as does our constituency—the whole of the American Public. Yet, in their perversity FSIS special interests umbilically tied with Private Interest Activism are wreaking economic havoc and cheating the American Public. FSIS has no credibility and is totally lacking in responsibility other than to their own private interests. FSIS has been and is out of touch with reality.

FSIS coins phrases like “Consumer Risk” to insinuate and inflame, when in fact there is no consumer risk other than that which is conjured to appease the Washington DC Activists who threaten illegal boycotts via defamation. It is time for FSIS to step up to the table and begin working with industry to effectuate sound Food Safety Policy as opposed to terrorizing industry.

FSIS bellows to the press (public) about science based decision making, and “prophylactic measures”, yet, FSIS accepts and utilizes Activist pseudo science and crafty personal opinion to effectuate personalized objectives rather than Real Food Safety objectives.

FSIS, in its grandiose scheme (zero tolerance) has determined that a single cell, a mg. or a tenth of a percent renders a several thousand pound batch of AMR produced meat adulterated—though it be natural edible carcass elements such as Calcium and Iron (both — vital nutrients. Why are these even issues—there is no science based supportable data for their continued consideration other than special interest appeasement. The reduction of the Calcium limit by FSIS was arbitrary and without any scientific justification. The Iron measurement excludes species, age and muscle variation but FSIS’s faulty formula is applied uniformly and without sound scientific justification—and only to meat processed by the AMR Process. Why is the AMR process singled out?

Yet, FSIS in association with these Private Activists can see no problem with allowing a toxic substance, Ammonia, to treat a processed meat paste served as ground beef without ever enduring rule making examination or label disclosure. That demonstrates significant misapplication of government power.

Simply stated, flawed science & mischievous economics, coupled with unfair and devious bureaucratic power plays by FSIS are effectively eliminating AMR as a viable and safe process that has never experienced a single food safety incident since its approval in 1994. Why?

Industry spends immense sums of money with major & renowned independent University Meat Science Depts.; industry spends large sums to hire independent and renowned Agricultural Economists, industry employs large staffs of Ph.D.s with years of meat industry experience & knowledge; yet FSIS continues to ignore the data supplied by the aforementioned because it

fails to support FSIS's privately influenced agenda; as evidenced by FSIS arbitrary rejection of previous industry input/comments; and all were supported by sound peer reviewed science & economics regarding the flawed AMR Performance Standards promulgated by FSIS and inappropriately included within this Interim Final Rule.

Concurrently, FSIS has arbitrarily determined to amend the "definition" of meat within this Interim Final Rule to achieve their special interest objectives. This must be eliminated from this Interim Final Rule and all future rulemaking to ensure meat continues to be meat without FSIS Adulteration.

Further, FSIS mixing of Non Food Safety issues with Food Safety Issues under emergency rule making adulterates the entire USDA; thus supporting our contention FSIS is a mismanaged bureaucracy totally out of bounds in their rush to levy unwise and unfair rulemaking. Thus further demonstrating their continued willingness to be pawns of special interests; nor are they (FSIS) abiding by the intent of Executive Order 12866, the Paper Work Reduction Act of 1995 and the Packers and Stockyards Act.

Why is FSIS arbitrarily applying arbitrary and sham science to a product that has never experienced a Food Safety Incident? Why is FSIS applying identical standards to genetically separate species i.e., Pork and Beef? Pork has never been susceptible to the Transmissible 'Spongiform Encephalopathies, yet FSIS is applying the same rules to Pork as they are Beef and simultaneously amending the definition of meat to accommodate FSIS special interest rule making. Why? How can this be justified by anything other than misconduct by a public official(s).

FSIS is completely and totally without standing, be it scientific or in their economic analysis; the yield (value) of AMR Produced Pork far exceeds the total of the recently published FSIS Economic Analysis which includes both Beef and Pork. This further demonstrates FSIS contempt for sound conservative economic data when it fails to support their agenda.

It is our request that FSIS must immediately initiate action to separate Non Food Safety Issues from Emergency Food Safety Issues and "separate" both internal and external Special Interests (Activists) whilst promulgating a new rule incorporating sound peer reviewed science and economics.

This current Emergency Interim Final Rule is felonious.

FSIS spends immense sums of taxpayer money to employ lawyers to write and defend Special Interest initiated regulations with no benefit to Food Safety, the American Public or Industry. What has happened to the actual budget and task of inspecting meat (The San Angelo Incident)? It seems FSIS visualizes itself is a Washington DC based Administrative Bureaucracy without "any" awareness of their responsibility for Meat Inspection and Real Food Safety.

How can lawyers and administrators without plant floor experience/awareness etc. and who are completely out of touch with both the American Consumer and Industry be trusted to initiate rulemaking that is in the Public Interest?

BASED UPON THE FOREGOING BACKGROUND WE RESPECTFULLY REQUEST THE FOLLOWING BE ACCOMPLISHED WITHIN 45 DAYS FROM DATE OF May 7, 2004.

1. Remove the following Non Food Safety issues from this Interim Final Rule including but not limited to:
 - ** Amendment modifying the definition of meat as it relates to the AMR process.
 - ** The Calcium limitation.
 - ** The Iron limitation & the Iron Protein Ratio.
 - ** Remove all References alluding to a relationship between Skull processing & AMR.
 - ** Immediately separate Pork from any Beef intended Regulation.

BASED UPON REMOVAL OF ALL NON FOOD SAFETY ISSUES FROM THE INTERIM FINAL RULE, AND PRIOR TO PUBLISHING A NEW PROPOSED RULE ADDRESSING NON FOOD SAFETY ISSUES, WE RESPECTFULLY REQUEST THE FOLLOWING TO BE SPECIFICALLY ADDRESSED AND REFLECTED IN ANY NEW AMR RULE MAKING REGARDING CALCIUM, IRON AND THE DEFINITIONAL CHARACTERISTICS OF MEAT.

1. Review in detail the previously submitted comments for Docket Number 98-027R—
Comments: Proposed Rule on Advanced Meat Recover Systems.
 - (AMI)Sparks Companies, Advanced Meat Recovery Systems-
An Economic Analysis of Proposed USDA Regulations, dated July 1999
 - Sparks Companies, Economic Analysis of FSIS Regulatory Proposals, May 2002.
 - Advanced Meat Recover Systems, Lester M. Crawford DVM Ph.D
Center for Food & Nutrition Policy, Georgetown Univ.
 - Effect of Method of Analysis on Iron Content of Beef Derived from
Advanced Meat Recovery Systems. Robert Windham Ph.D. (USDA-ARS,
Athens, Ga.) and Ray Field Ph.D. (eminent meat scientist, Univ. of
Wyoming.
 - The comments of Dr. Ray Field, Univ. of Wyoming regarding iron
Deficiencies in the American diet.

--Comments submitted by the Coalition for Advanced Meat Recovery.

--Comments submitted by the National Meat Association & American Meat Institute.

--Comments by industry scientists IBP, Swift (formerly Con Agra)
and Excel Corp.

Furthermore, we have studied and fully support the scientific comments of Excel Corp. and request they be incorporated into New AMR Rule Making that follows the intent of law, utilizes sound peer reviewed science and economics; thus reinstilling consumer confidence and reestablishing regulatory integrity.

BFD Corporation

A handwritten signature in cursive script, appearing to read "John Shook".

John Shook, CEO