



AMERICAN FEED INDUSTRY ASSOCIATION

March 3, 2009

The Honorable Charles E. Johnson
Acting Secretary
Department of Health and Human Services
Washington, D.C

The Honorable Dr. Frank Torti
Acting Commissioner
Food & Drug Administration
Rockville, Maryland

RE: April 27 Implementation Date for BSE Feed Rule (21 C.F.R. § 589.2000)

Dear Mr. Johnson and Dr. Torti:

This letter is to urge the immediate extension of 60 days for the final rule amendment published April 25, 2008, in the *Federal Register* (FR 73, 22719-22758), which is due for implementation April 27, 2009. This request is made by the American Feed Industry Association (AFIA).

AFIA is the world's largest organization devoted exclusively to representing the business, legislative and regulatory interests of the animal feed industry and its suppliers. Membership includes nearly 500 domestic and international companies; state, national and regional associations. Firms are feed and pet food manufacturers, integrators, pharmaceutical companies, ingredient suppliers, equipment manufacturers and companies which supply other products, services and supplies to feed manufacturers.

AFIA urges this swift action due to the marketplace dynamics and regulatory fiat which require firms utilizing products prohibited in this rule insure retail products containing those products be out of the marketplace by the effective date of April 27. This necessitates firms make manufacturing decisions immediately to insure the flow-thru products are legal before the implementation date. This includes cleaning equipment and ordering and taking delivery on products and ingredients that will be in compliance on the effective date.

President Barack Obama's Executive Order permits agencies to consider extension of implementation dates of final rules that have not been implemented at the time of the orders' issuance. AFIA believes this BSE feed rule falls squarely within this parameter. Therefore, AFIA believes FDA should extend the implementation of the rule in question and open a new comment period asking for more information. However, agency officials have been unable to make this determination and await a decision from HHS, according to discussions with AFIA.

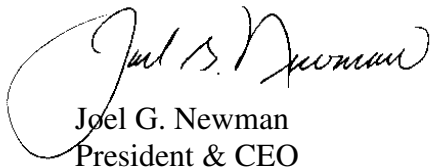


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AFIA is very concerned that if this action is not taken immediately, any subsequent postponement will be moot as the marketplace must make these changes immediately in the absence of a clear intent and notice from FDA.

AFIA appreciates your consideration of this request and looks forward to a positive response.

Sincerely yours,

A handwritten signature in black ink, reading "Joel G. Newman". The signature is written in a cursive style with a large, looping initial "J".

Joel G. Newman
President & CEO