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PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



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October 8, 2008

To: Owners and Operators of Active Landfills in California

Subject: New Food and Drug Administration Regulations Potentially Affecting Landfills

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The purpose of this letter is to notify you of recent changes to the Food and Drug Administration's (FDA) regulations to prohibit the use of certain cattle-origin materials in animal feed, which may result in the need to dispose of these materials in landfills. To further strengthen existing safeguards designed to prevent the spread of bovine spongiform encephalopathy (BSE) in U.S. cattle, FDA amended the agency's regulations to prohibit the use of certain cattle-origin materials in the food or feed of all animals. No animal feed sold after April 27, 2009, can contain these specified cattle-origin materials.

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These prohibited materials are currently processed in California by the rendering industry. Renderers have the option to continue to process these materials but there may not be sufficient economic incentive to do so because their facilities must have a designated processing line and they must find new markets for the by-products. FDA's action, therefore, could result in the need for environmentally safe disposal of these materials in solid waste landfills. Landfills likely to be impacted the most are those located near existing rendering facilities because it is expected that renderers will continue to transport cattle-origin materials. Other counties with large cattle populations should also be significantly impacted.

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There is some uncertainty regarding the amount of material that may require alternative disposal as a result of these new regulations. An FDA assessment indicates that approximately 335,000 tons per year (nationwide) of cattle byproducts that would normally be used as animal feed will be diverted to other forms of disposal as a result of the new regulation. Based on input from California's rendering industry, the California Integrated Waste Management Board (CIWMB) estimates that the amount of material requiring disposal in California landfills could be as high as 150,000 tons per year. The highest loading of this material is expected to occur in the summer months.

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FDA's action is understood to be an additional precautionary measure. These prohibited materials are already prohibited for use in cattle feed. The recent action will prohibit the use of these materials in the food or feed of all animals. These prohibited materials would not likely come from animals contaminated with BSE, as BSE is not known to be present in California. Furthermore, the United States Department of Agriculture (USDA) and California Department of Food and Agriculture (CDFA) implement stringent preventative and surveillance measures for the



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control of BSE that are designed to impound any animal showing signs of the disease. More information about BSE can be found on USDA's web site at:

http://www.fsis.usda.gov/Fact_Sheets/Bovine_Spongiform_Encephalopathy_BSE/index.asp

and CDFA's web site at http://www.cdfa.ca.gov/AHFSS/Animal_Health/BSE_Info.html.

We are still learning about the public health and environmental impacts from the disposal of animals infected with BSE or other forms of the disease known as transmissible spongiform encephalopathy (TSE). FDA believes that, based on the extremely low prevalence of BSE in this country and the absence of evidence that BSE is transmitted through soil and water, the risk of BSE transmission through exposure to the BSE agent in the environment is very low. The United States Environmental Protection Agency's (USEPA) Office of Solid Waste issued interim practices guidance on the disposal of animals and wastes potentially contaminated with chronic wasting disease (a TSE affecting deer and elk) <http://www.epa.gov/epaoswer/non-hw/muncpl/land-prac.pdf>. USEPA's Office of Research and Development is working to improve its knowledge base for recommending best practices by studying the fate and transport of prions, an abnormal protein which most evidence suggests is the cause of TSE, in landfills <http://www.epa.gov/futureofscience/promote/cwd.html>.

For more information regarding FDA's regulation, including the final regulations, an environmental assessment, and implementation question and answers, please go to <http://www.fda.gov/cvm/bsetoc.html>.

CIWMB encourages you to discuss these new regulations with the renderers, dairies, and cattle producers in your county to determine the potential impacts specific to your landfill. If you contemplate any need for permit changes, please involve your enforcement agency and any other permitting agencies (e.g., Regional Water Quality Control Board) early in the process. If you have questions or comments regarding this letter, please contact Robert Holmes at (916) 341-6376 or rholmes@ciwmb.ca.gov.

Sincerely,



Ted Rauh, Program Director
Waste Compliance and Mitigation Program