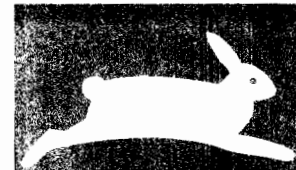


February 12, 2004

FSIS Docket Clerk
Docket 03-025IF
Room 102
Cotton Annex
300 12th and C Street, SW
Washington, DC 20250-3700

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PETA

PEOPLE FOR THE ETHICAL
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Docket No.: 03-025IF

To Whom It May Concern:

People for the Ethical Treatment of Animals (PETA) is an international nonprofit organization with more than 800,000 members and supporters dedicated to ending animal suffering. Please accept the following comments on behalf of our members regarding the proposed rule on "non-ambulatory disabled cattle" as described in a Federal Register notice dated January 12, 2004 (DOCID: fr12ja04-25).

Non-ambulatory animals, also known as "downed" animals, are too injured and/or ill to stand up or walk on their own. As cited in the federal register notice, there is ample evidence showing that downed cattle have a greater incidence of bovine spongiform encephalopathy (BSE) than ambulatory cattle (because cows afflicted with BSE are more likely to go down than other cows). In addition to the human health implications (the human form of BSE, called new variant Creutzfeldt-Jakob disease, is fatal), downed animals suffer greatly on factory farms and at slaughterhouses. Since they cannot move, they often die agonizingly just a few feet from feed and water troughs. And when taken to slaughter, they are often excessively prodded, hoisted and dragged by the leg or neck, or cruelly pushed by tractors and forklifts towards the killing floor. As a result of this inhumane handling, downed animals incur broken bones, torn tendons and lacerations in addition to the injuries and illness they already suffer from. To make matters worse, most downed animals are fully conscious during the process.

In order to ensure that downed animals do not suffer needlessly or contaminate the nation's food supply, we respectfully ask that the following recommendations be enacted in the final rule:

Prohibit downed cattle from entering the food supply for humans and animals

In addition to prohibiting downed cattle from becoming food for humans, the final rule should also not allow them to be fed to other farmed animals. Allowing diseased cattle to become food for other animals humans eat poses potential health risks, which is why the practice is recommended against by the World Health Organization and is illegal in Japan and the European Union.

Prohibit all downed animals, not just cattle, from entering the food supply

The American public would surely agree that allowing diseased animals, or parts of diseased animals, into the food supply would pose an additional, avoidable risk to human health—especially with other forms of spongy brain diseases having been found recently in various animals in North America, including in sheep, deer, and elk. Prohibiting all downed animals from entering the food supply (including as animal feed) would also ensure that downed animals other than cattle—who are just as capable of suffering

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through the horrors of being kept alive with broken bones, severe injuries, or debilitating illness—do not suffer needlessly.

Require that downed animals be “humanely euthanized *immediately*”

The current language of the proposed rule does not include “immediately” in its requirement for humane euthanasia. This will likely result in extended suffering for downed animals who are kept alive or ignored by slaughterhouse workers. It is imperative that slaughterhouses and transporters be required to end the suffering of downed animals as quickly and as humanely as possible. This could be encouraged by changing the language to “humanely euthanized *immediately*.”

Furthermore, to ensure that the regulations are consistent with each other, we ask that under Sec. 309.13 (requirements for killing of “dead, dying, disabled or diseased and similar livestock”), as described in the proposed rule, the term “humanely” be added to the following: “... condemned livestock must be killed *humanely* by the establishment, if not already dead.”

Remove the prohibition on slaughtering ambulatory injured animals on an emergency basis by devising an alternate inspection system

By prohibiting emergency slaughter for humane reasons when an inspector is not available to perform ante-mortem inspections (to ensure that the animals weren’t downed prior to slaughter), those animals who are ambulatory but who have serious injuries will be left to suffer needlessly. FSIS should devise a system where these emergency killings are still possible, with the carcass still being eligible for further processing, either by requiring that an inspector be available at all times or through an on-call system where an additional inspector can be summoned for ante-mortem inspections. Otherwise, injured ambulatory animals in need of euthanasia will end up paying a heavy price for an inspector’s unavailability.

To summarize, we request that the final rule prohibits the slaughter of *all* downed animals for *all* food supplies, requires that downed animals be humanely killed *immediately*, and still allows for injured ambulatory animals to be humanely killed on an emergency basis by devising a system that would call an inspector to the scene when he or she would normally not be present.

Thank you for the opportunity to comment.

Sincerely,



Cem Akin, Research Associate
International Grassroots Campaigns Department